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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2008.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

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

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PENCE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

AUDREY SMITH CAMPBELL

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

Mr. WEINER. My colleagues, several months ago the Kingsbridge Heights Rehabilitation Center in the West Bronx unilaterally decided to stop making payments to the health care fund for its employees. Before some of my colleagues tsk-tsk, ''Well, that's just the free market at work,'' as the Daily News and their award-winning columnist, Errol Lewis, pointed out, this center has made $5.2 million in profits last year, and its CEO, Helen Sieger, made $700,000 in her salary, all of it paid for by Medicaid funds, our tax dollars.

Well, Audrey Smith Campbell and 220 of her colleagues decided they weren't going to take it, they were going to go on strike. Audrey Smith Campbell was not a union activist or an ideologue, she was, for 30 years, a certified nurse assistant caring for her parents and her grandparents, giving them dignity in their most vulnerable moments.

She knew she wasn't ever going to get paid what she's worth, but she wanted to be paid at least enough to live on. Well, Audrey Smith Campbell is dead. She died after having a severe asthma attack because she couldn't afford to pay for her medication when she was on strike. She should be honored for the way she lived, and we should all be ashamed for the reason she died.

HONORING MARVIN BELKIN

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

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

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

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

Marvin Belkin's commitment to Israel and the United States is symbolic of the relationship shared by our two nations and his service should be commended, for without it, we may not be here today to celebrate Israel's independence.

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To all the citizens of Israel, I wish you a great happy birthday. I look forward to the continued growth and strengthening of our relationship with you, our ally and our friend.

HONORING ROBERT RACLIN

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

Mr. DONNELLY. Mr. Speaker, I rise today to honor and remember the life of Robert Raclin. Bob's service to his country and his family's service to South Bend are unparalleled. His family is well known for their business leadership and philanthropy through our community.

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

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

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

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

NEWSWEEK: ''THE COOLING WORLD''

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

Mr. POE. Mr. Speaker, I am alarmed by news in Newsweek magazine. I quote: ''There are ominous signs that the Earth's weather patterns have begun to change dramatically, and these changes may cause a drastic decline in food production.

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

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

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

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

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

And that's just the way it is.

CONGRATULATING BESS MITSAKOS

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

Mr. SIRES. Mr. Speaker, I am honored to rise today to congratulate a teacher in my district who has been recognized for her excellence in teaching. Bess Mitsakos from the Wallace School in Hoboken, New Jersey, received the International Technology Educators Association Program Excellence Award for elementary schools in New Jersey on February 22, 2008.

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

Ms. Mitsakos is committed to increasing student interest, engagement, and learning through the use of computer-based educational tools as well as engineering and technological design activities.

I have no doubt that her students will have a strong science, math and engineering foundation that will help them succeed in life. I am proud to recognize her and her accomplishments, and I wish her continued success.

LET'S USE AMERICA'S OWN RESOURCES

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

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

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

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

TENNESSEE VALLEY AUTHORITY

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

Mr. CHILDERS. This month marks the 75th anniversary of the Tennessee Valley Authority.

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

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

I am proud to be the newest serving Member of Congress to represent the First District of Mississippi and our fellow members of the Tennessee Valley.

50TH ANNIVERSARY CELEBRATION OF ED AND JAN SLEVIN

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

Mr. LEWIS of California. Mr. Speaker, my colleague KEN CALVERT and I want to express our love and admiration for Jan and Ed Slevin.

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

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

CONGRATULATING AMERICAN IDOL WINNER DAVID COOK

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

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate a fellow Missourian, David Cook, winner of American Idol: Season 7.

Here are some pertinent facts:

Native of Blue Springs, Missouri;

While attending Blue Springs High School performed in The Music Man, West Side Story, and Singin' in the Rain;

Cook formed the band, Axium, his junior year of high school, for which he was the lead singer and guitarist. In 2004, Axium, was chosen the best band in Kansas City and was

recognized nationally as one of the top 15 independent bands;

He was a 2006 graduate of the University of Central Missouri with a degree in graphic design;

Upon completion of college, he released his first solo independent album, Analog Heart, which was chosen the fourth-best CD released in 2006;

It is worth noting that David Cook did not originally plan to audition for American Idol; he traveled to Omaha, Nebraska to support his younger brother Andrew;

Cook was often seen playing his electric guitar while performing on American Idol;

He received 56 percent of the vote; 97 million votes were cast.

NATIONAL DRUG COURT MONTH

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

Mr. LARSEN of Washington. Mr. Speaker, today I stand in recognition of National Drug Court Month and the important work done by drug courts in my district and around the country.

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

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

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

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

□ 1015

CALLING ON CONGRESS TO GIVE THE AMERICAN PEOPLE MORE ACCESS TO AMERICAN OIL

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

Mr. PENCE. Mr. Speaker, this morning in my hometown of Columbus, Indiana, gasoline hit $3.99 a gallon, one-tenth of 1 cent just shy of $4 a gallon.

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

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

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

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1218

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. No further general debate shall be in order.

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

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

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

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

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

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

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

SEC. 6. During consideration in the House of H.R. 5658 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 7. In the engrossment of H.R. 5658, the Clerk shall—

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

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

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

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, House Resolution 1218 provides for the further consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, under a structured rule, without further general debate.

The rule makes in order 58 amendments submitted to the Rules Committee for consideration under this rule. The rule waives all points of order against the amendments printed in the committee report and amendments en bloc except those arising under clause 9 or 10 of rule XXI. The rule provides for one motion to recommit with or without instructions. The rule also provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed by the House, shall be added at the end of H.R. 5658.

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

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

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

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

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

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

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

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

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

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

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

□ 1030

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

Despite the promises made by the Democrat leaders to run the most open and honest House in history, they have made it a matter of routine to close down debate, take away the ability of every Representative to offer amendments on the House floor, to defy rules,

and to ignore over 200 years of legislative precedents. Yet, Mr. Speaker, this House has never seen anything the likes of what the Democrat leaders did last night with the vote to override the President's veto of the farm bill.

Despite having full knowledge that the bill that the Speaker of the House certified with her signature and sent to the President was not the exact same bill that passed both the House and the Senate, Democrat leaders deliberately acted to have this House vote on overriding the President's veto. The bill that the Speaker sent to the President completely omitted title III of the farm bill. This is the entire trade section that runs several dozen pages.

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

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

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

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

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

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

Democrat leaders of this Congress acted in an unconstitutional way in voting to override the veto vote yesterday. That the leaders acted unconstitutionally is not a matter of my personal opinion, it is a matter that has been ruled upon by the United States Supreme Court. In a 6–3 majority opinion written by Justice Stevens in the 1998 line-item veto case, Clinton v. The City of New York, the court concluded, and I quote:

''The Balanced Budget Act of 1997 is a 500-page document that became Public Law 105–33 after three procedural steps were taken. One, a bill containing its exact text was approved by a majority of the Members of the House of Representatives. Two, the Senate approved precisely the same text. Three, that text was signed into law by the President. The Constitution explicitly requires that each of these three steps be taken before a bill may 'become a law.' Article 1, section 7. If one paragraph of that text had been omitted at any one of those three stages, Public Law 105–33 would not have been validly enacted.''

Mr. Speaker, last night it wasn't until Republicans objected that the Democrat majority took any action to speak on the floor and inform the House of what had occurred by the omission of title III of the bill. The Democrat majority then responded, as they have for the past 16 months, by choosing the path of unilateral, partisan action over working in a bipartisan way. Keep in mind, this farm bill passed by over 300 votes in a bipartisan way.

As I stated at the beginning of my remarks, there are two parts to this rule. The first makes in order amendments to the defense authorization bill. The second provides blanket authority for any bill relating to agricultural programs to be considered under suspension of the House rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

We must deliver on what we promise, Mr. Speaker. I urge my colleagues to support the defense authorization bill for the good of our military families

and for the safety of our Nation in the future.

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

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

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

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

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

□ 1045

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. PETERSON of Minnesota. I thank the gentleman.

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

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

This error, apparently what happened here is that there was a procedure that used to be in place where people would initial each page after they had done the enrollment on the parchment, but that was eliminated apparently 10 years ago when the Republicans were in charge, for whatever reason. So a mistake was made on both ends of Pennsylvania Avenue. The White House vetoed a bill that was missing this title. We sent a bill down there that was missing this title. So that was the reality of what happened. I notified everybody before the override immediately about what the situation was. So that is what happened.

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

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

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

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

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

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

we were well into debate on the attempt to override the President's veto.

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

I thank my friend for yielding.

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

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

Mr. CARDOZA. I yield the gentleman 1 additional minute.

Mr. PETERSON of Minnesota. The idea at the time was that we would ask unanimous consent to move title III after the veto override so we could marry the bill back up. There was objection raised on that regard. So what we are doing now is a process to try to fix this. This is a clerical error. This is not anything that anybody has tried to cover up. I made this clear to everybody at the beginning of the process.

Looking at this the next day, I think we made the right decision, because clearly the Senate is going to override the veto and the 14 titles that are overridden will become the law of the land. This is backed up by Field v. Clark.

We have still got the issue to deal with on the trade title. We have a process set up to get that resolved. It is not a partisan issue. We are just trying to get this fixed.

So you can disagree with the decision we made, and if you have a problem with it, I will take the blame. But at the time, we talked to the Parliamentarian, we discussed it among ourselves, and we decided this is the way to proceed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding. I am happy to continue engaging in a colloquy with the distinguished Chair of the Committee on Agriculture.

What I would say, Mr. Speaker, is that, again, we all acknowledge that mistakes are made. But this is a bill that has enjoyed bipartisan support. I am not going to give all my arguments. I have given them during debate on the bill. I voted against the bill, but I am not standing here trying to block it from becoming public law. We saw there were only 108 of us yesterday that voted to sustain the President's veto, so that much is there.

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

Mr. PETERSON of Minnesota. Will the gentleman yield?

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

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

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

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

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

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

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

Mr. Speaker, I thank my friend for yielding.

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

The SPEAKER pro tempore. The gentleman from California has 16½ minutes remaining and the gentleman from Washington has 12½ minutes remaining.

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

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

□ 1100

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

There is nobody that has spent more time working on this bill. I personally looked over everything that has been in this bill. I guess the one mistake I made was that I didn't personally read the enrolled copy of this bill and actually check each page of it before it was sent to the White House. I guess I should have done that.

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

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

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

Mr. DREIER. Would the gentleman yield?

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

Mr. PETERSON of Minnesota. Reclaiming my time. This was done correctly. The 14 titles that were overridden yesterday were passed in an identical manner between the House and the Senate. They were vetoed by the President in that manner. The bill, once the Senate overrides, will become law. This is clarified in Field v. Clark in 1892, a similar situation. This is information that we knew before we proceeded, and we believe we proceeded correctly under the circumstances. Had we had unanimous consent, we wouldn't be here today. We would have had this resolved by now.

I just would hope the gentleman would help us move past all of this and in good faith let us finally get this farm bill accomplished.

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

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

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

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

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

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

A CEO of one of the major airlines has said that for every penny of unexpected cost in fuel, it costs them $1 million of unexpected costs for their overall product. The military has the same problem of fuel costs. In 2001, we spent $2 billion a year for fuel. This year, it may go anywhere between $12 billion to $13 billion a year for fuel. And three-fourths of our oil reserves in this Nation are with countries that are at least hostile or potentially hostile to this country.

Realizing that fact, the military has tried to make some provisions for the future. We have enough oil shale and coal in this country to provide for the needs of the military. There is 1 trillion barrels locked in my State. Decades ago, the Department of Defense recognized this and established certain of those sections as part of the Naval Oil Reserve, a reserve that is untapped which we could go in today and use in defense of this country, except for section 526 of the energy bill that was already passed, which cuts the knees out from under the military and its efforts.

One of the things I think they did not realize when they passed this bill was that coal——

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

Mr. HASTINGS of Washington. I yield the gentleman 30 additional seconds.

Mr. BISHOP of Utah. Coal and oil shale have greater Btus, which simply means that, for the same amount of fuel, our fighters, our Humvees, our trucks could go farther or we could do what we are doing now with less energy consumption that we need.

The military has attempted to make sure we have a process with alternative fuels to make sure that we have security for the future. 526 stops that. The Rules Committee could have waived the issues of sequential referral and allowed us to discuss that on the floor, but instead they limited and restricted the debate, so that we will not have a full debate on this important issue that is about the security of the military of this country.

Mr. CARDOZA. Mr. Speaker, at this time I yield 2 minutes to the gentleman from New York, a gentleman who worked tirelessly on the farm bill and who has worked tirelessly on behalf of defense matters, my good friend, the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my friend and colleague from California for yielding time to me.

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

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

When it comes down to it, maintaining a strong national defense and providing for our troops should never be a partisan issue. We can disagree regarding specific provisions and proposals on occasion, but the fact remains that the American people want bipartisan solutions from Republicans and Democrats. That moves our Nation forward, and that is exactly what this rule and the underlying defense authorization will do.

In closing, Mr. Speaker, I would just like to urge my colleagues to resist the temptation to point fingers and be partisan on this issue with the farm bill. We need to work in a bipartisan way, because this is what is important to America's farmers, and very, very important to America. By passing this rule and the defense authorization bill today, we can prove to the American people that bipartisanship still exists inside the walls of Congress.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee and now a member of the Armed Services Committee.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding. We just heard from the gentleman from Utah in regard to section 526 of the Energy Independence and Security Act of 2007, the Democratic Energy Act.

Section 526, as the gentleman described, puts handcuffs on our Federal Government, particularly the Department of Defense, in regard to the ability to get other sources of fuel. 380,000 barrels of refined products per year are used by the Department of Defense, mainly by the United States Air Force, Mr. Speaker. And the cost of that fuel from 2003 to 2007 has gone from $5 billion to $12 billion a year. It is anticipated that in this current year it will go up another $9 billion. This amendment that the gentleman was speaking of that I submitted to the Rules Committee last night offered by the gentleman from Texas (Mr. HENSARLING), the gentlelady from Tennessee (Mrs. BLACKBURN), and the gentleman from Hawaii (Mr. ABERCROMBIE), making this a bipartisan amendment, and of course myself, to just simply strike that section 526 so we can allow the Federal Government, in particular the Department of Defense, to utilize things like coal liquefaction or shale products, tar sand, that can convert to energy and let us utilize that fuel and cut down this cost to our Department of Defense.

I mean, we needed an opportunity, clearly, Mr. Speaker, to be able to debate that amendment on this floor. I think that overwhelmingly the majority on a bipartisan basis would support striking that amendment. We are in a crisis, and everybody knows it, in what we are paying for. It is not just individuals, but of course the whole Department of Defense. And this goes to being able to purchase jet fuel.

That is why I am opposed to this rule. That amendment should indeed, Mr. Speaker, have been made in order.

Mr. CARDOZA. Mr. Speaker, at this time I yield 1 minute to the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this rule. I suggest further, if we were all adults on this floor, everybody would say this rule, outside of the ambit of what amendments are made in order on the defense bill, is an appropriate rule. It is an appropriate rule to respond to a mistake that was made.

As the gentleman from California observed earlier in debate, mistakes are made. Unlike the previous instance some years ago, which were discussed on this floor of the deficit reduction bill where the minority was not notified, the assertion the minority was not notified was absolutely inaccurate,

and Mr. GOODLATTE would say that. In point of fact what happened was Mr. PETERSON learned of it, talked to Mr. GOODLATTE about it, then discussed it with me, and they decided jointly and bipartisanly to proceed.

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

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

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

Now, a mistake was made. It was not a venal mistake. It was not a conscious mistake. And the mistake was made, as everybody ought to know, by the Clerk of the Congress and OMB, and they both made the same mistake. And the mistake they made was reading from the printed copy as opposed to the parchment copy. OMB didn't read from the parchment copy, we didn't read from the parchment copy, because the belief was a decision made 10 years ago by the Deputy Clerk not to proofread the parchment because changing the parchment was too expensive, but to read from the printed copy which then, if found in error, could be corrected and reprinted and then programmed for the parchment to be printed from that. And both our side—our side, the Congress—and the OMB made the same mistake. They assumed, as normally is the case, that the parchment reflected exactly what the conference printed report said.

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

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

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

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

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

□ 1115

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

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

So what have we done?

First of all, I discussed it with the Parliamentarian. I had not done so when we had the colloquy with Mr. BOEHNER. I then discussed it with the chairman. The chairman discussed it throughout the next few hours with Mr. GOODLATTE, Mr. CHAMBLISS, Mr. HARKIN and others.

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

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

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

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

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

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

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

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

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

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

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

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

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

Now you can disagree with the farm bill or not disagree with the farm bill. I understand that additional games are going to be played, as it was my perception last week were played. On Thursday, 131 or 132 of you decided, notwithstanding the fact that I am sure you are for funding the troops in Iraq, you voted ''present.'' That was your decision.

It's my understanding now that perhaps you're being urged, some of you who are for this bill, to deny the two-thirds on the suspension of a bill that has gotten essentially three-quarters of

this House and 80 percent of the United States Senate supporting it.

Ladies and gentlemen, at some point in time the American public expects us to act as adults, not simply as partisan protagonists, to conduct business, notwithstanding the fact because we are humans, and those who work for us are humans and are under great stress. They have to work around the clock. They work 15-hour days, sometimes longer days. And we expect them to act without ever making a mistake. That is unreasonable. And when they make mistakes, and when we make mistakes, it is appropriate for us respond in a way that will correct those mistakes and, at the same time, carry out the policies that are overwhelmingly supported by this body.

My friends on both sides of the aisle, I would hope that we could do that. I regret that the minority leader has not called me back. I regret that he has not sat down and, with me, had the opportunity to discuss this. I had a discussion with him before the vote last night. It was a very calm, reasonable discussion, Mr. Lawrence and I, outside the middle door. We knew there was a problem. We knew we had to solve it. I think this does, in fact, solve it from the standpoint of adopting the policy overwhelmingly supported by this Congress of assuring that title III is addressed, and assuring us of the opportunity to make sure that it's not subject even to any lawsuit question by, again, passing the entire bill supported by, as I said, over 75 percent of the Congress of the United States.

I understand there may be questions about which amendment was allowed in order to the defense bill and which wasn't, so on that case, you may vote differently on the rule. But on the addressing of the mistake that was inadvertently made, and I stress again, by the Congress and by the Office of Management and Budget, same mistake apparently was made, that we can correct this as adults treating one another in a way that each of us would want to be treated to act so that we adopt policies that are supported by this Congress.

Mr. HOYER. I would be glad to yield to my friend, Mr. BLUNT, if he wants time.

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

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

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

Let me tell you the big difference in that and this. The big difference in that and this is that at least this Republican leader had no idea until we were at the bill signing ceremony that there was a problem because it all happened in the Senate.

I'm just saying what I knew, Mr. HOYER. I had no idea. My guess is that nobody else did either or they wouldn't have scheduled a bill signing ceremony where 100 people were sitting in the East Room waiting for 30 minutes beyond the time it was supposed to start because the White House was deciding how to deal with this particular problem. And they did decide how to deal with it, and they may very well have looked at the case that you looked at, the 1892 case, because the Court eventually looked at that. The Parliamentarian may have given advice at that time on that case. It may have been the same advice you're getting now.

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

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

Mr. HOYER. Will the gentleman yield?

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

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

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

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

And I yield back some time.

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

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

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

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

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

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

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

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

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

But the difference in this and the last case, the most recent case, is that the

House has the bill back under its control, as opposed to a bill signed by the President, exactly like the 1892 case was, where the President signed the bill and then the courts say, well, the President signed a bill that the House and Senate purported was the finally passed bill, and so it's the law.

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

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

Mr. HOYER. Reclaiming my time. I thank the gentleman for his comments.

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

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

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

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. It's kind of a mouthful to hear this is a bipartisan bill when 42 amendments go to Democrats and 14 go to Republicans. That's one Republican amendment for every three Democratic amendments. But it's a bipartisan bill?

It's kind of amazing for me to hear Democrats who talk about the war and talk about the need for Iraqis to start to cover their own expenses, and then they don't allow an amendment that says, when we train their security, we pay. The Iraqis don't have to pay the bill. In this legislation if we use our $1 billion that's in the section provided the Iraqis don't have to pay us back. Our amendment would treat it as a loan.

This amendment is not being allowed on the floor today. Why not? Why not have a debate about whether the Iraqis should have to pay for their own expenditures, for their own security, when they have amassed over $40 billion in a separate fund that they're not spending, and they have over $15 billion in their checking account which continues to grow each and every day.

Why wasn't our amendment allowed? There's a simple reason. It would have passed.

What a fraud to say you want Iraqis to pay, and you won't even allow an amendment to be offered on the floor of the House that would require them to pay.

Mr. Speaker, there is no reason not to have this debate. There is no reason not to educate ourselves about the dollars that the Iraqis have that they're not spending. This is not a bipartisan debate. This is a partisan debate.

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Anything to deal with Iraq, if you have Republicans who wanted to be part of the solution, you say, No way. It's just going to be our way or the highway.

I oppose this rule. It is a fraud to say it's bipartisan.

Mr. CARDOZA. Mr. Speaker, I just want to commend the gentleman from Maryland for giving us an incredibly articulate, accurate, and statesmanlike presentation.

I continue to reserve the balance of my time.

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

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

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

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

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

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

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

I would like to be able to offer an amendment today, that would give the President the authority to take some of these earmarks . . . some that are not needed as badly as are life-protecting and lifesaving equipment needed immediately to save lives of our troops in Iraq . . . I would like to let the President use the unnecessary earmarks for that purpose, but I can't offer my amendment. I cannot offer my amendment now for fear that it would potentially strip vital equipment—F–22s, C–17s,

LPDs, and other legitimate, reviewed, debated items out of the bill that are now deemed earmarks. I urge my colleagues to reconsider; this is not the path to transparency and accountability.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

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

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

Mr. FLAKE. I thank the gentleman for yielding.

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

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

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

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

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

And I would urge a ''no'' vote on the rule unless it's corrected.

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

I continue to reserve the balance of my time.

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

Mr. FRANKS of Arizona. I thank the gentleman. Thank you, Mr. Chairman.

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

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

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

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

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

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

Mr. HASTINGS of Washington. I have numerous people that would like to speak, but I haven't got the time for that. If the gentleman would entertain an extension of time on both sides, I would be more than happy to allow my Members to speak. But I'm constrained for time.

So if the gentleman would allow me unanimous consent for some more, I would do that. But I will leave it up to the gentleman.

I am the last speaker under the regular time.

Mr. CARDOZA. Mr. Speaker, I cannot entertain a motion on unanimous consent to extend. We've been debating this for longer than the allotted period of time already.

I reserve my time.

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

Mr. Speaker, I woke up today and heard on the news that oil is $137 a barrel on the worldwide market, and I think it's time for the House to debate ideas. I know there are a number of ideas in this House on lowering the cost of gasoline specifically.

So I'm going to ask my colleagues to vote to defeat the previous question so that this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule. But that section would say it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. With that, Mr. Speaker, I urge my colleagues to defeat the previous question so we can now really have a dialogue on the rising price of energy in this country. I believe it's strongly the responsibility of the elected leaders of the people to take this issue up, and we will have this opportunity by defeating the previous question.

I yield back my time.

Mr. CARDOZA. Mr. Speaker, I will let the numbers speak for themselves.

The bipartisan defense bill passed through the committee by a vote of 61–0. Fifty-eight amendments were made in order in the spirit of maintaining that bipartisan vote. The bipartisanship that was exhibited on the farm bill and the farm bill vote was 318 ayes, and 81 in the Senate voted ''aye.''

However you look at it, the facts remain that these overwhelmingly bipartisan measures deserve and demand our strongest support. I encourage the House to vote in the affirmative.

I urge a ''yes'' vote on the rule and on the previous question.

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

AMENDMENT TO H. RES. 1218 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution. add the following:

SEC. 9. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall he considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1218, if ordered; and suspending the rules and adopting House Resolution 986.

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

[Roll No. 350]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

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

Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Andrews
Carter
Castor
Crenshaw
Fossella
Gillibrand
Hinojosa
Kennedy
Kind
Paul
Rush
Walden (OR)
Wexler
Young (AK)

□ 1209

Messrs. MCKEON and TURNER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 14, as follows:

[Roll No. 351]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

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

NOT VOTING—14

Andrews
Blumenauer
Carter
Castor
Crenshaw
Fossella
Gillibrand
Hinojosa
Kennedy
Paul
Rush
Walden (OR)
Wexler
Young (AK)

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 351, On Agreeing to the Resolution H. Res. 1218, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I as unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

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

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

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

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

The Clerk read the resolution, as follows:

H. RES. 1221

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

Whereas the conference report on H.R. 2419, which was adopted by the House on May 14, 2008, and the Senate on May 15, 2008, contained title III, relating to trade, which contained sections 3001 through 3301;

Whereas the Speaker and the Clerk certified that the enrolled copy of H.R. 2419 transmitted to the President was a true and accurate reflection of the actions taken by the House and Senate;

Whereas the enrolled copy certified by the Speaker and the Clerk and presented to the President failed to include title III and sections 3001 through 3301 and was not an accurate or complete document;

Whereas the President vetoed and returned to the House said certified copy;

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

Whereas on May 21, 2008, the Democratic Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas a veto override requires ⅔ of the House to vote in the affirmative, and knowledge of this mistake may have influenced each Member's decision and therefore changed the outcome of this vote, which is why the Democratic Leadership chose not to pursue a correction of this legislation;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation;

Whereas Speaker Pelosi and Majority Leader Hoyer knowingly scheduled and began consideration of the President's veto of H.R. 2419, without regard to the serious and obvious constitutional questions and detrimental implications to the sanctity of the House and its process;

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

Whereas the Democratic Leadership refused that request;

Whereas in the 109th Congress, the current Speaker, Nancy Pelosi, offered a privileged resolution, H. Res. 683, accusing the Republicans of concealment, incompetence, and corruption with respect to the enrollment error of the Deficit Reduction Act;

Whereas the Deficit Reduction Act was the subject of numerous lawsuits questioning its validity due to the enrollment error, including a lawsuit filed by several Democratic Members;

Whereas in a memorandum from the Clerk of the House to Speaker Nancy Pelosi entitled ''Farm Bill Omission'' and dated May 21, 2008, the Clerk stated ''Enrolling Division staff expressed concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process.''; and

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

Now, therefore, be it

Resolved, That——

(1) the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the inaccuracies in the process and enrollment of H.R. 2419, Food and Energy Security Act of 2007, vetoed by the President on May 21, 2008; and,

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

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

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

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 188, answered ''present'' 10, not voting 16, as follows:

[Roll No. 352]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

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

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Delahunt
Doyle
Green, Gene
Hastings (WA)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard

NOT VOTING—16

Andrews
Carter
Castor
Cleaver
Crenshaw
Dingell
Gillibrand
Hobson
Kennedy
Kilpatrick
Lynch
Paul
Rush
Walden (OR)
Wexler
Young (AK)

□ 1242

Mr. GENE GREEN of Texas changed his vote from ''yea'' to ''present.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 352, On Motion To Table H. Res. 1221, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6124

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 ''Food, Conservation, and Energy Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.
Sec. 3. Explanatory statement.
Sec. 4. Repeal of duplicative enactment.

TITLE I—COMMODITY PROGRAMS
Sec. 1001. Definitions.
Subtitle A—Direct Payments and Counter-Cyclical Payments
Sec. 1101. Base acres.
Sec. 1102. Payment yields.
Sec. 1103. Availability of direct payments.
Sec. 1104. Availability of counter-cyclical payments.
Sec. 1105. Average crop revenue election program.
Sec. 1106. Producer agreement required as condition of provision of payments.
Sec. 1107. Planting flexibility.
Sec. 1108. Special rule for long grain and medium grain rice.
Sec. 1109. Period of effectiveness.
Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments
Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Adjustments of loans.
Subtitle C—Peanuts
Sec. 1301. Definitions.
Sec. 1302. Base acres for peanuts for a farm.
Sec. 1303. Availability of direct payments for peanuts.
Sec. 1304. Availability of counter-cyclical payments for peanuts.
Sec. 1305. Producer agreement required as condition on provision of payments.
Sec. 1306. Planting flexibility.
Sec. 1307. Marketing assistance loans and loan deficiency payments for peanuts.
Sec. 1308. Adjustments of loans.
Subtitle D—Sugar
Sec. 1401. Sugar program.
Sec. 1402. United States membership in the International Sugar Organization.
Sec. 1403. Flexible marketing allotments for sugar.
Sec. 1404. Storage facility loans.
Sec. 1405. Commodity Credit Corporation storage payments.
Subtitle E—Dairy
Sec. 1501. Dairy product price support program.
Sec. 1502. Dairy forward pricing program.
Sec. 1503. Dairy export incentive program.
Sec. 1504. Revision of Federal marketing order amendment procedures.
Sec. 1505. Dairy indemnity program.
Sec. 1506. Milk income loss contract program.
Sec. 1507. Dairy promotion and research program.
Sec. 1508. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1509. Federal Milk Marketing Order Review Commission.
Sec. 1510. Mandatory reporting of dairy commodities.
Subtitle F—Administration
Sec. 1601. Administration generally.
Sec. 1602. Suspension of permanent price support authority.
Sec. 1603. Payment limitations.
Sec. 1604. Adjusted gross income limitation.
Sec. 1605. Availability of quality incentive payments for covered oilseed producers.
Sec. 1606. Personal liability of producers for deficiencies.
Sec. 1607. Extension of existing administrative authority regarding loans.
Sec. 1608. Assignment of payments.
Sec. 1609. Tracking of benefits.
Sec. 1610. Government publication of cotton price forecasts.
Sec. 1611. Prevention of deceased individuals receiving payments under farm commodity programs.
Sec. 1612. Hard white wheat development program.
Sec. 1613. Durum wheat quality program.
Sec. 1614. Storage facility loans.
Sec. 1615. State, county, and area committees.
Sec. 1616. Prohibition on charging certain fees.
Sec. 1617. Signature authority.
Sec. 1618. Modernization of Farm Service Agency.
Sec. 1619. Information gathering.
Sec. 1620. Leasing of office space.
Sec. 1621. Geographically disadvantaged farmers and ranchers.
Sec. 1622. Implementation.
Sec. 1623. Repeals.
TITLE II—CONSERVATION
Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation
Sec. 2001. Definitions relating to conservation title of Food Security Act of 1985.
Sec. 2002. Review of good faith determinations related to highly erodible land conservation.
Sec. 2003. Review of good faith determinations related to wetland conservation.
Subtitle B—Conservation Reserve Program
Sec. 2101. Extension of conservation reserve program.
Sec. 2102. Land eligible for enrollment in conservation reserve.
Sec. 2103. Maximum enrollment of acreage in conservation reserve.
Sec. 2104. Designation of conservation priority areas.
Sec. 2105. Treatment of multi-year grasses and legumes.
Sec. 2106. Revised pilot program for enrollment of wetland and buffer acreage in conservation reserve.
Sec. 2107. Additional duty of participants under conservation reserve contracts.
Sec. 2108. Managed haying, grazing, or other commercial use of forage on enrolled land and installation of wind turbines.
Sec. 2109. Cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors.
Sec. 2110. Evaluation and acceptance of contract offers, annual rental payments, and payment limitations.
Sec. 2111. Conservation reserve program transition incentives for beginning farmers or ranchers and socially disadvantaged farmers or ranchers.
Subtitle C—Wetlands Reserve Program
Sec. 2201. Establishment and purpose of wetlands reserve program.
Sec. 2202. Maximum enrollment and enrollment methods.
Sec. 2203. Duration of wetlands reserve program and lands eligible for enrollment.
Sec. 2204. Terms of wetlands reserve program easements.
Sec. 2205. Compensation for easements under wetlands reserve program.
Sec. 2206. Wetlands reserve enhancement program and reserved rights pilot program.
Sec. 2207. Duties of Secretary of Agriculture under wetlands reserve program.
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Sec. 15421. Unused merchandise drawback.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. EXPLANATORY STATEMENT.

The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-627) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 2419.

SEC. 4. REPEAL OF DUPLICATIVE ENACTMENT.

(a) IN GENERAL.—The Act entitled ''An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes'' (H.R. 2419 of the 110th Congress), and the amendments made by that Act, are repealed, effective on the date of enactment of that Act.

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the earlier of—

(1) the date of enactment of this Act; or

(2) the date of the enactment of the Act entitled ''An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes'' (H.R. 2419 of the 110th Congress).

TITLE I—COMMODITY PROGRAMS

SEC. 1001. DEFINITIONS.

In this title (other than subtitle C):

(1) AVERAGE CROP REVENUE ELECTION PAYMENT.—The term ''average crop revenue election payment'' means a payment made to producers on a farm under section 1105.

(2) BASE ACRES.—

(A) IN GENERAL.—The term ''base acres'', with respect to a covered commodity on a farm, means the number of acres established under section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

(B) PEANUTS.—The term ''base acres for peanuts'' has the meaning given the term in section 1301.

(3) COUNTER-CYCLICAL PAYMENT.—The term ''counter-cyclical payment'' means a payment made to producers on a farm under section 1104.

(4) COVERED COMMODITY.—The term ''covered commodity'' means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.

(5) DIRECT PAYMENT.—The term ''direct payment'' means a payment made to producers on a farm under section 1103.

(6) EFFECTIVE PRICE.—The term ''effective price'', with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1104 to determine whether counter-cyclical payments are required to be made for that crop year.

(7) EXTRA LONG STAPLE COTTON.—The term ''extra long staple cotton'' means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(8) LOAN COMMODITY.—The term ''loan commodity'' means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(9) MEDIUM GRAIN RICE.—The term ''medium grain rice'' includes short grain rice.

(10) OTHER OILSEED.—The term ''other oilseed'' means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(11) PAYMENT ACRES.—The term ''payment acres'' means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of a covered commodity on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for the covered commodity on a farm on which direct payments are made.

(12) PAYMENT YIELD.—The term ''payment yield'' means the yield established for direct payments and the yield established for counter-cyclical payments under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) as in effect on September 30, 2007, or under section 1102 of this Act, for a farm for a covered commodity.

(13) PRODUCER.—

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

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

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

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

(14) PULSE CROP.—The term ''pulse crop'' means dry peas, lentils, small chickpeas, and large chickpeas.

(15) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

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

(16) TARGET PRICE.—The term ''target price'' means the price per bushel, pound, or hundredweight (or other appropriate unit) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(17) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

(18) UNITED STATES PREMIUM FACTOR.—The term ''United States Premium Factor'' means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1⅛-inch upland cotton and for Middling (M) 1$\frac{3}{32}$-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

Subtitle A—Direct Payments and Counter-Cyclical Payments

SEC. 1101. BASE ACRES.

(a) ADJUSTMENT OF BASE ACRES.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever any of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

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

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

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

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a

prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2) exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities for the farm or the base acres for peanuts for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

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

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

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

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

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

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

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for a covered commodity or the base acres for peanuts for the farm against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1302(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for covered commodities for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

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

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

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

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

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

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

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

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

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

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

SEC. 1102. PAYMENT YIELDS.

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

(b) PAYMENT YIELDS FOR DESIGNATED OILSEEDS AND ELIGIBLE PULSE CROPS.—

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

(2) ADJUSTMENT FOR PAYMENT YIELD.—

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

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

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

(B) NO NATIONAL AVERAGE YIELD INFORMATION AVAILABLE.—To the extent that national average yield information for a designated oilseed or pulse crop is not available, the Secretary shall use such information as the Secretary determines to be fair and equitable to establish a national average yield under this section.

(3) USE OF PARTIAL COUNTY AVERAGE YIELD.—If the yield per planted acre for a crop of a designated oilseed or pulse crop for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed or pulse crop, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average under paragraph (1).

(4) NO HISTORIC YIELD DATA AVAILABLE.—In the case of establishing yields for designated oilseeds and eligible pulse crops, if historic yield data is not available, the Secretary shall use the ratio for dry peas calculated under paragraph (2)(A)(ii) in determining the yields for designated oilseeds and eligible pulse crops, as determined to be fair and equitable by the Secretary.

SEC. 1103. AVAILABILITY OF DIRECT PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity (other than pulse crops), the Secretary shall make direct payments to producers on farms for which base acres and payment yields are established.

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

(1) Wheat, $0.52 per bushel.

(2) Corn, $0.28 per bushel.

(3) Grain sorghum, $0.35 per bushel.

(4) Barley, $0.24 per bushel.

(5) Oats, $0.024 per bushel.

(6) Upland cotton, $0.0667 per pound.

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

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

(9) Soybeans, $0.44 per bushel.

(10) Other oilseeds, $0.80 per hundredweight.

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

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

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

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

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for a covered commodity for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

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

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

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

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying

the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1104. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

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

(b) EFFECTIVE PRICE.—

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

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B.

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

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

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the type or class of rice, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the type or class of rice in effect for the applicable period under subtitle B.

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

(c) TARGET PRICE.—

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

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(2) 2009 CROP YEAR.—For purposes of the 2009 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

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

(A) Wheat, $4.17 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.63 per bushel.

(D) Barley, $2.63 per bushel.

(E) Oats, $1.79 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $6.00 per bushel.

(J) Other oilseeds, $12.68 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

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

(1) the target price for the covered commodity; and

(2) the effective price determined under subsection (b) for the covered commodity.

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

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

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

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

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, beginning October 1, or as soon as practicable thereafter, after the end of the marketing year for the covered commodity, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

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

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments for a covered commodity under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for that covered commodity.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for the covered commodity; and

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

(4) AMOUNT OF PARTIAL PAYMENT.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crops of a covered commodity, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a covered commodity for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

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

SEC. 1105. AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

(1) AVAILABILITY OF AVERAGE CROP REVENUE ELECTION PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1104 or 1304 and in exchange for a 20-percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1202 or 1307, with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue election (referred to in this section as ''ACRE'') payments under this section for the initial crop year for which the election is made through the 2012 crop year.

(2) LIMITATION.—

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

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

(3) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make each of the elections described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(4) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (3), all of the producers on a farm shall submit to the Secretary notice of an election made under paragraph (1).

(5) EFFECT OF FAILURE TO MAKE ELECTION.—If all of the producers on a farm fail to make an election under paragraph (1), make different elections under paragraph (1), or fail to timely notify the Secretary of the election made, as required by paragraph (4), all of the producers on the farm shall be deemed to have made the election to receive counter-cyclical payments under section 1104 or 1304 for all covered commodities and peanuts on the farm, and to otherwise not have made the election described in paragraph (1), for the applicable crop years.

(b) PAYMENTS REQUIRED.—

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

(2) ACRE PAYMENT.—

(A) IN GENERAL.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make ACRE payments available to the producers on a farm for each crop year if—

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

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

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

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

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

(3) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make ACRE payments beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(2)(A), the amount of the actual State revenue for a crop year of a covered commodity or peanuts shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

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

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

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) NATIONAL AVERAGE MARKET PRICE.—For purposes of paragraph (1)(B), the national average market price for a crop year for a covered commodity or peanuts in a State shall equal the greater of—

(A) the national average market price received by producers during the 12-month marketing year for the covered commodity or peanuts, as determined by the Secretary; or

(B) the marketing assistance loan rate for the covered commodity or peanuts under section 1202 or 1307, as reduced under subsection (a)(1).

(d) ACRE PROGRAM GUARANTEE.—

(1) AMOUNT.—

(A) IN GENERAL.—For purposes of subsection (b)(2)(A) and subject to subparagraph (B), the ACRE program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(i) the benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(ii) the ACRE program guarantee price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(B) MINIMUM AND MAXIMUM GUARANTEE.—In the case of each of the 2010 through 2012 crop years, the ACRE program guarantee for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 10 percent from the guarantee for the preceding crop year.

(2) BENCHMARK STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), subject to subparagraph (B), the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the average yield per planted acre for the covered commodity or peanuts in the State for the most recent 5 crop year yields, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the yield determined under subparagraph (A) is an unrepresentative average yield for the State (as determined by the Secretary), the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of—

(i) previous average yields for a period of 5 crop years, excluding each of the crop years with the highest and lowest yields; or

(ii) benchmark State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) ACRE PROGRAM GUARANTEE PRICE.—For purposes of paragraph (1)(A)(ii), the ACRE program guarantee price for a crop year for a covered commodity or peanuts in a State shall be the simple average of the national average market price received by producers of the covered commodity or peanuts for the most recent 2 crop years, as determined by the Secretary.

(4) STATES WITH IRRIGATED AND NONIRRIGATED LAND.—In the case of a State in which at least 25 percent of the acreage planted to a covered commodity or peanuts in the State is irrigated and at least 25 percent of the acreage planted to the covered commodity or peanuts in the State is not irrigated, the Secretary shall calculate a separate ACRE program guarantee for the irrigated and nonirrigated areas of the State for the covered commodity or peanuts.

(e) ACTUAL FARM REVENUE.—For purposes of subsection (b)(2)(B)(i), the amount of the actual farm revenue for a crop year for a covered commodity or peanuts shall equal the amount determined by multiplying—

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

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

(f) FARM ACRE BENCHMARK REVENUE.—For purposes of subsection (b)(2)(B)(ii), the farm ACRE benchmark revenue for the crop year for a covered commodity or peanuts shall equal the sum obtained by adding—

(1) the amount determined by multiplying—

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

(B) the ACRE program guarantee price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3); and

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

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

(1) the lesser of—

(A) the difference between—

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

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

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

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

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

(3) the quotient obtained by dividing—

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

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

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

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

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

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

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

(C) to comply with the planting flexibility requirements of section 1107;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under subtitle C, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in base acres for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) REPORTS.—

(1) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PRODUCTION REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm that receive payments under section 1105 to submit to the Secretary annual production reports with respect to all covered commodities and peanuts produced on the farm.

(3) PENALTIES.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments among the producers on a farm on a fair and equitable basis.

SEC. 1107. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—

(1) PILOT PROJECT AUTHORIZED.—Notwithstanding paragraphs (1) and (2) of subsection (b) and in addition to the exceptions provided in subsection (c), the Secretary shall carry out a pilot project to permit the planting of cucumbers, green peas, lima beans, pumpkins, snap beans, sweet corn, and tomatoes grown for processing on base acres during each of the 2009 through 2012 crop years.

(2) PILOT PROJECT STATES AND ACRES.—The number of base acres eligible during each crop year for the pilot project under paragraph (1) shall be—

(A) 9,000 acres in the State of Illinois;

(B) 9,000 acres in the State of Indiana;

(C) 1,000 acres in the State of Iowa;

(D) 9,000 acres in the State of Michigan;

(E) 34,000 acres in the State of Minnesota;

(F) 4,000 acres in the State of Ohio; and

(G) 9,000 acres in the State of Wisconsin.

(3) CONTRACT AND MANAGEMENT REQUIREMENTS.—To be eligible for selection to participate in the pilot project, the producers on a farm shall—

(A) demonstrate to the Secretary that the producers on the farm have entered into a contract to produce a crop of a commodity specified in paragraph (1) for processing;

(B) agree to produce the crop as part of a program of crop rotation on the farm to achieve agronomic and pest and disease management benefits; and

(C) provide evidence of the disposition of the crop.

(4) TEMPORARY REDUCTION IN BASE ACRES.—The base acres on a farm for a crop year shall be reduced by an acre for each acre planted under the pilot program.

(5) DURATION OF REDUCTIONS.—The reduction in the base acres of a farm for a crop year under paragraph (4) shall expire at the end of the crop year.

(6) RECALCULATION OF BASE ACRES.—

(A) IN GENERAL.—If the Secretary recalculates base acres for a farm while the farm is included in the pilot project, the planting and production of a crop of a commodity specified in paragraph (1) on base acres for which a temporary reduction was made under this section shall be considered to be the same as the planting and production of a covered commodity.

(B) PROHIBITION.—Nothing in this paragraph provides authority for the Secretary to recalculate base acres for a farm.

(7) PILOT IMPACT EVALUATION.—

(A) IN GENERAL.—The Secretary shall periodically evaluate the pilot project conducted under this subsection to determine the effects of the pilot project on the supply and price of—

(i) fresh fruits and vegetables; and

(ii) fruits and vegetables for processing.

(B) DETERMINATION.—An evaluation under subparagraph (A) shall include a determination as to whether—

(i) producers of fresh fruits and vegetables are being negatively impacted; and

(ii) existing production capacities are being supplanted.

(C) REPORT.—As soon as practicable after conducting an evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation.

SEC. 1108. SPECIAL RULE FOR LONG GRAIN AND MEDIUM GRAIN RICE.

(a) CALCULATION METHOD.—Subject to subsections (b) and (c), for the purposes of determining the amount of the counter-cyclical payments to be paid to the producers on a farm for long grain rice and medium grain rice under section 1104, the base acres of rice on the farm shall be apportioned using the 4-year average of the percentages of acreage planted in the applicable State to long grain rice and medium grain rice during the 2003 through 2006 crop years, as determined by the Secretary.

(b) PRODUCER ELECTION.—As an alternative to the calculation method described in subsection (a), the Secretary shall provide producers on a farm the opportunity to elect to apportion rice base acres on the farm using the 4-year average of—

(1) the percentages of acreage planted on the farm to long grain rice and medium grain rice during the 2003 through 2006 crop years;

(2) the percentages of any acreage on the farm that the producers were prevented from planting to long grain rice and medium grain rice during the 2003 through 2006 crop years because of drought, flood, other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; and

(3) in the case of a crop year for which a producer on a farm elected not to plant to long grain and medium grain rice during the 2003 through 2006 crop years, the percentages of acreage planted in the applicable State to long grain rice and medium grain rice, as determined by the Secretary.

(c) LIMITATION.—In carrying out this section, the Secretary shall use the same total base acres, payment acres, and payment yields established with respect to rice under sections 1101 and 1102 of the Farm Security

and Rural Investment Act of 2002 (7 U.S.C. 7911, 7912), as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

SEC. 1109. PERIOD OF EFFECTIVENESS.

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

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

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

(a) NONRECOURSE LOANS AVAILABLE.—

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

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm.

(c) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

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

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

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

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

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

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

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

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

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

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

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

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $6.22 per hundredweight.

(13) In the case of lentils, $11.72 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of graded wool, $1.00 per pound.

(16) In the case of nongraded wool, $0.40 per pound.

(17) In the case of mohair, $4.20 per pound.

(18) In the case of honey, $0.60 per pound.

(b) 2009 CROP YEAR.—Except as provided in section 1105, for purposes of the 2009 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

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

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

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

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

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

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

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

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

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

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.00 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.60 per pound.

(c) 2010 THROUGH 2012 CROP YEARS.—Except as provided in section 1105, for purposes of each of the 2010 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.

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

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

(4) In the case of barley, $1.95 per bushel.

(5) In the case of oats, $1.39 per bushel.

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

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

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

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

(11) In the case of other oilseeds, $10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.15 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.69 per pound.

(d) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(11), (b)(11), and (c)(11).

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

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

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

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

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

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

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

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

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

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

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

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

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

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

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of

the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

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

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

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—

(1) RICE.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) 1 3/32-inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2013, if the Secretary determines the adjustment is necessary to—

(i) minimize potential loan forfeitures;

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

(iii) ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) GUIDELINES FOR ADDITIONAL ADJUSTMENTS.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

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

(2) the repayment rate established for oil sunflower seed.

(g) PAYMENT OF COTTON STORAGE COSTS.—

(1) 2008 THROUGH 2011 CROP YEARS.—Effective for each of the 2008 through 2011 crop years, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(2) SUBSEQUENT CROP YEARS.—Beginning with the 2012 crop year, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 20 percent.

(h) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(1) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) DURATION.—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) UNSHORN PELTS, HAY, AND SILAGE.—

(A) MARKETING ASSISTANCE LOANS.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) LOAN DEFICIENCY PAYMENT.—Effective for the 2008 through 2012 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) COMPUTATION.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be computed by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) PAYMENT RATE.—

(1) IN GENERAL.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) GRAZING OF TRITICALE ACREAGE.—Effective for the 2008 through 2012 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

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

(B) the payment quantity determined by multiplying—

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

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

(2) GRAZING OF TRITICALE ACREAGE.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

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

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

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

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

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) CERTAIN COMMODITIES.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.—A 2008 through 2012 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term ''special import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of enactment of this Act through July 31, 2013, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

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

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

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

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

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

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) SUPPLY.—The term ''supply'' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

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

(ii) production of the current crop; and

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

(B) DEMAND.—The term ''demand'' means—

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

(ii) the larger of—

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

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

(C) LIMITED GLOBAL IMPORT QUOTA.—The term ''limited global import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available or as estimated by the Secretary.

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

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

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

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

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

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, provide economic adjustment assistance to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—

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

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

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

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

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

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

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

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

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2013, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

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

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

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

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

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

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

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by

the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term ''high moisture state'' means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

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

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

(B) present—

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

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

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

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

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

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

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

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

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. ADJUSTMENTS OF LOANS.

(a) ADJUSTMENT AUTHORITY.—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

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

(c) ADJUSTMENT ON COUNTY BASIS.—

(1) IN GENERAL.—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

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

(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

(B) MANDATORY REVISIONS.—Revisions under subparagraph (A) shall include—

(i) the elimination of warehouse location differentials;

(ii) the establishment of differentials for the various quality factors and staple lengths of cotton based on a 3-year, weighted moving average of the weighted designated spot market regions, as determined by regional production;

(iii) the elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire; and

(iv) a mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is 1 better than the applicable color grade.

(C) DISCRETIONARY REVISIONS.—Revisions under subparagraph (A) may include—

(i) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(ii) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(iii) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) CONSULTATION WITH PRIVATE SECTOR.—

(A) PRIOR TO REVISION.—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program for upland cotton, by—

(A) revoking or revising any actions taken under paragraph (2)(B); or

(B) revoking or revising any actions taken or authorized to be taken under paragraph (2)(C).

(e) RICE.—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Peanuts

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASE ACRES FOR PEANUTS.—

(A) IN GENERAL.—The term ''base acres for peanuts'' means the number of acres assigned to a farm pursuant to section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, subject to any adjustment under section 1302 of this Act.

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

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

(3) DIRECT PAYMENT.—The term ''direct payment'' means a direct payment made to producers on a farm under section 1303.

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

(5) PAYMENT ACRES.—The term ''payment acres'' means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of peanuts on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for peanuts on a farm on which direct payments are made.

(6) PAYMENT YIELD.—The term ''payment yield'' means the yield established for direct payments and the yield established for counter-cyclical payments under section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, for a farm for peanuts.

(7) PRODUCER.—

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

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

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

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

(8) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

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

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

(10) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 1302. BASE ACRES FOR PEANUTS FOR A FARM.

(a) ADJUSTMENT OF BASE ACREAGE FOR PEANUTS.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for peanuts for a farm whenever any of the following circumstances occur:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

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

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

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

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres for peanuts adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES FOR PEANUTS.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for peanuts for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for peanuts for the farm or the base acres for 1 or more covered commodities for the farm so that the sum of the base acres for peanuts and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

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

(A) Any base acres for the farm for a covered commodity.

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

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

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

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

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for peanuts or the base acres for covered commodities against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1101(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for peanuts for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

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

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

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

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

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

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

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

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

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

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

SEC. 1303. AVAILABILITY OF DIRECT PAYMENTS FOR PEANUTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years for peanuts, the Secretary shall make direct payments to the producers on a farm for which a payment yield and base acres for peanuts are established.

(b) PAYMENT RATE.—Except as provided in section 1105, the payment rate used to make direct payments with respect to peanuts for a crop year shall be equal to $36 per ton.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for peanuts for a crop year shall be equal to the product of the following:

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

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments under this section before October 1 of the calendar year in which the crop is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for peanuts for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for peanuts for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

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

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of peanuts is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

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

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

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

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

(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for peanuts is equal to the sum of the following:

(1) The higher of the following:

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

(B) The national average loan rate for a marketing assistance loan for peanuts in effect for the applicable period under this subtitle.

(2) The payment rate in effect for peanuts under section 1303 for the purpose of making direct payments.

(c) TARGET PRICE.—For purposes of subsection (a), the target price for peanuts shall be equal to $495 per ton.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments for a crop year shall be equal to the difference between—

(1) the target price for peanuts; and

(2) the effective price determined under subsection (b) for peanuts.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid for any of the 2008 through 2012 crops of peanuts, the amount of the counter-cyclical payment to

be paid to the producers on a farm for that crop year shall be equal to the product of the following:

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

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for a crop of peanuts, beginning October 1, or as soon as practicable after the end of the marketing year, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

(A) IN GENERAL.—If, before the end of the 12-month marketing year, the Secretary estimates that counter-cyclical payments will be required under this section for a crop year, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for the crop.

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for the crop.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for that crop; and

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

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for that crop year.

SEC. 1305. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments or counter-cyclical payments under this subtitle, or average crop revenue election payments under section 1105, with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

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

(C) to comply with the planting flexibility requirements of section 1306;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for peanuts and any base acres for the farm under subtitle A, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in the base acres for peanuts for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under this subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments under section 1105 among the producers on a farm on a fair and equitable basis.

SEC. 1306. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on the base acres for peanuts on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres for peanuts unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres for peanuts.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of peanuts with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on the base acres for peanuts, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

SEC. 1307. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS.

(a) NONRECOURSE LOANS AVAILABLE.—

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

(2) TERMS AND CONDITIONS.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

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

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the producers on a farm through—

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

(B) the Farm Service Agency.

(5) STORAGE OF LOAN PEANUTS.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide such storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section

and promote fairness in the administration of the benefits of this section.

(6) STORAGE, HANDLING, AND ASSOCIATED COSTS.—

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

(B) REDEMPTION AND FORFEITURE.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

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

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

(b) LOAN RATE.—Except as provided in section 1105, the loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $355 per ton.

(c) TERM OF LOAN.—

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

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

(d) REPAYMENT RATE.—

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

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

(B) a rate that the Secretary determines will—

(i) minimize potential loan forfeitures;

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

(iii) minimize the cost incurred by the Federal Government in storing peanuts; and

(iv) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(A) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this subsection for marketing assistance loans for peanuts under subsection (a).

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

(e) LOAN DEFICIENCY PAYMENTS.—

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

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

(A) the payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a).

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

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

(B) the rate at which a loan may be repaid under subsection (d).

(4) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this subsection to the producers on a farm with respect to a quantity of peanuts using the payment rate in effect under paragraph (3) as of the date the producers request the payment.

(f) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(g) REIMBURSABLE AGREEMENTS AND PAYMENT OF ADMINISTRATIVE EXPENSES.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subtitle only in a manner that is consistent with such activities in regard to other commodities.

SEC. 1308. ADJUSTMENTS OF LOANS.

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

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

(c) ADJUSTMENT ON COUNTY BASIS.—

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

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

Subtitle D—Sugar

SEC. 1401. SUGAR PROGRAM.

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

"SEC. 156. SUGAR PROGRAM.

"(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to—

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

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

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

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

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

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

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

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

"(c) TERM OF LOANS.—

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

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

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

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

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

"(B) mature in 9 months less the quantity of time that the first loan was in effect.

"(d) LOAN TYPE; PROCESSOR ASSURANCES.—

"(1) NONRECOURSE LOANS.—The Secretary shall carry out this section through the use of nonrecourse loans.

"(2) PROCESSOR ASSURANCES.—

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

"(B) MINIMUM PAYMENTS.—

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

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

"(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on May 13, 2002, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

"(e) LOANS FOR IN-PROCESS SUGAR.—

"(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

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

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

"(4) FURTHER PROCESSING ON FORFEITURE.—

"(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity

Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

''(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

''(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

''(i) the difference between—

''(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

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

''(ii) the quantity of sugar transferred to the Secretary.

''(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

''(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (c).

''(f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

''(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

''(2) INVENTORY DISPOSITION.—

''(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

''(B) BIOENERGY FEEDSTOCK.—If a reduction in the quantity of production accepted under subparagraph (A) involves sugar beets or sugarcane that has already been planted, the sugar beets or sugarcane so planted may not be used for any commercial purpose other than as a bioenergy feedstock.

''(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

''(g) INFORMATION REPORTING.—

''(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

''(2) DUTY OF PRODUCERS TO REPORT.—

''(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

''(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

''(3) DUTY OF IMPORTERS TO REPORT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

''(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

''(4) COLLECTION OF INFORMATION ON MEXICO.—

''(A) COLLECTION.—The Secretary shall collect—

''(i) information on the production, consumption, stocks, and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

''(ii) publicly available information on Mexican production, consumption, and trade of high fructose corn syrups.

''(B) PUBLICATION.—The data collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

''(5) PENALTY.—Any person willfully failing or refusing to furnish the information required to be reported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

''(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

''(h) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

''(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane.''.

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

SEC. 1402. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.

The Secretary shall work with the Secretary of State to restore United States membership in the International Sugar Organization not later than 1 year after the date of enactment of this Act.

SEC. 1403. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITIONS.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (4), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products.''; and

(3) by inserting after paragraph (2) (as so redesignated) the following:

''(3) MARKET.—

''(A) IN GENERAL.—The term 'market' means to sell or otherwise dispose of in commerce in the United States.

''(B) INCLUSIONS.—The term 'market' includes—

''(i) the forfeiture of sugar under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272);

''(ii) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and

''(iii) the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

''(C) MARKETING YEAR.—Forfeited sugar described in subparagraph (B)(i) shall be considered to have been marketed during the crop year for which a loan is made under the loan program described in that subparagraph.''.

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

''SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

''(a) SUGAR ESTIMATES.—

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

''(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

''(B) the quantity of sugar that would provide for reasonable carryover stocks;

''(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

''(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

''(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether the articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

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

''(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but not later than the beginning of each of the second through fourth quarters of the crop year.

''(b) SUGAR ALLOTMENTS.—

''(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether

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

''(A) sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); but

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

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

''(c) COVERAGE OF ALLOTMENTS.—

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

''(2) EXCEPTIONS.—Consistent with the administration of marketing allotments for each of the 2002 through 2007 crop years, the marketing allotments shall not apply to sugar sold—

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

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

''(C) for uses other than domestic human consumption, except for the sale of sugar for the production of ethanol or other bioenergy if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

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

''(A) made prior to May 1; and

''(B) reported to the Secretary.

''(d) PROHIBITIONS.—

''(1) IN GENERAL.—During all or part of any crop year for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for the processor, except—

''(A) to enable another processor to fulfill an allocation established for that other processor; or

''(B) to facilitate the exportation of the sugar.

''(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.''.

(c) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

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

''(b) OVERALL ALLOTMENT QUANTITY.—

''(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (referred to in this part as the 'overall allotment quantity') at a level that is—

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

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

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

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

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

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

(3) in subsection (g)(1)—

(A) by striking ''(1) IN GENERAL.—The Secretary'' and inserting the following:

''(1) ADJUSTMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary''; and

(B) by adding at the end the following:

''(B) LIMITATION.—In carrying out subparagraph (A), the Secretary may not reduce the overall allotment quantity to a quantity of less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.''; and

(4) by striking subsection (h).

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

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

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

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

''(i) EFFECT OF SALE.—Subject to subparagraphs (E) and (F), if 1 or more factories of a processor of beet sugar (but not all of the assets of the processor) are sold to another processor of beet sugar during a crop year, the Secretary shall assign a pro rata portion of the allocation of the seller to the allocation of the buyer to reflect the historical contribution of the production of the sold 1 or more factories to the total allocation of the seller, unless the buyer and the seller have agreed upon the transfer of a different portion of the allocation of the seller, in which case, the Secretary shall transfer that portion agreed upon by the buyer and seller.

''(ii) APPLICATION OF ALLOCATION.—The assignment of the allocation under clause (i) shall apply—

''(I) during the remainder of the crop year for which the sale described in clause (i) occurs; and

''(II) during each subsequent crop year.

''(iii) USE OF OTHER FACTORIES TO FILL ALLOCATION.—If the assignment of the allocation under clause (i) to the buyer for the 1 or more purchased factories cannot be filled by the production of the 1 or more purchased factories, the remainder of the allocation may be filled by beet sugar produced by the buyer from other factories of the buyer.

''(H) NEW ENTRANTS STARTING PRODUCTION, REOPENING, OR ACQUIRING AN EXISTING FACTORY WITH PRODUCTION HISTORY.—

''(i) DEFINITION OF NEW ENTRANT.—

''(I) IN GENERAL.—In this subparagraph, the term 'new entrant' means an individual, corporation, or other entity that—

''(aa) does not have an allocation of the beet sugar allotment under this part;

''(bb) is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (referred to in this clause as a 'third party'); and

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

''(II) AFFILIATION.—For purposes of subclause (I)(bb), a new entrant and a third party shall be considered to be affiliated if—

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

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

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

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

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

''(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATED SINCE BEFORE 1998.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

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

''(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the new entrant.

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

''(I) IN GENERAL.—If a new entrant acquires an existing factory that has processed sugar beets from the 1998 or subsequent crop year and has a production history, on the mutual agreement of the new entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the 1 or more sold factories to the total allocation of the current allocation holder, unless the new entrant and current allocation holder have agreed upon the transfer of a different portion of the allocation of the current allocation holder, in which case, the Secretary shall transfer that portion agreed upon by the new entrant and the current allocation holder.

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

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

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in paragraphs (1)(D) and (2)(C), by inserting ''of raw cane sugar'' after ''imports'' each place it appears.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following:

''(1) DEFINITION OF SEED.—

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

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

(4) in paragraph (3) (as so redesignated)—

(A) in the first sentence—

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

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

(B) in the second sentence, by striking ''paragraph (7)'' and inserting ''paragraph (8)'';

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

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

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

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

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

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

''(2) CONVERTED ACREAGE BASE.—

''(A) IN GENERAL.—Sugarcane acreage base established under section 359f(c) that has been or is converted to nonagricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

''(B) NOTIFICATION.—Not later than 90 days after the Secretary becomes aware of a conversion of any sugarcane acreage base to a nonagricultural use, the Secretary shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane acreage base.

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

''(D) GROWER OF RECORD.—If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the acreage base on the date on which the acreage was converted to nonagricultural use shall—

''(i) be notified; and

''(ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

''(E) POOL DISTRIBUTION.—

''(i) IN GENERAL.—If transfers under subparagraphs (B) and (C) cannot be accomplished during the periods specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

''(ii) ACCEPTANCE OF REQUESTS.—After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

''(iii) ASSIGNMENT.—The county committee shall assign the acreage base to other farms in the county that are eligible and capable of accepting the acreage base, based on a random drawing from among the requests received under clause (ii).

''(F) STATEWIDE REALLOCATION.—

''(i) IN GENERAL.—Any acreage base remaining unassigned after the transfers and processes described in subparagraphs (A) through (E) shall be made available to the State committee of the Farm Service Agency for allocation among the remaining county committees in the State representing counties with farms eligible for assignment of the base, based on a random drawing.

''(ii) ALLOCATION.—Any county committee receiving acreage base under this subparagraph shall allocate the acreage base to eligible farms using the process described in subparagraph (E).

''(G) STATUS OF REASSIGNED BASE.—After acreage base has been reassigned in accordance with this subparagraph, the acreage base shall—

''(i) remain on the farm; and

''(ii) be subject to the transfer provisions of paragraph (1).''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''affected'' before ''crop-share owners'' each place it appears; and

(ii) by striking '', and from the processing company holding the applicable allocation for such shares,''; and

(B) in paragraph (2), by striking ''based on'' and all that follows through the end of subparagraph (B) and inserting ''based on—

''(A) the number of acres of sugarcane base being transferred; and

''(B) the pro rata amount of allocation at the processing company holding the applicable allocation that equals the contribution of the grower to allocation of the processing company for the sugarcane acreage base being transferred.''.

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting ''or 359g(d)'' after ''359f''; and

(2) by striking subsection (c).

(i) REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is repealed.

(j) ADMINISTRATION OF TARIFF RATE QUOTAS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (i)) is amended by adding at the end the following:

''SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

''(2) EXCEPTION.—Paragraph (1) shall not apply to specialty sugar.

''(b) ADJUSTMENT.—

''(1) BEFORE APRIL 1.—Before April 1 of each fiscal year, if there is an emergency shortage of sugar in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary—

''(A) the Secretary shall take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

''(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, and domestic raw cane sugar refining capacity has been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(2) ON OR AFTER APRIL 1.—On or after April 1 of each fiscal year—

''(A) the Secretary may take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

''(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).''.

(k) PERIOD OF EFFECTIVENESS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (j)) is amended by adding at the end the following:

''SEC. 359l. PERIOD OF EFFECTIVENESS.

''(a) IN GENERAL.—This part shall be effective only for the 2008 through 2012 crop years for sugar.

''(b) TRANSITION.—The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in this part as in effect on the day before the date of enactment of this section.''.

SEC. 1404. STORAGE FACILITY LOANS.

Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

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

(3) by inserting after paragraph (1) the following:

''(2) not include any penalty for prepayment; and''; and

(4) in paragraph (3) (as redesignated by paragraph (2)), by inserting ''other'' after ''on such''.

SEC. 1405. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

''SEC. 167. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

''(a) INITIAL CROP YEARS.—Notwithstanding any other provision of law, for each of the 2008 through 2011 crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in an amount that is not less than—

''(1) in the case of refined sugar, 15 cents per hundredweight of refined sugar per month; and

''(2) in the case of raw cane sugar, 10 cents per hundredweight of raw cane sugar per month.

''(b) SUBSEQUENT CROP YEARS.—For each of the 2012 and subsequent crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in the same manner as was used on the day before the date of enactment of this section.''.

Subtitle E—Dairy

SEC. 1501. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) DEFINITION OF NET REMOVALS.—In this section, the term ''net removals'' means—

(1) the sum of—

(A) the quantity of a product described in subsection (b) purchased by the Commodity Credit Corporation under this section; and

(B) the quantity of the product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

(2) the quantity of the product sold for unrestricted use by the Commodity Credit Corporation.

(b) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, and ending December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(c) PURCHASE PRICE.—To carry out subsection (b) during the period specified in that subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.13 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(d) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (c) only as permitted under this subsection.

(2) CHEESE INVENTORIES IN EXCESS OF 200,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 200,000,000 pounds of cheese, but do not exceed 400,000,000 pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 10 cents per pound.

(3) CHEESE INVENTORIES IN EXCESS OF 400,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 400,000,000 pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

(4) BUTTER INVENTORIES IN EXCESS OF 450,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 450,000,000 pounds of butter, but do not exceed 650,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 10 cents per pound.

(5) BUTTER INVENTORIES IN EXCESS OF 650,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 650,000,000 pounds of butter, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 20 cents per pound.

(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 600,000,000 pounds of nonfat dry milk, but do not exceed 800,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 5 cents per pound.

(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 800,000,000 pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 10 cents per pound.

(e) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (b) shall be uniform for all regions of the United States.

(f) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (c) that is available for unrestricted use in the inventory of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (c) for that commodity.

SEC. 1502. DAIRY FORWARD PRICING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be treated as satisfying—

(1) all uniform and minimum milk price requirements of subparagraphs (B) and (F) of paragraph (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of subparagraph (C) of that paragraph.

(c) MILK COVERED BY PROGRAM.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the obligations of the handler with regard to Class I milk usage.

(d) VOLUNTARY PROGRAM.—

(1) IN GENERAL.—A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

(2) PRICING.—A producer or cooperative association described in paragraph (1) may continue to have their milk priced in accordance with the minimum payment provisions of the Federal milk marketing order.

(3) COMPLAINTS.—

(A) IN GENERAL.—The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts.

(B) ACTION.—If the Secretary finds evidence of coercion, the Secretary shall take appropriate action.

(e) DURATION.—

(1) NEW CONTRACTS.—No forward price contract may be entered into under the program established under this section after September 30, 2012.

(2) APPLICATION.—No forward contract entered into under the program may extend beyond September 30, 2015.

SEC. 1503. DAIRY EXPORT INCENTIVE PROGRAM.

(a) EXTENSION.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking ''2007'' and inserting ''2012''.

(b) COMPLIANCE WITH TRADE AGREEMENTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value permitted under subsection (f); and''; and.

(2) in subsection (f), by striking paragraph (1) and inserting the following:

''(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act during that year.''.

SEC. 1504. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking subsection (17) and inserting the following:

''(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

''(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d applicable to orders shall be applicable to amendments to orders.

''(B) SUPPLEMENTAL RULES OF PRACTICE.—

''(i) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall issue, using informal rulemaking, supplemental rules of practice to define guidelines and timeframes for the rulemaking process relating to amendments to orders.

''(ii) ISSUES.—At a minimum, the supplemental rules of practice shall establish—

''(I) proposal submission requirements;

''(II) pre-hearing information session specifications;

''(III) written testimony and data request requirements;

''(IV) public participation timeframes; and

''(V) electronic document submission standards.

''(iii) EFFECTIVE DATE.—The supplemental rules of practice shall take effect not later than 120 days after the date of enactment of this subparagraph, as determined by the Secretary.

''(C) HEARING TIMEFRAMES.—

''(i) IN GENERAL.—Not more than 30 days after the receipt of a proposal for an amendment hearing regarding a milk marketing order, the Secretary shall—

''(I) issue a notice providing an action plan and expected timeframes for completion of the hearing not more than 120 days after the date of the issuance of the notice;

''(II)(aa) issue a request for additional information to be used by the Secretary in

making a determination regarding the proposal; and

''(bb) if the additional information is not provided to the Secretary within the timeframe requested by the Secretary, issue a denial of the request; or

''(III) issue a denial of the request.

''(ii) REQUIREMENT.—A post-hearing brief may be filed under this paragraph not later than 60 days after the date of an amendment hearing regarding a milk marketing order.

''(iii) RECOMMENDED DECISIONS.—A recommended decision on a proposed amendment to an order shall be issued not later than 90 days after the deadline for the submission of post-hearing briefs.

''(iv) FINAL DECISIONS.—A final decision on a proposed amendment to an order shall be issued not later than 60 days after the deadline for submission of comments and exceptions to the recommended decision issued under clause (iii).

''(D) INDUSTRY ASSESSMENTS.—If the Secretary determines it is necessary to improve or expedite rulemaking under this subsection, the Secretary may impose an assessment on the affected industry to supplement appropriated funds for the procurement of service providers, such as court reporters.

''(E) USE OF INFORMAL RULEMAKING.—The Secretary may use rulemaking under section 553 of title 5, United States Code, to amend orders, other than provisions of orders that directly affect milk prices.

''(F) AVOIDING DUPLICATION.—The Secretary shall not be required to hold a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on the proposed amendment if—

''(i) the application requesting the hearing is received by the Secretary not later than 90 days after the date on which the Secretary has announced the decision on a previously proposed amendment to that order; and

''(ii) the 2 proposed amendments are essentially the same, as determined by the Secretary.

''(G) MONTHLY FEED AND FUEL COSTS FOR MAKE ALLOWANCES.—As part of any hearing to adjust make allowances under marketing orders commencing prior to September 30, 2012, the Secretary shall—

''(i) determine the average monthly prices of feed and fuel incurred by dairy producers in the relevant marketing area;

''(ii) consider the most recent monthly feed and fuel price data available; and

''(iii) consider those prices in determining whether or not to adjust make allowances.''.

SEC. 1505. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 4501) is amended by striking ''2007'' and inserting ''2012''.

SEC. 1506. MILK INCOME LOSS CONTRACT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLASS I MILK.—The term ''Class I milk'' means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

(2) ELIGIBLE PRODUCTION.—The term ''eligible production'' means milk produced by a producer in a participating State.

(3) FEDERAL MILK MARKETING ORDER.—The term ''Federal milk marketing order'' means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(4) PARTICIPATING STATE.—The term ''participating State'' means each State.

(5) PRODUCER.—The term ''producer'' means an individual or entity that directly or indirectly (as determined by the Secretary)—

(A) shares in the risk of producing milk; and

(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

(b) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

(c) AMOUNT.—Payments to a producer under this section shall be calculated by multiplying (as determined by the Secretary)—

(1) the payment quantity for the producer during the applicable month established under subsection (e);

(2) the amount equal to—

(A) $16.94 per hundredweight, as adjusted under subsection (d); less

(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

(3)(A) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

(B) for the period beginning October 1, 2008, and ending August 31, 2012, 45 percent; and

(C) for the period beginning September 1, 2012, and thereafter, 34 percent.

(d) PAYMENT RATE ADJUSTMENT FOR FEED PRICES.—

(1) INITIAL ADJUSTMENT AUTHORITY.—During the period beginning on January 1, 2008, and ending on August 31, 2012, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $7.35 per hundredweight.

(2) SUBSEQUENT ADJUSTMENT AUTHORITY.—For any month beginning on or after September 1, 2012, if the National Average Dairy Feed Ration Cost for the month is greater than $9.50 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $9.50 per hundredweight.

(3) NATIONAL AVERAGE DAIRY FEED RATION COST.—For each month, the Secretary shall calculate a National Average Dairy Feed Ration Cost per hundredweight using the same procedures (adjusted to a hundredweight basis) used to calculate the feed components of the estimated price of 16% Mixed Dairy Feed per pound noted on page 33 of the USDA March 2008 Agricultural Prices publication (including the data and factors noted in footnote 4).

(e) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity for a producer during the applicable month under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

(2) LIMITATION.—

(A) IN GENERAL.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed—

(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

(ii) for the period beginning October 1, 2008, and ending August 31, 2012, 2,985,000 pounds for each fiscal year; and

(iii) effective beginning September 1, 2012, 2,400,000 pounds per fiscal year.

(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–50).

(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

(f) PAYMENTS.—A payment under a contract under this section shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

(g) SIGNUP.—The Secretary shall offer to enter into contracts under this section during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2012.

(h) DURATION OF CONTRACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), any contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2012.

(2) VIOLATIONS.—If a producer violates the contract, the Secretary may—

(A) terminate the contract and allow the producer to retain any payments received under the contract; or

(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

SEC. 1507. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) EXTENSION OF DAIRY PROMOTION AND RESEARCH AUTHORITY.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) DEFINITION OF UNITED STATES FOR PROMOTION PROGRAM.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

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

''(l) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;''; and

(2) in subsection (m), by striking ''(as defined in subsection (l))''.

(c) DEFINITION OF UNITED STATES FOR RESEARCH PROGRAM.—Section 130 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4531)) is amended by striking paragraph (12) and inserting the following:

''(12) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(d) ASSESSMENT RATE FOR IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by striking paragraph (3) and inserting the following:

''(3) RATE.—

''(A) IN GENERAL.—The rate of assessment for milk produced in the United States prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.

''(B) IMPORTED DAIRY PRODUCTS.—The rate of assessment for imported dairy products prescribed by the order shall be 7.5 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.''.

(e) TIME AND METHOD OF IMPORTER PAYMENTS.—Section 113(g)(6) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)(6)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(f) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by adding at the end the following:

''(7) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED PRODUCTS.—

''(A) IN GENERAL.—An importer shall be entitled to a refund of any assessment paid under this subsection on imported dairy products imported under a contract entered into prior to the date of enactment of the Food, Conservation, and Energy Act of 2008.

''(B) EXPIRATION.—Refunds under subparagraph (A) shall expire 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008.''.

SEC. 1508. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of the procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of enactment of this Act.

SEC. 1509. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a commission to be known as the ''Federal Milk Marketing Order Review Commission'' (referred to in this section as the ''commission''), which shall conduct a comprehensive review and evaluation of—

(1) the Federal milk marketing order system in effect on the date of establishment of the commission; and

(2) non-Federal milk marketing order systems.

(b) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of American dairy producers in world markets;

(3) ensuring the competitiveness and transparency in dairy pricing;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system serves the interests of dairy producers, consumers, and dairy processors; and

(7) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall consist of 14 members.

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section, the Secretary shall appoint members to the commission according to the following requirements:

(A) At least 1 member shall represent a national consumer organization.

(B) At least 4 members shall represent land-grant universities or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) with accredited dairy economic programs, with at least 2 of those members being experts in the field of economics.

(C) At least 1 member shall represent the food and beverage retail sector.

(D) 4 dairy producers and 4 dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(3) CHAIR.—The commission shall elect 1 of the appointed members of the commission to serve as chairperson for the duration of the proceedings of the commission.

(4) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(5) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the first meeting of the commission, the commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate.

(2) OPINIONS.—The report findings shall reflect, to the maximum extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(e) ADVISORY NATURE.—The commission is wholly advisory in nature, and the recommendations of the commission are nonbinding.

(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decisionmaking process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend to carry out this section such funds as necessary from budget authority available to the Secretary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) TERMINATION.—The commission shall terminate effective on the date of the submission of the report under subsection (d).

SEC. 1510. MANDATORY REPORTING OF DAIRY COMMODITIES.

(a) ELECTRONIC REPORTING.—Section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) ELECTRONIC REPORTING.—

''(1) IN GENERAL.—Subject to the availability of funds under paragraph (3), the Secretary shall establish an electronic reporting system to carry out this section.

''(2) FREQUENCY OF REPORTS.—After the establishment of the electronic reporting system in accordance with paragraph (1), the Secretary shall increase the frequency of the reports required under this section.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

(b) QUARTERLY AUDITS.—Section 273(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(c)) is amended by striking paragraph (3) and inserting the following:

''(3) VERIFICATION.—

''(A) IN GENERAL.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

''(B) QUARTERLY AUDITS.—The Secretary shall quarterly conduct an audit of information submitted or reported under this subtitle and compare such information with other related dairy market statistics.''.

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—Except as otherwise provided in this title, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'');

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments made by sections 1603 and 1604 for the 2009 crop, fiscal, or program year, as appropriate, through the promulgation of an interim rule.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee

on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(e) TREATMENT OF ADVANCE PAYMENT OPTION.—Section 1601(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the advance payment of direct payments and counter-cyclical payments under title I of the Food, Conservation, and Energy Act of 2008.''.

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled ''A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended'', approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1603. PAYMENT LIMITATIONS.

(a) EXTENSION OF LIMITATIONS.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–3(a)) are amended by striking ''Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''Food, Conservation, and Energy Act of 2008''.

(b) REVISION OF LIMITATIONS.—

(1) DEFINITIONS.—Section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''through section 1001F''after ''section'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

''(2) FAMILY MEMBER.—The term 'family member' means a person to whom a member in the farming operation is related as lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.

''(3) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

''(A) owns land or an agricultural commodity; or

''(B) produces an agricultural commodity.

''(4) PERSON.—The term 'person' means a natural person, and does not include a legal entity.''.

(2) LIMITATION ON DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Food, Conservation, and Energy Act of 2008 for 1 or more covered commodities (except for peanuts) may not exceed—

''(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

''(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

''(i) the payment limit specified in subparagraph (A); less

''(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

''(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle A of title I of that Act for 1 or more covered commodities (except for peanuts) may not exceed $65,000.

''(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments and counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) may not exceed the sum of—

''(A) $65,000; and

''(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

''(c) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR PEANUTS.—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Food, Conservation, and Energy Act of 2008 for peanuts may not exceed—

''(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

''(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

''(i) the payment limit specified in subparagraph (A); less

''(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

''(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle C of title I of that Act for peanuts may not exceed $65,000.

''(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments received, directly or indirectly, by the person or legal entity for any crop year for peanuts may not exceed the sum of—

''(A) $65,000; and

''(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

''(d) LIMITATION ON APPLICABILITY.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008.''.

(3) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (d) the following:

''(e) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—In implementing subsections (b) and (c) and a program described in paragraphs (1)(C) and (2)(B) of section 1001D(b), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive the payments.

''(2) PAYMENTS TO A PERSON.—Each payment made directly to a person shall be combined with the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

''(3) PAYMENTS TO A LEGAL ENTITY.—

''(A) IN GENERAL.—Each payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity unless the payment to the legal entity has been reduced by the pro rata share of the person.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

''(ii) EXCEPTION FOR JOINT VENTURES AND GENERAL PARTNERSHIPS.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general

partnerships) that comprise the ownership of the joint venture or general partnership.

''(iii) REDUCTION.—Payments made to a legal entity shall be reduced proportionately by an amount that represents the direct or indirect ownership in the legal entity by any person or legal entity that has otherwise exceeded the applicable maximum payment limitation.

''(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED LEGAL ENTITIES.—

''(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through 4 levels of ownership in legal entities.

''(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier legal entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier legal entity by the person.

''(C) SECOND LEVEL.—

''(i) IN GENERAL.—Any payments made to a first-tier legal entity that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the second-tier legal entity in proportion to the ownership of the second-tier legal entity in the first-tier legal entity.

''(ii) OWNERSHIP BY A PERSON.—If the second-tier legal entity is owned (in whole or in part) by a person, the amount of the payment made to the first-tier legal entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier legal entity by the person.

''(D) THIRD AND FOURTH LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

''(ii) FOURTH-TIER OWNERSHIP.—If the fourth-tier of ownership is that of a fourth-tier legal entity and not that of a person, the Secretary shall reduce the amount of the payment to be made to the first-tier legal entity in the amount that represents the indirect ownership in the first-tier legal entity by the fourth-tier legal entity.

''(f) SPECIAL RULES.—

''(1) MINOR CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payments received by a child under the age of 18 shall be attributed to the parents of the child.

''(B) REGULATIONS.—The Secretary shall issue regulations specifying the conditions under which payments received by a child under the age of 18 will not be attributed to the parents of the child.

''(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by the members of the association that are marketed by the association on behalf of the members of the association but shall apply to the producers as persons.

''(3) TRUSTS AND ESTATES.—

''(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer this section through section 1001F in such manner as the Secretary determines will ensure the fair and equitable treatment of the beneficiaries of the trusts and estates.

''(B) IRREVOCABLE TRUST.—

''(i) IN GENERAL.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement shall not—

''(I) allow for modification or termination of the trust by the grantor;

''(II) allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust; or

''(III) except as provided in clause (ii), provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years beginning on the date the trust is established.

''(ii) EXCEPTION.—Clause (i)(III) shall not apply in a case in which the transfer is—

''(I) contingent on the remainder beneficiary achieving at least the age of majority; or

''(II) contingent on the death of the grantor or income beneficiary.

''(C) REVOCABLE TRUST.—For the purposes of this section through section 1001F, a revocable trust shall be considered to be the same person as the grantor of the trust.

''(4) CASH RENT TENANTS.—

''(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

''(i) for cash; or

''(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

''(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation shall be eligible to receive a payment described in subsection (b) or (c) only if the tenant makes a significant contribution of equipment to the farming operation.

''(5) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Notwithstanding subsection (d), a Federal agency shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

''(B) LAND RENTAL.—A lessee of land owned by a Federal agency may receive a payment described in subsection (b), (c), or (d) if the lessee otherwise meets all applicable criteria.

''(6) STATE AND LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

''(B) TENANTS.—A lessee of land owned by a State or local government, or political subdivision or agency of the government, may receive payments described in subsections (b), (c), and (d) if the lessee otherwise meets all applicable criteria.

''(7) CHANGES IN FARMING OPERATIONS.—

''(A) IN GENERAL.—In the administration of this section through section 1001F, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

''(B) FAMILY MEMBERS.—The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

''(8) DEATH OF OWNER.—

''(A) IN GENERAL.—If any ownership interest in land or a commodity is transferred as the result of the death of a program participant, the new owner of the land or commodity may, if the person is otherwise eligible to participate in the applicable program, succeed to the contract of the prior owner and receive payments subject to this section without regard to the amount of payments received by the new owner.

''(B) LIMITATIONS ON PRIOR OWNER.—Payments made under this paragraph shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.

''(g) PUBLIC SCHOOLS.—

''(1) IN GENERAL.—Notwithstanding subsection (f)(6)(A), a State or local government, or political subdivision or agency of the government, shall be eligible, subject to the limitation in paragraph (2), to receive a payment described in subsection (b) or (c) for land owned by the State or local government, or political subdivision or agency of the government, that is used to maintain a public school.

''(2) LIMITATION.—

''(A) IN GENERAL.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and local government and all political subdivisions or agencies of those governments shall not exceed $500,000.

''(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply to States with a population of less than 1,500,000.''.

(c) REPEAL OF 3-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) in the section heading, by striking ''**PREVENTION OF CREATION OF ENTITIES TO QUALIFY AS SEPARATE PERSONS**'' and inserting ''**NOTIFICATION OF INTERESTS**''; and

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

''(a) NOTIFICATION OF INTERESTS.—To facilitate administration of section 1001 and this section, each person or legal entity receiving payments described in subsections (b) and (c) of section 1001 as a separate person or legal entity shall separately provide to the Secretary, at such times and in such manner as prescribed by the Secretary—

''(1) the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires an ownership interest in the separate person or legal entity; and

''(2) the name and taxpayer identification number of each legal entity in which the person or legal entity holds an ownership interest.''.

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended by striking subsection (b) and inserting the following:

''(b) ACTIVELY ENGAGED.—

''(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) or (c) of section 1001, a person or legal entity shall be actively engaged in farming with respect to a farming operation as provided in this subsection or subsection (c).

''(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

''(A) a person (including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity, as determined by the Secretary) shall be considered to be actively engaged in farming with respect to a farming operation if—

''(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

''(I) capital, equipment, or land; and

''(II) personal labor or active personal management;

''(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

''(iii) the contributions of the person are at risk;

''(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary (including any such legal entity participating in the farming operation as a partner in a general partnership, a participant in

a joint venture, a grantor of a revocable trust, or as a participant in a similar legal entity as determined by the Secretary) shall be considered as actively engaged in farming with respect to a farming operation if—

''(i) the legal entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

''(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

''(iii) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity;

''(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

''(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

''(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if—

''(A) the landowner receives rent or income for the use of the land based on the production on the land or the operating results of the operation; and

''(B) the person or legal entity meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(2) ADULT FAMILY MEMBER.—If a majority of the participants in a farming operation are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

''(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

''(B) with respect to such contribution, meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(5) CUSTOM FARMING SERVICES.—

''(A) IN GENERAL.—A person or legal entity receiving custom farming services shall be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (4) of this subsection.

''(B) PROHIBITION.—No other rules with respect to custom farming shall apply.

''(6) SPOUSE.—If 1 spouse (or estate of a deceased spouse) is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subsection (b)(2)(A)(i)(II).

''(d) CLASSES NOT ACTIVELY ENGAGED.—

''(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for the use of the land.

''(2) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity that the Secretary determines does not meet the standards described in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.''.

(e) DENIAL OF PROGRAM BENEFITS.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended to read as follows:

''SEC. 1001B. DENIAL OF PROGRAM BENEFITS.

''(a) 2-YEAR DENIAL OF PROGRAM BENEFITS.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) of section 1001 for the crop year, and the succeeding crop year, in which the Secretary determines that the person or legal entity—

''(1) failed to comply with section 1001A(b) and adopted or participated in adopting a scheme or device to evade the application of section 1001, 1001A, or 1001C; or

''(2) intentionally concealed the interest of the person or legal entity in any farm or legal entity engaged in farming.

''(b) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for the benefit of the person or legal entity or the benefit of any other person or legal entity, has knowingly engaged in, or aided in the creation of a fraudulent document, failed to disclose material information relevant to the administration of sections 1001 through 1001F, or committed other equally serious actions (as identified in regulations issued by the Secretary), the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the person or legal entity.

''(c) PRO RATA DENIAL.—

''(1) IN GENERAL.—Payments otherwise owed to a person or legal entity described in subsections (a) or (b) shall be denied in a pro rata manner based on the ownership interest of the person or legal entity in a farm.

''(2) CASH RENT TENANT.—Payments otherwise payable to a person or legal entity shall be denied in a pro rata manner if the person or legal entity is a cash rent tenant on a farm owned or under the control of a person or legal entity with respect to which a determination has been made under subsection (a) or (b).

''(d) JOINT AND SEVERAL LIABILITY.—Any legal entity (including partnerships and joint ventures) and any member of any legal entity determined to have knowingly participated in a scheme or device to evade, or that has the purpose of evading, sections 1001, 1001A, or 1001C shall be jointly and severally liable for any amounts that are payable to the Secretary as the result of the scheme or device (including amounts necessary to recover those amounts).

''(e) RELEASE.—The Secretary may partially or fully release from liability any person or legal entity who cooperates with the Secretary in enforcing sections 1001, 1001A, and 1001C, and this section.''.

(f) CONFORMING AMENDMENT TO APPLY DIRECT ATTRIBUTION TO NAP.—

(1) IN GENERAL.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) DEFINITIONS.—In this subsection, the terms 'legal entity' and 'person' have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

''(2) PAYMENT LIMITATION.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) for any crop year may not exceed $100,000.'';

(B) by striking paragraph (4) and inserting the following:

''(4) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity that has an average adjusted gross income in excess of the average adjusted gross income limitation applicable under section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)), or a successor provision, shall not be eligible to receive noninsured crop disaster assistance under this section.''; and

(C) in paragraph (5)—

(i) by striking ''necessary to ensure'' and inserting ''necessary—

''(A) to ensure''; and

(ii) by striking ''this subsection.'' and inserting the following: ''this subsection; and

''(B) to ensure that payments under this section are attributed to a person or legal entity (excluding a joint venture or general partnership) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.), as determined by the Secretary.''.

(2) TRANSITION.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crops of any eligible crop.

(g) CONFORMING AMENDMENTS.—

(1) Section 1009(e) of the Food Security Act of 1985 (7 U.S.C. 1308a(e)) is amended in the second sentence by striking ''of $50,000''.

(2) Section 609(b)(1) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471g(b)(1)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1985''.

(3) Section 524(b)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(3)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1308(5)))''.

(4) Section 10204(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(c)(1)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1308)''.

(5) Section 1271(c)(3)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(A)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1308)''.

(6) Section 291(2) of the Trade Act of 1974 (19 U.S.C. 2401(2)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' before the period at the end.

(h) TRANSITION.—Section 1001, 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–1, 1308–2), as in effect on September 30, 2007, shall continue to apply with respect to the 2007 and 2008 crops of any covered commodity or peanuts.

SEC. 1604. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended to read as follows:

"SEC. 1001D. ADJUSTED GROSS INCOME LIMITATION.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—In this section:

''(A) AVERAGE ADJUSTED GROSS INCOME.—The term 'average adjusted gross income', with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

''(B) AVERAGE ADJUSTED GROSS FARM INCOME.—The term 'average adjusted gross farm income', with respect to a person or legal entity, means the average of the portion of adjusted gross income of the person or legal entity that is attributable to activities related to farming, ranching, or forestry for the 3 taxable years described in subparagraph (A), as determined by the Secretary in accordance with subsection (c).

''(C) AVERAGE ADJUSTED GROSS NONFARM INCOME.—The term 'average adjusted gross nonfarm income', with respect to a person or legal entity, means the difference between—

''(i) the average adjusted gross income of the person or legal entity; and

''(ii) the average adjusted gross farm income of the person or legal entity.

''(2) SPECIAL RULES FOR CERTAIN PERSONS AND LEGAL ENTITIES.—In the case of a legal entity that is not required to file a Federal income tax return or a person or legal entity that did not have taxable income in 1 or more of the taxable years used to determine the average under subparagraph (A) or (B) of paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross income, the average adjusted gross farm income, and the average adjusted gross nonfarm income of the person or legal entity for purposes of this section.

''(3) ALLOCATION OF INCOME.—On the request of any person filing a joint tax return, the Secretary shall provide for the allocation of average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income among the persons filing the return if—

''(A) the person provides a certified statement by a certified public accountant or attorney that specifies the method by which the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income would have been declared and reported had the persons filed 2 separate returns; and

''(B) the Secretary determines that the method described in the statement is consistent with the information supporting the filed joint tax return.

''(b) LIMITATIONS.—

''(1) COMMODITY PROGRAMS.—

''(A) NONFARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (C) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $500,000.

''(B) FARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a direct payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 during a crop year, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

''(C) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 or an average crop revenue election payment under subtitle A of title I of that Act.

''(ii) A marketing loan gain or loan deficiency payment under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008.

''(iii) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(iv) A payment or benefit under section 1506 of the Food, Conservation, and Energy Act of 2008.

''(v) A payment or benefit under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act.

''(2) CONSERVATION PROGRAMS.—

''(A) LIMITS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income.

''(ii) EXCEPTION.—The Secretary may waive the limitation established under clause (i) on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected.

''(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

''(i) A payment or benefit under title XII of this Act.

''(ii) A payment or benefit under title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223) or title II of the Food, Conservation, and Energy Act of 2008.

''(iii) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

''(c) INCOME DETERMINATION.—

''(1) IN GENERAL.—In determining the average adjusted gross farm income of a person or legal entity, the Secretary shall include income or benefits derived from or related to—

''(A) the production of crops, including specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)) and unfinished raw forestry products;

''(B) the production of livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, fish, and other aquacultural products used for food, honeybees, and other animals designated by the Secretary) and products produced by, or derived from, livestock;

''(C) the production of farm-based renewable energy (as defined in section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101));

''(D) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land, water or hunting rights, or environmental benefits;

''(E) the rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities, including renewable energy;

''(G) the feeding, rearing, or finishing of livestock;

''(H) the sale of land that has been used for agriculture;

''(I) payments or other benefits received under any program authorized under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) or title I of the Food, Conservation, and Energy Act of 2008;

''(J) payments or other benefits received under any program authorized under title XII of this Act, title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223), or title II of the Food, Conservation, and Energy Act of 2008;

''(K) payments or other benefits received under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

''(L) payments or other benefits received under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act;

''(M) risk management practices, including benefits received under a program authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (including a catastrophic risk protection plan offered under section 508(b) of that Act (7 U.S.C. 1508(b))); and

''(N) any other activity related to farming, ranching, or forestry, as determined by the Secretary.

''(2) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY.—In determining the average adjusted gross farm income of a person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income reported on the Schedule F or other schedule used by the person or legal entity to report income from farming, ranching, or forestry operations to the Internal Revenue Service, to the extent such income is not already included under paragraph (1).

''(3) SPECIAL RULE.—If not less than 66.66 percent of the average adjusted gross income of a person or legal entity is derived from farming, ranching, or forestry operations described in paragraphs (1) and (2), in determining the average adjusted gross farm income of the person or legal entity, the Secretary shall also include—

''(A) the sale of equipment to conduct farm, ranch, or forestry operations; and

''(B) the provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—To comply with subsection (b), at least once every 3 years a person or legal entity shall provide to the Secretary—

''(A) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity does not exceed the applicable limitation specified in that subsection; or

''(B) information and documentation regarding the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity through other procedures established by the Secretary.

''(2) DENIAL OF PROGRAM BENEFITS.—If the Secretary determines that a person or legal entity has failed to comply with this section, the Secretary shall deny the issuance of applicable payments and benefits specified in paragraphs (1)(C) and (2)(B) of subsection (b) to the person or legal entity, under similar terms and conditions as described in section 1001B.

''(3) AUDIT.—The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under subsection (b).

''(e) COMMENSURATE REDUCTION.—In the case of a payment or benefit described in paragraphs (1)(C) and (2)(B) of subsection (b) made in a crop, program, or fiscal year, as appropriate, to an entity, general partnership, or joint venture, the amount of the payment or benefit shall be reduced by an

amount that is commensurate with the direct and indirect ownership interest in the entity, general partnership, or joint venture of each person who has an average adjusted gross income, average adjusted gross farm income, or average adjusted gross nonfarm income in excess of the applicable limitation specified in subsection (b).

''(f) EFFECTIVE PERIOD.—This section shall apply only during the 2009 through 2012 crop, program, or fiscal years, as appropriate.''.

(b) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as amended by subsection (a)).

SEC. 1605. AVAILABILITY OF QUALITY INCENTIVE PAYMENTS FOR COVERED OILSEED PRODUCERS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to subsection (b) and the availability of appropriations under subsection (h), the Secretary shall use funds made available under subsection (h) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—A proponent may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) how use of the oilseed enhances human health;

(B) the impediments to commercial use of the oilseed;

(C) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(D) a range for the base price and premiums per bushel or hundredweight to be paid to producers;

(E) a per bushel or hundredweight amount of incentive payments requested for each year under this section that does not exceed ⅓ of the total premium offered for any year;

(F) the period of time, not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis.

(2) TIMING OF PAYMENTS.—The Secretary shall make payments to producers under this section after the Secretary receives documentation that the premium required under a contract has been paid to covered producers.

(e) ADMINISTRATION.—

(1) IN GENERAL.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(2) PRORATED PAYMENTS.—If funding provided for a crop year is less than the amount otherwise approved by the Secretary or for which approval is sought, the Secretary shall prorate the payments or approvals in a manner determined by the Secretary so that the total payments do not exceed the funding level.

(f) PROPRIETARY INFORMATION.—The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(g) PROGRAM COMPLIANCE AND PENALTIES.—

(1) GUARANTEE.—The proponent, if approved, shall be required to guarantee that the oilseed on which a payment is made by the Secretary under this section is used for human consumption as described in the proposal, as approved by the Secretary.

(2) NONCOMPLIANCE.—If oilseeds on which a payment is made by the Secretary under this section are not actually used for the purpose the payment is made, the proponent shall be required to pay to the Secretary an amount equal to, as determined by the Secretary—

(A) in the case of an inadvertent failure, twice the amount of the payment made by the Secretary under this section to the producer of the oilseeds; and

(B) in any other case, up to twice the full value of the oilseeds involved.

(3) DOCUMENTATION.—The Secretary may require such assurances and documentation as may be needed to enforce the guarantee.

(4) ADDITIONAL PENALTIES.—

(A) IN GENERAL.—In addition to payments required under paragraph (2), the Secretary may impose penalties on additional persons that use oilseeds the use of which is restricted under this section for a purpose other than the intended use.

(B) AMOUNT.—The amount of a penalty under this paragraph shall—

(i) be in an amount determined appropriated by the Secretary; but

(ii) not to exceed twice the full value of the oilseeds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1606. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking ''and title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008''.

SEC. 1607. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) by striking ''and subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting '', title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008''; and

(2) in subsection (c), by adding at the end the following:

''(3) TERMINATION OF AUTHORITY.—The authority to carry out paragraph (1) terminates effective ending with the 2009 crop year.''.

SEC. 1608. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1609. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1610. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

SEC. 1611. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

(1) describe the circumstances under which, in order to allow for the settlement of estates and for related purposes, payments may be issued in the name of a deceased individual; and

(2) preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for the payments.

(b) COORDINATION.—At least twice each year, the Secretary shall reconcile the social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Social Security Administration to determine if the individuals are alive.

SEC. 1612. HARD WHITE WHEAT DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE HARD WHITE WHEAT SEED.—The term ''eligible hard white wheat seed'' means hard white wheat seed that, as determined by the Secretary, is—

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted;

(C) rated at least superior with respect to quality; and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

(2) PROGRAM.—The term ''program'' means the hard white wheat development program established under subsection (b)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, in consultation with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) PAYMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and subsection (c), if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary

shall make available incentive payments to producers of those crops.

(B) ACREAGE LIMITATION.—The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

(C) PAYMENT LIMITATIONS.—Payments to producers on a farm described in subparagraph (A) shall be—

(i) in an amount that is not less than $0.20 per bushel; and

(ii) in an amount that is not less than $2.00 per acre for planting eligible hard white wheat seed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for the period of fiscal years 2009 through 2012.

SEC. 1613. DURUM WHEAT QUALITY PROGRAM.

(a) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control Fusarium head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

(b) INSUFFICIENT FUNDS.—If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2012.

SEC. 1614. STORAGE FACILITY LOANS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

(b) ELIGIBLE PRODUCERS.—A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

(1) has a satisfactory credit history;

(2) has a need for increased storage capacity; and

(3) demonstrates an ability to repay the loan.

(c) TERM OF LOANS.—A storage facility loan under this section shall have a maximum term of 12 years.

(d) LOAN AMOUNT.—The maximum principal amount of a storage facility loan under this section shall be $500,000.

(e) LOAN DISBURSEMENTS.—The Secretary shall provide for 1 partial disbursement of loan principal and 1 final disbursement of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) LOAN SECURITY.—Approval of a storage facility loan under this section shall—

(1) require the borrower to provide loan security to the Secretary, in the form of—

(A) a lien on the real estate parcel on which the storage facility is located; or

(B) such other security as is acceptable to the Secretary;

(2) under such rules and regulations as the Secretary may prescribe, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—

(A) agrees to increase the down payment on the storage facility by an amount determined appropriate by the Secretary; or

(B) provides other security acceptable to the Secretary; and

(3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—

(A) of adequate size and value to adequately secure the loan; and

(B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.

SEC. 1615. STATE, COUNTY, AND AREA COMMITTEES.

Section 8(b)(5)(B)(ii) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(2) in the matter preceding item (aa) (as redesignated by paragraph (1)), by striking ''A committee established'' and inserting the following:

''(I) IN GENERAL.—Except as provided in subclause (II), a committee established''; and

(3) by adding at the end the following:

''(II) COMBINATION OR CONSOLIDATION OF AREAS.—A committee established by combining or consolidating 2 or more county or area committees shall consist of not fewer than 3 nor more than 11 members that—

''(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

''(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

''(III) REPRESENTATION OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—The Secretary shall develop procedures to maintain representation of socially disadvantaged farmers and ranchers on combined or consolidated committees.

''(IV) ELIGIBILITY FOR MEMBERSHIP.—Notwithstanding any other producer eligibility requirements for service on county or area committees, if a county or area is consolidated or combined, a producer shall be eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer.''.

SEC. 1616. PROHIBITION ON CHARGING CERTAIN FEES.

Public Law 108–470 (7 U.S.C. 7416a) is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following:

''(c) PROHIBITION ON CHARGING CERTAIN FEES.—The Secretary may not charge any fees or related costs for the collection of commodity assessments pursuant to this Act.''.

SEC. 1617. SIGNATURE AUTHORITY.

(a) IN GENERAL.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) AFFIRMATION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) NO RETROACTIVE EFFECT.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements

SEC. 1618. MODERNIZATION OF FARM SERVICE AGENCY.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report prepared by a third party that describes—

(1) the data processing and information technology challenges experienced in local offices of the Farm Service Agency;

(2) the impact of those challenges on service to producers, on efficiency of personnel, and on implementation of this Act;

(3) the need for information technology system upgrades of the Farm Service Agency relative to other agencies of the Department of Agriculture;

(4) the detailed plan needed to fulfill the needs of the Department that are identified in paragraph (3), including hardware, software, and infrastructure requirements;

(5) the estimated cost and timeframe for long-term modernization and stabilization of Farm Service Agency information technology systems;

(6) the benefits associated with such modernization and stabilization; and

(7) an evaluation of the existence of appropriate oversight within the Department to ensure that funds needed for systems upgrades can be appropriately managed.

SEC. 1619. INFORMATION GATHERING.

(a) GEOSPATIAL SYSTEMS.—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES.—

(1) DEFINITION OF AGRICULTURAL OPERATION.—In this subsection, the term ''agricultural operation'' includes the production and marketing of agricultural commodities and livestock.

(2) PROHIBITION.—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) AUTHORIZED DISCLOSURES.—

(A) LIMITED RELEASE OF INFORMATION.—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person

or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) EXCEPTIONS.—Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

SEC. 1620. LEASING OF OFFICE SPACE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report that describes—

(1) the costs and time associated with complying with leasing procedures of the General Services Administration relative to the previous independent leasing procedures of the Department of Agriculture;

(2) the additional staffing needs associated with complying with those procedures; and

(3) the value added to the leasing process and the ability of the Department to secure best-value leases by complying with the General Services Administration leasing procedures.

SEC. 1621. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term ''geographically disadvantaged farmer or rancher'' has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107–171).

(b) AUTHORIZATION.—Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) TRANSPORTATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for a fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1622. IMPLEMENTATION.

The Secretary shall make available to the Farm Service Agency to carry out this title $50,000,000.

SEC. 1623. REPEALS.

(a) COMMISSION ON APPLICATION OF PAYMENT LIMITATIONS.—Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(b) RENEWED AVAILABILITY OF MARKET LOSS ASSISTANCE AND CERTAIN EMERGENCY ASSISTANCE TO PERSONS THAT FAILED TO RECEIVE ASSISTANCE UNDER EARLIER AUTHORITIES.—Section 1617 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8000) is repealed.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

SEC. 2001. DEFINITIONS RELATING TO CONSERVATION TITLE OF FOOD SECURITY ACT OF 1985.

(a) BEGINNING FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (6), (7) through (11), (12), (13) through (15), (16), (17), and (18) as paragraphs (3) through (7), (9) through (13), (15), (20) through (22), (24), (26), and (27), respectively; and

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

''(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a)(8) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(8)).''.

(b) FARM.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (7), as redesignated by subsection (a)(1), the following new paragraph:

''(8) FARM.—The term 'farm' means a farm that—

''(A) is under the general control of one operator;

''(B) has one or more owners;

''(C) consists of one or more tracts of land, whether or not contiguous;

''(D) is located within a county or region, as determined by the Secretary; and

''(E) may contain lands that are incidental to the production of perennial crops, including conserving uses, forestry, and livestock, as determined by the Secretary.''.

(c) INDIAN TRIBE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (13), as redesignated by subsection (a)(1), the following new paragraph:

''(14) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).''.

(d) INTEGRATED PEST MANAGEMENT; LIVESTOCK; NONINDUSTRIAL PRIVATE FOREST LAND; PERSON AND LEGAL ENTITY.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (15), as redesignated by subsection (a)(1), the following new paragraphs:

''(16) INTEGRATED PEST MANAGEMENT.—The term 'integrated pest management' means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

''(17) LIVESTOCK.—The term 'livestock' means all animals raised on farms, as determined by the Secretary.

''(18) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(A) has existing tree cover or is suitable for growing trees; and

''(B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.

''(19) PERSON AND LEGAL ENTITY.—For purposes of applying payment limitations under subtitle D, the terms 'person' and 'legal entity' have the meanings given those terms in section 1001(a) of this Act (7 U.S.C. 1308(a)).''.

(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (22), as redesignated by subsection (a)(1), the following new paragraph:

''(23) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)).''.

(f) TECHNICAL ASSISTANCE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (24), as redesignated by subsection (a)(1), the following new paragraph:

''(25) TECHNICAL ASSISTANCE.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following:

''(A) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices.

''(B) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical

services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.''.

SEC. 2002. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO HIGHLY ERODIBLE LAND CONSERVATION.

Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended by striking subsection (f) and inserting the following new subsection:

''(f) GRADUATED PENALTIES.—

''(1) INELIGIBILITY.—No person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of the person to actively apply a conservation plan, if the Secretary determines that the person has acted in good faith and without an intent to violate this subtitle.

''(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

''(A) State Executive Director, with the technical concurrence of the State Conservationist; or

''(B) district director, with the technical concurrence of the area conservationist.

''(3) PERIOD FOR IMPLEMENTATION.—A person who meets the requirements of paragraph (1) shall be allowed a reasonable period of time, as determined by the Secretary, but not to exceed 1 year, during which to implement the measures and practices necessary to be considered to be actively applying the conservation plan of the person.

''(4) PENALTIES.—

''(A) APPLICATION.—This paragraph applies if the Secretary determines that—

''(i) a person has failed to comply with section 1211 with respect to highly erodible cropland, and has acted in good faith and without an intent to violate section 1211; or

''(ii) the violation—

''(I) is technical and minor in nature; and

''(II) has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred.

''(B) REDUCTION.—If this paragraph applies under subparagraph (A), the Secretary shall, in lieu of applying the ineligibility provisions of section 1211, reduce program benefits described in section 1211 that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the seriousness of the violation, as determined by the Secretary.

''(5) SUBSEQUENT CROP YEARS.—Any person whose benefits are reduced for any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of the subsequent crop year, the Secretary determines that the person is actively applying a conservation plan according to the schedule specified in the plan.''.

SEC. 2003. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO WETLAND CONSERVATION.

Section 1222(h) of the Food Security Act of 1985 (16 U.S.C. 3822(h)) is amended—

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

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

''(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

''(A) State Executive Director, with the technical concurrence of the State Conservationist; or

''(B) district director, with the technical concurrence of the area conservationist.''; and

(3) in paragraph (3) (as redesignated by paragraph (1)), by inserting ''be'' before ''actively''.

Subtitle B—Conservation Reserve Program

SEC. 2101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

(1) by striking ''2007 calendar year'' and inserting ''2012 fiscal year''; and

(2) by inserting before the period the following: ''and to address issues raised by State, regional, and national conservation initiatives''; and

SEC. 2102. LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.

Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''Farm Security and Rural Investment Act of 2002'' and inserting ''Food, Conservation, and Energy Act of 2008''; and

(B) by striking the period at the end and inserting a semicolon; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (D), by striking ''and'' at the end and inserting ''or''; and

(C) in subparagraph (E), by inserting ''or'' after the semicolon at the end.

SEC. 2103. MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.

Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking ''2007 calendar years'' and inserting ''2009 fiscal years'';

(2) by striking ''(16 U.S.C.'' and inserting ''(16 U.S.C.''; and

(3) by adding at the end the following new sentence: ''During fiscal years 2010, 2011, and 2012, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.''.

SEC. 2104. DESIGNATION OF CONSERVATION PRIORITY AREAS.

Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking ''the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)'' and inserting ''the Chesapeake Bay Region''.

SEC. 2105. TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.

Subsection (g) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

''(g) MULTI-YEAR GRASSES AND LEGUMES.—

''(1) IN GENERAL.—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

''(2) CROPPING HISTORY.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.''.

SEC. 2106. REVISED PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) REVISED PROGRAM.—

(1) IN GENERAL.—Title XII of the Food Security Act of 1985 is amended by inserting after section 1231 (16 U.S.C. 3831) the following new section:

''SEC. 1231B. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

''(a) PROGRAM REQUIRED.—

''(1) IN GENERAL.—During the 2008 through 2012 fiscal years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

''(2) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the program established under this section.

''(b) ELIGIBLE ACREAGE.—

''(1) WETLAND AND RELATED LAND.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

''(A) that is wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

''(B) on which a constructed wetland is to be developed that will receive flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions;

''(C) that was devoted to commercial pond-raised aquaculture in any year during the period of calendar years 2002 through 2007; or

''(D) that, after January 1, 1990, and before December 31, 2002, was—

''(i) cropped during at least 3 of 10 crop years; and

''(ii) subject to the natural overflow of a prairie wetland.

''(2) BUFFER ACREAGE.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, buffer acreage that—

''(A) with respect to land described in subparagraph (A), (B), or (C) of paragraph (1)—

''(i) is contiguous to such land

''(ii) is used to protect such land; and

''(iii) is of such width as the Secretary determines is necessary to protect such land, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds such land; and

''(B) with respect to land described in subparagraph (D) of paragraph (1), enhances a wildlife benefit to the extent practicable in terms of upland to wetland ratios, as determined by the Secretary.

''(c) PROGRAM LIMITATIONS.—

''(1) ACREAGE LIMITATION.—The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

''(A) 100,000 acres in any State; and

''(B) a total of 1,000,000 acres.

''(2) RELATIONSHIP TO MAXIMUM ENROLLMENT.—Subject to paragraph (3), any acreage enrolled in the conservation reserve under this section shall be considered acres maintained in the conservation reserve.

''(3) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled in the conservation reserve under this section shall not affect for any fiscal year the quantity of—

''(A) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

''(B) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

''(4) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—The Secretary shall conduct a review of the program established under this section with respect to each State that has enrolled land in the conservation reserve pursuant to the program. As a result of the review, the Secretary may increase the number of acres that may be enrolled in a State under the program to not more than 200,000 acres, notwithstanding paragraph (1)(A).

''(d) OWNER OR OPERATOR ENROLLMENT LIMITATIONS.—

''(1) WETLAND AND RELATED LAND.—

''(A) WETLANDS AND CONSTRUCTED WETLANDS.—The maximum size of any land described in subparagraph (A) or (B) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 40 contiguous acres.

''(B) FLOODED FARMLAND.—The maximum size of any land described in subparagraph (D) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 20 contiguous acres.

''(C) COVERAGE.—All acres described in subparagraph (A) or (B), including acres that are ineligible for payment, shall be covered by the conservation contract.

''(2) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subsection (b)(2) that an owner or operator may enroll in the conservation reserve under this section shall be determined by the Secretary in consultation with the State Technical Committee.

''(3) TRACTS.—Except for land described in subsection (b)(1)(C) and buffer acreage related to such land, the maximum size of any eligible acreage described in subsection (b)(1) in a tract of an owner or operator enrolled in the conservation reserve under this section shall be 40 acres.

''(e) DUTIES OF OWNERS AND OPERATORS.—During the term of a contract entered into under the program established under this section, an owner or operator shall agree—

''(1) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

''(2) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species) on the eligible acreage, as determined by the Secretary;

''(3) to a general prohibition of commercial use of the enrolled land; and

''(4) to carry out other duties described in section 1232.

''(f) DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), in return for a contract entered into under this section, the Secretary shall—

''(A) make payments to the owner or operator based on rental rates for cropland; and

''(B) provide assistance to the owner or operator in accordance with sections 1233 and 1234.

''(2) CONTRACT OFFERS AND PAYMENTS.—The Secretary shall use the method of determination described in section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this section.

''(3) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this section shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.''.

(2) REPEAL OF SUPERCEDED PROGRAM.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(A) by striking subsection (h); and

(B) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(b) CONFORMING CHANGES TO EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—Subsection (k) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by striking ''(k) EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—'' and inserting the following:

''SEC. 1231A. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.'';

(2) by striking ''subsection'' each place it appears (other than paragraph (3)(C)(ii)) and inserting ''section'';

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(5) in subsection (c), as so redesignated—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(B) in paragraph (1), as so redesignated, by striking ''subparagraph (B)'' and ''subparagraph (G)'' and inserting ''paragraph (2)'' and ''paragraph (7)'', respectively;

(C) in paragraph (3), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) by striking ''subsection (d)'' and inserting ''section 1231(d)'';

(D) in paragraph (4), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(E) in paragraph (5), as so redesignated—

(i) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and subclauses (I) and (II) as clauses (i) and (ii), respectively;

(ii) in subparagraph (B), as so redesignated, by striking ''clause (i)(I)'' and inserting ''subparagraph (A)(i)''; and

(iii) in subparagraph (C), as so redesignated, by striking ''clause (i)(II)'' and inserting ''subparagraph (A)(ii)''; and

(F) in paragraph (9), as so redesignated, by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and subclauses (I) through (III) as clauses (i) through (iii), respectively.

SEC. 2107. ADDITIONAL DUTY OF PARTICIPANTS UNDER CONSERVATION RESERVE CONTRACTS.

Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) to undertake management on the land as needed throughout the term of the contract to implement the conservation plan;''.

SEC. 2108. MANAGED HAYING, GRAZING, OR OTHER COMMERCIAL USE OF FORAGE ON ENROLLED LAND AND INSTALLATION OF WIND TURBINES.

(a) GENERAL PROHIBITION; EXCEPTIONS.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended by striking paragraph (8), as redesignated by section 2107, and inserting the following new paragraph:

''(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area)—

''(A) managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

''(i) shall develop appropriate vegetation management requirements; and

''(ii) shall identify periods during which managed harvesting may be conducted;

''(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract in response to a drought or other emergency;

''(C) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

''(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

''(ii) shall establish the frequency during which routine grazing may be conducted, taking into consideration regional differences such as—

''(I) climate, soil type, and natural resources;

''(II) the number of years that should be required between routine grazing activities; and

''(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

''(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

''(i) the location, size, and other physical characteristics of the land;

''(ii) the extent to which the land contains wildlife and wildlife habitat; and

''(iii) the purposes of the conservation reserve program under this subchapter;''.

(b) RENTAL PAYMENT REDUCTION.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following new subsection:

''(d) RENTAL PAYMENT REDUCTION FOR CERTAIN AUTHORIZED USES OF ENROLLED LAND.—In the case of an authorized activity under subsection (a)(8) on land that is subject to a contract under this subchapter, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.''.

SEC. 2109. COST SHARING PAYMENTS RELATING TO TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.

Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—

''(A) APPLICABILITY.—This paragraph applies to—

''(i) land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after November 28, 1990;

''(ii) land converted to such production under section 1235A; and

''(iii) land on which an owner or operator agrees to conduct thinning authorized by section 1232(a)(9), if the thinning is necessary to improve the condition of resources on the land.

''(B) PAYMENTS.—

''(i) PERCENTAGE.—In making cost share payments to an owner or operator of land described in subparagraph (A), the Secretary shall pay 50 percent of the reasonable and necessary costs incurred by the owner or operator for maintaining trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator) or thinning.

''(ii) DURATION.—The Secretary shall make payments as described in clause (i) for a period of not less than 2 years, but not more than 4 years, beginning on the date of—

''(I) the planting of the trees or shrubs; or

''(II) the thinning of existing stands to improve the condition of resources on the land.''.

SEC. 2110. EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS, ANNUAL RENTAL PAYMENTS, AND PAYMENT LIMITATIONS.

(a) EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) ACCEPTANCE OF CONTRACT OFFERS.—

''(A) EVALUATION OF OFFERS.—In determining the acceptability of contract offers, the Secretary may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat or provide other environmental benefits.

''(B) ESTABLISHMENT OF DIFFERENT CRITERIA IN VARIOUS STATES AND REGIONS.—The Secretary may establish different criteria for determining the acceptability of contract offers in various States and regions of the United States based on the extent to which water quality or wildlife habitat may be improved or erosion may be abated.

''(C) LOCAL PREFERENCE.—In determining the acceptability of contract offers for new enrollments, the Secretary shall accept, to the maximum extent practicable, an offer from an owner or operator that is a resident of the county in which the land is located or of a contiguous county if, as determined by the Secretary, the land would provide at least equivalent conservation benefits to land under competing offers.''.

(b) ANNUAL SURVEY OF DRYLAND AND IRRIGATED CASH RENTAL RATES.—

(1) ANNUAL ESTIMATES REQUIRED.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

''(5) RENTAL RATES.—

''(A) ANNUAL ESTIMATES.—The Secretary (acting through the National Agricultural Statistics Service) shall conduct an annual survey of per acre estimates of county average market dryland and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State that have 20,000 acres or more of cropland and pastureland.

''(B) PUBLIC AVAILABILITY OF ESTIMATES.—The estimates derived from the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.''.

(2) FIRST SURVEY.—The first survey required by paragraph (5) of section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)), as added by subsection (a), shall be conducted not later than 1 year after the date of enactment of this Act.

(c) PAYMENT LIMITATIONS.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking ''made to a person'' and inserting ''received by a person or legal entity, directly or indirectly,'';

(2) by striking paragraph (2); and

(3) in paragraph (4), by striking ''any person'' and inserting ''any person or legal entity''.

SEC. 2111. CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES FOR BEGINNING FARMERS OR RANCHERS AND SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) CONTRACT MODIFICATION AUTHORITY.—Section 1235(c)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3835(c)(1)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher or socially disadvantaged farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or''.

(b) TRANSITION OPTION.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

''(f) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—

''(1) DUTIES OF THE SECRETARY.—In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (c)(1)(B)(iii), of land to a beginning farmer or rancher or socially disadvantaged farmer or rancher (in this subsection referred to as a 'covered farmer or rancher'), the Secretary shall—

''(A) beginning on the date that is 1 year before the date of termination of the contract—

''(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

''(ii) allow the covered farmer or rancher to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

''(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

''(C) require the covered farmer or rancher to develop and implement a conservation plan;

''(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

''(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in section 1001A(b)(3)(B) of this Act) of the covered farmer or rancher.

''(2) REENROLLMENT.—The Secretary shall provide a covered farmer or rancher with the option to reenroll any applicable partial field conservation practice that—

''(A) is eligible for enrollment under the continuous signup requirement of section 1231(h)(4)(B); and

''(B) is part of an approved conservation plan.''.

Subtitle C—Wetlands Reserve Program

SEC. 2201. ESTABLISHMENT AND PURPOSE OF WETLANDS RESERVE PROGRAM.

Subsection (a) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

''(a) ESTABLISHMENT AND PURPOSES.—

''(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

''(2) PURPOSES.—The purposes of the wetlands reserve program are to restore, protect, or enhance wetlands on private or tribal lands that are eligible under subsections (c) and (d).''.

SEC. 2202. MAXIMUM ENROLLMENT AND ENROLLMENT METHODS.

Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,041,200 acres.'';

(2) in paragraph (2), by striking ''The Secretary'' and inserting ''Subject to paragraph (3), the Secretary''; and

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

''(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

''(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

''(B) restoration cost-share agreements; or

''(C) any combination of the options described in subparagraphs (A) and (B).''.

SEC. 2203. DURATION OF WETLANDS RESERVE PROGRAM AND LANDS ELIGIBLE FOR ENROLLMENT.

(a) IN GENERAL.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(B) by inserting ''private or tribal'' before ''land'' the second place it appears;

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) such land is—

''(A) farmed wetland or converted wetland, together with the adjacent land that is functionally dependent on the wetlands, except that converted wetland with respect to which the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section; or

''(B) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland; and''.

(b) CHANGE OF OWNERSHIP.—Section 1237E(a) of the Food Security Act of 1985 (16 U.S.C. 3837e(a)) is amended by striking ''in the preceding 12 months'' and inserting ''during the preceding 7-year period''.

(c) ANNUAL SURVEY AND REALLOCATION.—Section 1237F of the Food Security Act of 1985 (16 U.S.C. 3837f) is amended by adding at the end the following new subsection:

''(c) PRAIRIE POTHOLE REGION SURVEY AND REALLOCATION.—

''(1) SURVEY.—The Secretary shall conduct a survey during fiscal year 2008 and each subsequent fiscal year for the purpose of determining interest and allocations for the Prairie Pothole Region to enroll eligible land described in section 1237(c)(2)(B).

''(2) ANNUAL ADJUSTMENT.—The Secretary shall make an adjustment to the allocation for an interested State for a fiscal year, based on the results of the survey conducted under paragraph (1) for the State during the previous fiscal year.''.

SEC. 2204. TERMS OF WETLANDS RESERVE PROGRAM EASEMENTS.

Section 1237A(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3837a(b)(2)(B)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking ''; and'' and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) to meet habitat needs of specific wildlife species; and''.

SEC. 2205. COMPENSATION FOR EASEMENTS UNDER WETLANDS RESERVE PROGRAM.

Subsection (f) of section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended to read as follows:

''(f) COMPENSATION.—

''(1) DETERMINATION.—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall pay as compensation for a conservation easement acquired under this subchapter the lowest of—

''(A) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

''(B) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

''(C) the offer made by the landowner.

''(2) FORM OF PAYMENT.—Compensation for an easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under paragraph (1) and specified in the easement agreement.

''(3) PAYMENT SCHEDULE FOR EASEMENTS.—

''(A) EASEMENTS VALUED AT $500,000 OR LESS.—For easements valued at $500,000 or less, the Secretary may provide easement payments in not more than 30 annual payments.

''(B) EASEMENTS IN EXCESS OF $500,000.—For easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 30 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

''(4) RESTORATION AGREEMENT PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, pursuant to a restoration cost-share agreement under this subchapter may not exceed, in the aggregate, $50,000 per year.

''(5) ENROLLMENT PROCEDURE.—Lands may be enrolled under this subchapter through the submission of bids under a procedure established by the Secretary.''.

SEC. 2206. WETLANDS RESERVE ENHANCEMENT PROGRAM AND RESERVED RIGHTS PILOT PROGRAM.

Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following new subsection:

''(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

''(1) PROGRAM AUTHORIZED.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

''(2) RESERVED RIGHTS PILOT PROGRAM.—

''(A) RESERVATION OF GRAZING RIGHTS.—As part of the wetlands reserve enhancement program, the Secretary shall carry out a pilot program for land in which a landowner may reserve grazing rights in the warranty easement deed restriction if the Secretary determines that the reservation and use of the grazing rights—

''(i) is compatible with the land subject to the easement;

''(ii) is consistent with the long-term wetland protection and enhancement goals for which the easement was established; and

''(iii) complies with a conservation plan.

''(B) DURATION.—The pilot program established under this paragraph shall terminate on September 30, 2012.''.

SEC. 2207. DUTIES OF SECRETARY OF AGRICULTURE UNDER WETLANDS RESERVE PROGRAM.

Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended—

(1) in subsection (a)(1), by inserting ''including necessary maintenance activities,'' after ''values,''; and

(2) by striking subsection (c) and inserting the following new subsection:

''(c) RANKING OF OFFERS.—

''(1) CONSERVATION BENEFITS AND FUNDING CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

''(A) the conservation benefits of obtaining an easement or other interest in the land;

''(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

''(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

''(2) ADDITIONAL CONSIDERATIONS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

''(A) the extent to which the purposes of the easement program would be achieved on the land;

''(B) the productivity of the land; and

''(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.''.

SEC. 2208. PAYMENT LIMITATIONS UNDER WETLANDS RESERVE CONTRACTS AND AGREEMENTS.

Section 1237D(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)(1)) is amended—

(1) by striking ''The total amount of easement payments made to a person'' and inserting ''The total amount of payments that a person or legal entity may receive, directly or indirectly,''; and

(2) by inserting ''or under 30-year contracts'' before the period at the end.

SEC. 2209. REPEAL OF PAYMENT LIMITATIONS EXCEPTION FOR STATE AGREEMENTS FOR WETLANDS RESERVE ENHANCEMENT.

Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4).

SEC. 2210. REPORT ON IMPLICATIONS OF LONG-TERM NATURE OF CONSERVATION EASEMENTS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the implications of the long-term nature of conservation easements granted under section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) on resources of the Department of Agriculture.

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

(1) Data relating to the number and location of conservation easements granted under that section that the Secretary holds or has a significant role in monitoring or managing.

(2) An assessment of the extent to which the oversight of the conservation easement agreements impacts the availability of resources, including technical assistance.

(3) An assessment of the uses and value of agreements with partner organizations.

(4) Any other relevant information relating to costs or other effects that would be helpful to the Committees referred to in subsection (a).

Subtitle D—Conservation Stewardship Program

SEC. 2301. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 is amended—

(1) by redesignating subchapters B (farmland protection program) and C (grassland reserve program) as subchapters C and D, respectively; and

(2) by inserting after subchapter A the following new subchapter:

''Subchapter B—Conservation Stewardship Program

''SEC. 1238D. DEFINITIONS.

''In this subchapter:

''(1) CONSERVATION ACTIVITIES.—

''(A) IN GENERAL.—The term 'conservation activities' means conservation systems, practices, or management measures that are designed to address a resource concern.

''(B) INCLUSIONS.—The term 'conservation activities' includes—

''(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

''(ii) planning needed to address a resource concern.

''(2) CONSERVATION MEASUREMENT TOOLS.—The term 'conservation measurement tools' means procedures to estimate the level of environmental benefit to be achieved by a producer in implementing conservation activities, including indices or other measures developed by the Secretary.

''(3) CONSERVATION STEWARDSHIP PLAN.—The term 'conservation stewardship plan' means a plan that—

''(A) identifies and inventories resource concerns;

''(B) establishes benchmark data and conservation objectives;

''(C) describes conservation activities to be implemented, managed, or improved; and

''(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

''(4) PRIORITY RESOURCE CONCERN.—The term 'priority resource concern' means a resource concern that is identified at the State level, in consultation with the State Technical Committee, as a priority for a particular watershed or area of the State.

''(5) PROGRAM.—The term 'program' means the conservation stewardship program established by this subchapter.

''(6) RESOURCE CONCERN.—The term 'resource concern' means a specific natural resource impairment or problem, as determined by the Secretary, that—

''(A) represents a significant concern in a State or region; and

''(B) is likely to be addressed successfully through the implementation of conservation activities by producers on land eligible for enrollment in the program.

''(7) STEWARDSHIP THRESHOLD.—The term 'stewardship threshold' means the level of natural resource conservation and environmental management required, as determined by the Secretary using conservation measurement tools, to improve and conserve the quality and condition of a resource concern.

''SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2009 through 2012, the Secretary shall carry out a conservation stewardship program to encourage producers to address resource concerns in a comprehensive manner—

''(1) by undertaking additional conservation activities; and

''(2) by improving, maintaining and managing existing conservation activities.

''(b) ELIGIBLE LAND.—

''(1) IN GENERAL.—Except as provided in subsection (c), the following land is eligible for enrollment in the program:

''(A) Private agricultural land (including cropland, grassland, prairie land, improved pastureland, rangeland, and land used for agro-forestry).

''(B) Agricultural land under the jurisdiction of an Indian tribe.

''(C) Forested land that is an incidental part of an agricultural operation.

''(D) Other private agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed by enrolling the land in the program, as determined by the Secretary.

''(2) SPECIAL RULE FOR NONINDUSTRIAL PRIVATE FOREST LAND.—Nonindustrial private forest land is eligible for enrollment in the program, except that not more than 10 percent of the annual acres enrolled nationally in any fiscal year may be nonindustrial private forest land.

''(3) AGRICULTURAL OPERATION.—Eligible land shall include all acres of an agricultural operation of a producer, whether or not contiguous, that are under the effective control of the producer at the time the producer enters into a stewardship contract, and is operated by the producer with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

''(c) EXCLUSIONS.—

''(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land is not be eligible for enrollment in the program:

''(A) Land enrolled in the conservation reserve program.

''(B) Land enrolled in the wetlands reserve program.

''(C) Land enrolled in the grassland reserve program.

''(2) CONVERSION TO CROPLAND.—Land used for crop production after the date of enactment of the Food, Conservation, and Energy Act of 2008 that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

''(A) the land had previously been enrolled in the conservation reserve program;

''(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

''(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

''SEC. 1238F. STEWARDSHIP CONTRACTS.

''(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary for approval a contract offer that—

''(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least one resource concern; and

''(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 priority resource concern by the end of the stewardship contract by—

''(A) installing and adopting additional conservation activities; and

''(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

''(b) EVALUATION OF CONTRACT OFFERS.—

''(1) RANKING OF APPLICATIONS.—In evaluating contract offers made by producers to enter into contracts under the program, the Secretary shall rank applications based on—

''(A) the level of conservation treatment on all applicable priority resource concerns at the time of application, based to the maximum extent practicable on conservation measurement tools;

''(B) the degree to which the proposed conservation treatment on applicable priority resource concerns effectively increases conservation performance, based to the maximum extent possible on conservation measurement tools;

''(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

''(D) the extent to which other resource concerns, in addition to priority resource concerns, will be addressed to meet or exceed the stewardship threshold by the end of the contract period; and

''(E) the extent to which the actual and anticipated environmental benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers.

''(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

''(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

''(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the land to be covered by the contract.

''(d) CONTRACT PROVISIONS.—

''(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

''(2) PROVISIONS.—The conservation stewardship contract of a producer shall—

''(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(e);

''(B) require the producer—

''(i) to implement during the term of the conservation stewardship contract the conservation stewardship plan approved by the Secretary;

''(ii) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation stewardship contract; and

''(iii) not to engage in any activity during the term of the conservation stewardship contract on the eligible land covered by the contract that would interfere with the purposes of the conservation stewardship contract;

''(C) permit all economic uses of the land that—

''(i) maintain the agricultural nature of the land; and

''(ii) are consistent with the conservation purposes of the conservation stewardship contract;

''(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary; and

''(E) include such other provisions as the Secretary determines necessary to ensure the purposes of the program are achieved.

''(e) CONTRACT RENEWAL.—At the end of an initial conservation stewardship contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

''(1) demonstrates compliance with the terms of the existing contract; and

''(2) agrees to adopt new conservation activities, as determined by the Secretary.

''(f) MODIFICATION.—The Secretary may allow a producer to modify a stewardship contract if the Secretary determines that the modification is consistent with achieving the purposes of the program.

''(g) CONTRACT TERMINATION.—

''(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation stewardship contract if the Secretary determines that termination would not defeat the purposes of the program.

''(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this subchapter if the Secretary determines that the producer violated the contract.

''(3) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

''(A) allow the producer to retain payments already received under the contract; or

''(B) require repayment, in whole or in part, of payments already received and assess liquidated damages.

''(4) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

''(A) IN GENERAL.—Except as provided in paragraph (B), a change in the interest of a producer in land covered by a contract under this chapter shall result in the termination of the contract with regard to that land.

''(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

''(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

''(ii) the transferee meets the eligibility requirements of the program.

''(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.) while participating in a contract under this subchapter.

''(i) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a contract offer under this subchapter that includes—

''(1) on-farm conservation research and demonstration activities; and

''(2) pilot testing of new technologies or innovative conservation practices.

''SEC. 1238G. DUTIES OF THE SECRETARY.

''(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

''(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

''(2) identify not less than 3 nor more than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

''(3) develop reliable conservation measurement tools for purposes of carrying out the program.

''(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

''(1) primarily on each State's proportion of eligible acres under section 1238E(b)(1) to the total number of eligible acres in all States; and

''(2) also on consideration of—

''(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

''(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

''(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

''(c) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

''(d) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2008, and ending on September 30, 2017, the Secretary shall, to the maximum extent practicable—

''(1) enroll in the program an additional 12,769,000 acres for each fiscal year; and

''(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

''(e) CONSERVATION STEWARDSHIP PAYMENTS.—

''(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a payment under the program to compensate the producer for—

''(A) installing and adopting additional conservation activities; and

''(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

''(2) PAYMENT AMOUNT.—The amount of the conservation stewardship payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

''(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

''(B) Income forgone by the producer.

''(C) Expected environmental benefits as determined by conservation measurement tools.

''(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

''(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

''(B) conservation activities for which there is no cost incurred or income forgone to the producer.

''(4) TIMING OF PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

''(B) ADDITIONAL ACTIVITIES.—The Secretary shall make payments to compensate producers for installation of additional practices at the time at which the practices are installed and adopted.

''(f) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

''(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the land of the producers.

''(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

''(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

''(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term 'resource-conserving crop rotation' means a crop rotation that—

''(A) includes at least 1 resource conserving crop (as defined by the Secretary);

''(B) reduces erosion;

''(C) improves soil fertility and tilth;

''(D) interrupts pest cycles; and

''(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

''(g) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under this subchapter that, in the aggregate, exceed $200,000 for all contracts entered into during any 5-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations, regardless of the number of contracts entered into under the program by the person or entity.

''(h) REGULATIONS.—The Secretary shall promulgate regulations that—

''(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (g); and

''(2) otherwise enable the Secretary to carry out the program.

''(i) DATA.—The Secretary shall maintain detailed and segmented data on contracts and payments under the program to allow for quantification of the amount of payments made for—

''(1) the installation and adoption of additional conservation activities and improvements to conservation activities in place on the operation of a producer at the time the conservation stewardship offer is accepted by the Secretary;

''(2) participation in research, demonstration, and pilot projects; and

''(3) the development and periodic assessment and evaluation of conservation plans developed under this subchapter.''.

(b) TERMINATION OF CONSERVATION SECURITY PROGRAM AUTHORITY; EFFECT ON EXISTING CONTRACTS.—Section 1238A of the Food Security Act of 1985 (16 U.S.C. 3838a) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON CONSERVATION SECURITY PROGRAM CONTRACTS; EFFECT ON EXISTING CONTRACTS.—

''(1) PROHIBITION.—A conservation security contract may not be entered into or renewed under this subchapter after September 30, 2008.

''(2) EXCEPTION.—This subchapter, and the terms and conditions of the conservation security program, shall continue to apply to—

''(A) conservation security contracts entered into on or before September 30, 2008; and

''(B) any conservation security contract entered into after that date, but for which the application for the contract was received during the 2008 sign-up period.

''(3) EFFECT ON PAYMENTS.—The Secretary shall make payments under this subchapter with respect to conservation security contracts described in paragraph (2) during the remaining term of the contracts.

''(4) REGULATIONS.—A contract described in paragraph (2) may not be administered under the regulations issued to carry out the conservation stewardship program.''.

(c) REFERENCE TO REDESIGNATED SUBCHAPTER.—Section 1238A(b)(3)(C) of title XII of the Food Security Act of 1985 (16 U.S.C. 3838a(b)(3)(C)) is amended by striking ''subchapter C'' and inserting ''subchapter D''.

Subtitle E—Farmland Protection and Grassland Reserve

SEC. 2401. FARMLAND PROTECTION PROGRAM.

(a) DEFINITIONS.—Section 1238H of the Food Security Act of 1985 (16 U.S.C. 3838h) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

''(B) any organization that—

''(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

''(iii) is—

''(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

''(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''that—'' and inserting ''that is subject to a pending offer for purchase from an eligible entity and—''; and

(ii) by striking clauses (i) and (ii) and inserting the following new clauses:

''(i) has prime, unique, or other productive soil;

''(ii) contains historical or archaeological resources; or

''(iii) the protection of which will further a State or local policy consistent with the purposes of the program.''; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking ''and'' at the end; and

(ii) by striking clause (v) and inserting the following new clauses:

''(v) forest land that—

''(I) contributes to the economic viability of an agricultural operation; or

''(II) serves as a buffer to protect an agricultural operation from development; and

''(vi) land that is incidental to land described in clauses (i) through (v), if such land is necessary for the efficient administration of a conservation easement, as determined by the Secretary.''.

(b) FARMLAND PROTECTION.—Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended to read as follows:

''SEC. 1238I. FARMLAND PROTECTION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a farmland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land.

''(b) PURPOSE.—The purpose of the program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land.

''(c) COST-SHARE ASSISTANCE.—

''(1) PROVISION OF ASSISTANCE.—The Secretary shall provide cost-share assistance to

eligible entities for purchasing a conservation easement or other interest in eligible land.

''(2) FEDERAL SHARE.—The share of the cost provided by the Secretary for purchasing a conservation easement or other interest in eligible land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

''(3) NON-FEDERAL SHARE.—

''(A) SHARE PROVIDED BY ELIGIBLE ENTITY.—The eligible entity shall provide a share of the cost of purchasing a conservation easement or other interest in eligible land in an amount that is not less than 25 percent of the acquisition purchase price.

''(B) LANDOWNER CONTRIBUTION.—As part of the non-Federal share of the cost of purchasing a conservation easement or other interest in eligible land, an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner from which the conservation easement or other interest in land will be purchased.

''(d) DETERMINATION OF FAIR MARKET VALUE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, the fair market value of the conservation easement or other interest in eligible land shall be determined on the basis of an appraisal using an industry approved method, selected by the eligible entity and approved by the Secretary.

''(e) BIDDING DOWN PROHIBITED.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the program.

''(f) CONDITION ON ASSISTANCE.—

''(1) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased using cost-share assistance provided under the program shall be subject to a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

''(2) CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary shall require the inclusion of a contingent right of enforcement for the Secretary in the terms of a conservation easement or other interest in eligible land that is purchased using cost-share assistance provided under the program.

''(g) AGREEMENTS WITH ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under subsection (c).

''(2) LENGTH OF AGREEMENTS.—An agreement under this subsection shall be for a term that is—

''(A) in the case of an eligible entity certified under the process described in subsection (h), a minimum of five years; and

''(B) for all other eligible entities, at least three, but not more than five years.

''(3) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

''(4) MINIMUM REQUIREMENTS.—An eligible entity shall be authorized to use its own terms and conditions, as approved by the Secretary, for conservation easements and other purchases of interests in land, so long as such terms and conditions—

''(A) are consistent with the purposes of the program;

''(B) permit effective enforcement of the conservation purposes of such easements or other interests; and

''(C) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

''(5) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement entered into under this subsection—

''(A) the agreement shall remain in force; and

''(B) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

''(h) CERTIFICATION OF ELIGIBLE ENTITIES.—

''(1) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

''(A) directly certify eligible entities that meet established criteria;

''(B) enter into long-term agreements with certified entities, as authorized by subsection (g)(2)(A); and

''(C) accept proposals for cost-share assistance to certified entities for the purchase of conservation easements or other interests in eligible land throughout the duration of such agreements.

''(2) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

''(A) a plan for administering easements that is consistent with the purpose of this subchapter;

''(B) the capacity and resources to monitor and enforce conservation easements or other interests in land; and

''(C) policies and procedures to ensure—

''(i) the long-term integrity of conservation easements or other interests in eligible land;

''(ii) timely completion of acquisitions of easements or other interests in eligible land; and

''(iii) timely and complete evaluation and reporting to the Secretary on the use of funds provided by the Secretary under the program.

''(3) REVIEW AND REVISION.—

''(A) REVIEW.—The Secretary shall conduct a review of eligible entities certified under paragraph (1) every three years to ensure that such entities are meeting the criteria established under paragraph (2).

''(B) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under paragraph (2), the Secretary may—

''(i) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

''(ii) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet the criteria established in paragraph (2).''.

SEC. 2402. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2403. GRASSLAND RESERVE PROGRAM.

Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), as redesignated by section 2301(a)(1), is amended to read as follows:

''Subchapter D—Grassland Reserve Program

''SEC. 1238N. GRASSLAND RESERVE PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a grassland reserve program (referred to in this subchapter as the 'program') for the purpose of assisting owners and operators in protecting grazing uses and related conservation values by restoring and conserving eligible land through rental contracts, easements, and restoration agreements.

''(b) ENROLLMENT OF ACREAGE.—

''(1) ACREAGE ENROLLED.—The Secretary shall enroll an additional 1,220,000 acres of eligible land in the program during fiscal years 2009 through 2012.

''(2) METHODS OF ENROLLMENT.—The Secretary shall enroll eligible land in the program through the use of;

''(A) a 10-year, 15-year, or 20-year rental contract;

''(B) a permanent easement; or

''(C) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under the law of that State.

''(3) LIMITATION.—Of the total amount of funds expended under the program to acquire rental contracts and easements described in paragraph (2), the Secretary shall use, to the extent practicable—

''(A) 40 percent for rental contacts; and

''(B) 60 percent for easements.

''(4) ENROLLMENT OF CONSERVATION RESERVE LAND.—

''(A) PRIORITY.—Upon expiration of a contract under subchapter B of chapter 1 of this subtitle, the Secretary shall give priority for enrollment in the program to land previously enrolled in the conservation reserve program if—

''(i) the land is eligible land, as defined in subsection (c); and

''(ii) the Secretary determines that the land is of high ecological value and under significant threat of conversion to uses other than grazing.

''(B) MAXIMUM ENROLLMENT.—The number of acres of land enrolled under the priority described in subparagraph (A) in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the program in that calendar year.

''(c) ELIGIBLE LAND DEFINED.—For purposes of the program, the term 'eligible land' means private or tribal land that—

''(1) is grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

''(2) is located in an area that has been historically dominated by grassland, forbs, or shrubland, and the land—

''(A) could provide habitat for animal or plant populations of significant ecological value if the land—

''(i) is retained in its current use; or

''(ii) is restored to a natural condition;

''(B) contains historical or archaeological resources; or

''(C) would address issues raised by State, regional, and national conservation priorities; or

''(3) is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a rental contract or easement under the program.

''SEC. 1238O. DUTIES OF OWNERS AND OPERATORS.

''(a) RENTAL CONTRACTS.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—

''(1) to comply with the terms of the contract and, when applicable, a restoration agreement;

''(2) to suspend any existing cropland base and allotment history for the land under another program administered by the Secretary; and

''(3) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties.

''(b) EASEMENTS.—To be eligible to enroll eligible land in the program through an easement, the owner of the land shall agree—

''(1) to grant an easement to the Secretary or to an eligible entity described in section 1238Q;

''(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

''(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

''(4) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

''(5) to comply with the terms of the easement and, when applicable, a restoration agreement;

''(6) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties; and

''(7) to eliminate any existing cropland base and allotment history for the land under another program administered by the Secretary.

''(c) RESTORATION AGREEMENTS.—

''(1) WHEN APPLICABLE.—To be eligible for cost-share assistance to restore eligible land subject to a rental contract or an easement under the program, the owner or operator of the land shall agree to comply with the terms of a restoration agreement.

''(2) TERMS AND CONDITIONS.—The Secretary shall prescribe the terms and conditions of a restoration agreement by which eligible land that is subject to a rental contract or easement under the program shall be restored.

''(3) DUTIES.—The restoration agreement shall describe the respective duties of the owner or operator and the Secretary, including the Federal share of restoration payments and technical assistance.

''(d) TERMS AND CONDITIONS APPLICABLE TO RENTAL CONTRACTS AND EASEMENTS.—

''(1) PERMISSIBLE ACTIVITIES.—The terms and conditions of a rental contract or easement under the program shall permit—

''(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality;

''(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist;

''(C) fire presuppression, rehabilitation, and construction of fire breaks; and

''(D) grazing related activities, such as fencing and livestock watering.

''(2) PROHIBITIONS.—The terms and conditions of a rental contract or easement under the program shall prohibit—

''(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land; and

''(B) except as permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land enrolled in the program.

''(3) ADDITIONAL TERMS AND CONDITIONS.—A rental contract or easement under the program shall include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the purposes and administration of the program.

''(e) VIOLATIONS.—On a violation of the terms or conditions of a rental contract, easement, or restoration agreement entered into under this section—

''(1) the contract or easement shall remain in force; and

''(2) the Secretary may require the owner or operator to refund all or part of any payments received under the program, with interest on the payments as determined appropriate by the Secretary.

''SEC. 1238P. DUTIES OF SECRETARY.

''(a) EVALUATION AND RANKING OF APPLICATIONS.—

''(1) CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for rental contracts and easements under the program .

''(2) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

''(A) grazing operations;

''(B) plant and animal biodiversity; and

''(C) grassland, land that contains forbs, and shrubland under the greatest threat of conversion to uses other than grazing.

''(b) PAYMENTS.—

''(1) IN GENERAL.—In return for the execution of a rental contract or the granting of an easement by an owner or operator under the program, the Secretary shall—

''(A) make rental contract or easement payments to the owner or operator in accordance with paragraphs (2) and (3); and

''(B) make payments to the owner or operator under a restoration agreement for the Federal share of the cost of restoration in accordance with paragraph (4).

''(2) RENTAL CONTRACT PAYMENTS.—

''(A) PERCENTAGE OF GRAZING VALUE OF LAND.—In return for the execution of a rental contract by an owner or operator under the program, the Secretary shall make annual payments during the term of the contract in an amount, subject to subparagraph (B), that is not more than 75 percent of the grazing value of the land covered by the contract.

''(B) PAYMENT LIMITATION.—Payments made under 1 or more rental contracts to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

''(3) EASEMENT PAYMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in return for the granting of an easement by an owner under the program, the Secretary shall make easement payments in an amount not to exceed the fair market value of the land less the grazing value of the land encumbered by the easement.

''(B) METHOD FOR DETERMINATION OF COMPENSATION.—In making a determination under subparagraph (A), the Secretary shall pay as compensation for a easement acquired under the program the lowest of—

''(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using—

''(I) the Uniform Standards of Professional Appraisal Practices; or

''(II) an area-wide market analysis or survey;

''(ii) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

''(iii) the offer made by the landowner.

''(C) SCHEDULE.—Easement payments may be provided in up to 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

''(4) RESTORATION AGREEMENT PAYMENTS.—

''(A) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to an owner or operator under a restoration agreement of not more than 50 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land.

''(B) PAYMENT LIMITATION.—Payments made under 1 or more restoration agreements to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

''(5) PAYMENTS TO OTHERS.—If an owner or operator who is entitled to a payment under the program dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

''SEC. 1238Q. DELEGATION OF DUTY.

''(a) AUTHORITY TO DELEGATE.—The Secretary may delegate a duty under the program—

''(1) by transferring title of ownership to an easement to an eligible entity to hold and enforce; or

''(2) by entering into a cooperative agreement with an eligible entity for the eligible entity to own, write, and enforce an easement.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) an agency of State or local government or an Indian tribe; or

''(2) an organization that—

''(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

''(C) is described in—

''(i) paragraph (1) or (2) of section 509(a) of that Code; or

''(ii) in section 509(a)(3) of that Code, and is controlled by an organization described in section 509(a)(2) of that Code.

''(c) TRANSFER OF TITLE OF OWNERSHIP.—

''(1) TRANSFER.—The Secretary may transfer title of ownership to an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

''(A) the Secretary determines that the transfer will promote protection of grassland, land that contains forbs, or shrubland;

''(B) the owner authorizes the eligible entity to hold or enforce the easement; and

''(C) the eligible entity agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity.

''(2) APPLICATION.—An eligible entity that seeks to hold and enforce an easement shall apply to the Secretary for approval.

''(3) APPROVAL BY SECRETARY.—The Secretary may approve an application described in paragraph (2) if the eligible entity—

''(A) has the relevant experience necessary, as appropriate for the application, to administer an easement on grassland, land that contains forbs, or shrubland;

''(B) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

''(C) has the resources necessary to effectuate the purposes of the charter.

''(d) COOPERATIVE AGREEMENTS.—

''(1) AUTHORIZED; TERMS AND CONDITIONS.—The Secretary shall establish the terms and conditions of a cooperative agreement under which an eligible entity shall use funds provided by the Secretary to own, write, and enforce an easement, in lieu of the Secretary.

''(2) MINIMUM REQUIREMENTS.—At a minimum, the cooperative agreement shall—

''(A) specify the qualification of the eligible entity to carry out the entity's responsibilities under the program, including acquisition, monitoring, enforcement, and implementation of management policies and procedures that ensure the long-term integrity of the easement protections;

''(B) require the eligible entity to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity;

''(C) specify the right of the Secretary to conduct periodic inspections to verify the eligible entity's enforcement of the easement;

''(D) subject to subparagraph (E), identify a specific project or a range of projects to be funded under the agreement;

''(E) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

''(F) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

''(G) allow the eligible entity flexibility to develop and use terms and conditions for easements, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to enable effective enforcement of the easements;

''(H) if applicable, allow an eligible entity to include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the landowner from which the easement will be purchased as part of the entity's share of the cost to purchase an easement; and

''(I) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity.

''(3) COST SHARING.—

''(A) IN GENERAL.—As part of a cooperative agreement with an eligible entity under this subsection, the Secretary may provide a share of the purchase price of an easement under the program.

''(B) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the purchase price at least equivalent to that provided by the Secretary.

''(C) PRIORITY.—The Secretary may accord a higher priority to proposals from eligible entities that leverage a greater share of the purchase price of the easement.

''(4) VIOLATION.—If an eligible entity violates the terms or conditions of a cooperative agreement entered into under this subsection—

''(A) the cooperative agreement shall remain in force; and

''(B) the Secretary may require the eligible entity to refund all or part of any payments received by the eligible entity under the program, with interest on the payments as determined appropriate by the Secretary.

''(e) PROTECTION OF FEDERAL INVESTMENT.—When delegating a duty under this section, the Secretary shall ensure that the terms of an easement include a contingent right of enforcement for the Department.''.

Subtitle F—Environmental Quality Incentives Program

SEC. 2501. PURPOSES OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) REVISED PURPOSES.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting '', forest management,'' after ''agricultural production''; and

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

''(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

''(A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

''(B) conserving energy;

''(4) assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production), grazing management, fuels management, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and''.

(b) TECHNICAL CORRECTION.—The Food Security Act of 1985 is amended by inserting immediately before section 1240 (16 U.S.C. 3839aa) the following:

''CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM''.

SEC. 2502. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended to read as follows:

''SEC. 1240A. DEFINITIONS.

''In this chapter:

''(1) ELIGIBLE LAND.—

''(A) IN GENERAL.—The term 'eligible land' means land on which agricultural commodities, livestock, or forest-related products are produced.

''(B) INCLUSIONS.—The term 'eligible land' includes the following:

''(i) Cropland.

''(ii) Grassland.

''(iii) Rangeland.

''(iv) Pasture land.

''(v) Nonindustrial private forest land.

''(vi) Other agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed through a contract under the program, as determined by the Secretary.

''(2) NATIONAL ORGANIC PROGRAM.—The term 'national organic program' means the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.).

''(3) ORGANIC SYSTEM PLAN.—The term 'organic system plan' means an organic plan approved under the national organic program.

''(4) PAYMENT.—The term 'payment' means financial assistance provided to a producer for performing practices under this chapter, including compensation for—

''(A) incurred costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

''(B) income forgone by the producer.

''(5) PRACTICE.—The term 'practice' means 1 or more improvements and conservation activities that are consistent with the purposes of the program under this chapter, as determined by the Secretary, including—

''(A) improvements to eligible land of the producer, including—

''(i) structural practices;

''(ii) land management practices;

''(iii) vegetative practices;

''(iv) forest management; and

''(v) other practices that the Secretary determines would further the purposes of the program; and

''(B) conservation activities involving the development of plans appropriate for the eligible land of the producer, including—

''(i) comprehensive nutrient management planning; and

''(ii) other plans that the Secretary determines would further the purposes of the program under this chapter.

''(6) PROGRAM.—The term 'program' means the environmental quality incentives program established by this chapter.''.

SEC. 2503. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended to read as follows:

''SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION.

''(a) ESTABLISHMENT.—During each of the 2002 through 2012 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.

''(b) PRACTICES AND TERM.—

''(1) PRACTICES.—A contract under the program may apply to the performance of one or more practices.

''(2) TERM.—A contract under the program shall have a term that—

''(A) at a minimum, is equal to the period beginning on the date on which the contract is entered into and ending on the date that is one year after the date on which all practices under the contract have been implemented; but

''(B) not to exceed 10 years.

''(c) BIDDING DOWN.—If the Secretary determines that the environmental values of two or more applications for payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program.

''(d) PAYMENTS.—

''(1) AVAILABILITY OF PAYMENTS.—Payments are provided to a producer to implement one or more practices under the program.

''(2) LIMITATION ON PAYMENT AMOUNTS.—A payment to a producer for performing a practice may not exceed, as determined by the Secretary—

''(A) 75 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training;

''(B) 100 percent of income foregone by the producer; or

''(C) in the case of a practice consisting of elements covered under subparagraphs (A) and (B)—

''(i) 75 percent of the costs incurred for those elements covered under subparagraph (A); and

''(ii) 100 percent of income foregone for those elements covered under subparagraph (B).

''(3) SPECIAL RULE INVOLVING PAYMENTS FOR FOREGONE INCOME.—In determining the amount and rate of payments under paragraph (2)(B), the Secretary may accord great significance to a practice that, as determined by the Secretary, promotes—

''(A) residue management;

''(B) nutrient management;

''(C) air quality management;

''(D) invasive species management;

''(E) pollinator habitat;

''(F) animal carcass management technology; or

''(G) pest management.

''(4) INCREASED PAYMENTS FOR CERTAIN PRODUCERS.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a producer that is a limited resource, socially disadvantaged farmer or rancher or a beginning farmer or rancher, the Secretary shall increase the amount that would otherwise be provided to a producer under this subsection—

''(i) to not more than 90 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

''(ii) to not less than 25 percent above the otherwise applicable rate.

''(B) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

''(5) FINANCIAL ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (6), any payments received by a producer from a State or private organization or person for the implementation of one or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under this subsection.

''(6) OTHER PAYMENTS.—A producer shall not be eligible for payments for practices on eligible land under the program if the producer receives payments or other benefits for the same practice on the same land under another program under this subtitle.

''(e) MODIFICATION OR TERMINATION OF CONTRACTS.—

''(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under the program if—

''(A) the producer agrees to the modification or termination; and

''(B) the Secretary determines that the modification or termination is in the public interest.

''(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under the program if the Secretary determines that the producer violated the contract.

''(f) ALLOCATION OF FUNDING.—For each of fiscal years 2002 through 2012, 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

''(g) FUNDING FOR FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS.—The Secretary may enter into alternative funding arrangements with federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations) if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal or Native Corporation member.

''(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—

''(1) AVAILABILITY OF PAYMENTS.—The Secretary may provide payments under this subsection to a producer for a water conservation or irrigation practice.

''(2) PRIORITY.—In providing payments to a producer for a water conservation or irrigation practice, the Secretary shall give priority to applications in which—

''(A) consistent with the law of the State in which the eligible land of the producer is located, there is a reduction in water use in the operation of the producer; or

''(B) the producer agrees not to use any associated water savings to bring new land, other than incidental land needed for efficient operations, under irrigated production, unless the producer is participating in a watershed-wide project that will effectively conserve water, as determined by the Secretary.

''(i) PAYMENTS FOR CONSERVATION PRACTICES RELATED TO ORGANIC PRODUCTION.—

''(1) PAYMENTS AUTHORIZED.—The Secretary shall provide payments under this subsection for conservation practices, on some or all of the operations of a producer, related—

''(A) to organic production; and

''(B) to the transition to organic production.

''(2) ELIGIBILITY REQUIREMENTS.—As a condition for receiving payments under this subsection, a producer shall agree—

''(A) to develop and carry out an organic system plan; or

''(B) to develop and implement conservation practices for certified organic production that are consistent with an organic system plan and the purposes of this chapter.

''(3) PAYMENT LIMITATIONS.—Payments under this subsection to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $20,000 per year or $80,000 during any 6-year period. In applying these limitations, the Secretary shall not take into account payments received for technical assistance.

''(4) EXCLUSION OF CERTAIN ORGANIC CERTIFICATION COSTS.—Payments may not be made under this subsection to cover the costs associated with organic certification that are eligible for cost-share payments under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523).

''(5) TERMINATION OF CONTRACTS.—The Secretary may cancel or otherwise nullify a contract to provide payments under this subsection if the Secretary determines that the producer—

''(A) is not pursuing organic certification; or

''(B) is not in compliance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq).''.

SEC. 2504. EVALUATION OF APPLICATIONS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended to read as follows:

''SEC. 1240C. EVALUATION OF APPLICATIONS.

''(a) EVALUATION CRITERIA.—The Secretary shall develop criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed.

''(b) PRIORITIZATION OF APPLICATIONS.—In evaluating applications under this chapter, the Secretary shall prioritize applications—

''(1) based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

''(2) based on how effectively and comprehensively the project addresses the designated resource concern or resource concerns;

''(3) that best fulfill the purpose of the environmental quality incentives program specified in section 1240(1); and

''(4) that improve conservation practices or systems in place on the operation at the time the contract offer is accepted or that will complete a conservation system.

''(c) GROUPING OF APPLICATIONS.—To the greatest extent practicable, the Secretary shall group applications of similar crop or livestock operations for evaluation purposes or otherwise evaluate applications relative to other applications for similar farming operations.''.

SEC. 2505. DUTIES OF PRODUCERS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240D of the Food Security Act of 1985 (16 U.S.C. 3839aa–4) is amended—

(1) in the matter preceding paragraph (1), by striking ''technical assistance, cost-share payments, or incentive'';

(2) in paragraph (2), by striking ''farm or ranch'' and inserting ''farm, ranch, or forest land''; and

(3) in paragraph (4), by striking ''cost-share payments and incentive''.

SEC. 2506. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) PLAN OF OPERATIONS.—Section 1240E(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is amended—

(1) in the subsection heading, by striking ''IN GENERAL'' and inserting ''PLAN OF OPERATIONS'';

(2) in matter preceding paragraph (1), by striking ''cost-share payments or incentive'';

(3) in paragraph (2), by striking ''and'' after the semicolon at the end;

(4) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) in the case of forest land, is consistent with the provisions of a forest management plan that is approved by the Secretary, which may include—

''(A) a forest stewardship plan described in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a);

''(B) another practice plan approved by the State forester; or

''(C) another plan determined appropriate by the Secretary.''.

(b) AVOIDANCE OF DUPLICATION.—Subsection (b) of section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa–5) is amended to read as follows:

''(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

''(1) consider a plan developed in order to acquire a permit under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a), if the plan contains elements equivalent to those elements required by a plan of operations; and

''(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.''.

SEC. 2507. DUTIES OF THE SECRETARY.

Section 1240F(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–6(1)) is amended by striking ''cost-share payments or incentive''.

SEC. 2508. LIMITATION ON ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) by striking ''An individual or entity'' and inserting ''(a) limitation.—Subject to subsection (b), a person or legal entity'';

(2) by striking ''$450,000'' and inserting ''$300,000'';

(3) by striking ''the individual'' both places it appears and inserting ''the person''; and

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

''(b) WAIVER AUTHORITY.—In the case of contracts under this chapter for projects of special environmental significance (including projects involving methane digesters), as determined by the Secretary, the Secretary may—

''(1) waive the limitation otherwise applicable under subsection (a); and

''(2) raise the limitation to not more than $450,000 during any six-year period.''.

SEC. 2509. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended to read as follows:

''SEC. 1240H. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

''(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—

''(1) GRANTS.—Out of the funds made available to carry out this chapter, the Secretary may pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging the Federal investment in environmental enhancement and protection, in conjunction with agricultural production or forest resource management, through the program.

''(2) USE.—The Secretary may provide grants under this subsection to governmental and non-governmental organizations

and persons, on a competitive basis, to carry out projects that—

''(A) involve producers who are eligible for payments or technical assistance under the program;

''(B) leverage Federal funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

''(C) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section, such as market systems for pollution reduction and practices for the storage of carbon in soil; and

''(D) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

''(b) AIR QUALITY CONCERNS FROM AGRICULTURAL OPERATIONS.—

''(1) IMPLEMENTATION ASSISTANCE.—The Secretary shall provide payments under this subsection to producers to implement practices to address air quality concerns from agricultural operations and to meet Federal, State, and local regulatory requirements. The funds shall be made available on the basis of air quality concerns in a State and shall be used to provide payments to producers that are cost effective and reflect innovative technologies.

''(2) FUNDING.—Of the funds made available to carry out this chapter, the Secretary shall carry out this subsection using $37,500,000 for each of fiscal years 2009 through 2012.''.

SEC. 2510. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

''SEC. 1240I. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL WATER ENHANCEMENT ACTIVITY.—The term 'agricultural water enhancement activity' includes the following activities carried out with respect to agricultural land:

''(A) Water quality or water conservation plan development, including resource condition assessment and modeling.

''(B) Water conservation restoration or enhancement projects, including conversion to the production of less water-intensive agricultural commodities or dryland farming.

''(C) Water quality or quantity restoration or enhancement projects.

''(D) Irrigation system improvement and irrigation efficiency enhancement.

''(E) Activities designed to mitigate the effects of drought.

''(F) Related activities that the Secretary determines will help achieve water quality or water conservation benefits on agricultural land.

''(2) PARTNER.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out agricultural water enhancement activities on a regional basis, including—

''(A) an agricultural or silvicultural producer association or other group of such producers;

''(B) a State or unit of local government; or

''(C) a federally recognized Indian tribe.

''(3) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means an agreement between the Secretary and a partner.

''(4) PROGRAM.—The term 'program' means the agricultural water enhancement program established under subsection (b).

''(b) ESTABLISHMENT OF PROGRAM.—Beginning in fiscal year 2009, the Secretary shall carry out, in accordance with this section and using such procedures as the Secretary determines to be appropriate, an agricultural water enhancement program as part of the environmental quality incentives program to promote ground and surface water conservation and improve water quality on agricultural lands—

''(1) by entering into contracts with, and making payments to, producers to carry out agricultural water enhancement activities; or

''(2) by entering into partnership agreements with partners, in accordance with subsection (c), on a regional level to benefit working agricultural land.

''(c) PARTNERSHIP AGREEMENTS.—

''(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into partnership agreements to meet the objectives of the program described in subsection (b).

''(2) APPLICATIONS.—An application to the Secretary to enter into a partnership agreement under paragraph (1) shall include the following:

''(A) A description of the geographical area to be covered by the partnership agreement.

''(B) A description of the agricultural water quality or water conservation issues to be addressed by the partnership agreement.

''(C) A description of the agricultural water enhancement objectives to be achieved through the partnership.

''(D) A description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner.

''(E) A description of the program resources, including payments the Secretary is requested to make.

''(F) Such other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for partnership agreements.

''(3) DUTIES OF PARTNERS.—A partner under a partnership agreement shall—

''(A) identify producers participating in the project and act on their behalf in applying for the program;

''(B) leverage funds provided by the Secretary with additional funds to help achieve project objectives;

''(C) conduct monitoring and evaluation of project effects; and

''(D) at the conclusion of the project, report to the Secretary on project results.

''(d) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PRODUCERS.—The Secretary shall select agricultural water enhancement activities proposed by producers according to applicable requirements under the environmental quality incentives program.

''(e) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PARTNERS.—

''(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select partners. In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

''(2) AUTHORITY TO GIVE PRIORITY TO CERTAIN PROPOSALS.—The Secretary may give a higher priority to proposals from partners that—

''(A) include high percentages of agricultural land and producers in a region or other appropriate area;

''(B) result in high levels of applied agricultural water quality and water conservation activities;

''(C) significantly enhance agricultural activity;

''(D) allow for monitoring and evaluation; and

''(E) assist producers in meeting a regulatory requirement that reduces the economic scope of the producer's operation.

''(3) PRIORITY TO PROPOSALS FROM STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall give a higher priority to proposals from partners that—

''(A) include the conversion of agricultural land from irrigated farming to dryland farming;

''(B) leverage Federal funds provided under the program with funds provided by partners; and

''(C) assist producers in States with water quantity concerns, as determined by the Secretary.

''(4) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

''(A) accept qualified applications—

''(i) directly from partners applying on behalf of producers; or

''(ii) from producers applying through a partner as part of a regional agricultural water enhancement project; and

''(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

''(f) AREAS EXPERIENCING EXCEPTIONAL DROUGHT.—Notwithstanding the purposes described in section 1240, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

''(1) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

''(2) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

''(g) WAIVER AUTHORITY.—To assist in the implementation of agricultural water enhancement activities under the program, the Secretary shall waive the applicability of the limitation in section 1001D(b)(2)(B) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

''(h) PAYMENTS UNDER PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the secretary to be necessary to achieve the purposes of the program described in subsection (b).

''(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

''(i) CONSISTENCY WITH STATE LAW.—Any agricultural water enhancement activity conducted under the program shall be conducted in a manner consistent with State water law.

''(j) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a), the Secretary shall carry out the program using, of the funds of the Commodity Credit Corporation—

''(A) $73,000,000 for each of fiscal years 2009 and 2010;

''(B) $74,000,000 for fiscal year 2011; and

''(C) $60,000,000 for fiscal year 2012 and each fiscal year thereafter.

''(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available for regional agricultural water conservation activities under the program may be used to

pay for the administrative expenses of partners.''.

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

SEC. 2601. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2602. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) ELIGIBILITY.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands''.

(2) in subsection (b)(1), by striking ''landowners'' and inserting ''owners of lands referred to in subsection (a)''.

(b) INCLUSION OF PIVOT CORNERS AND IRREGULAR AREAS.—Section 1240N(b)(1)(E) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(1)(E)) is amended by inserting before the period at the end the following: '', including habitat developed on pivot corners and irregular areas''.

(c) COST SHARE FOR LONG-TERM AGREEMENTS.—Section 1240N(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(2)(B)) is amended by striking ''15 percent'' and inserting ''25 percent''.

(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES; PAYMENT LIMITATION.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended by adding at the end the following new subsections:

''(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

''(e) PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, $50,000 per year.''.

SEC. 2603. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended by striking ''$5,000,000 for each of fiscal years 2002 through 2007'' and inserting ''$20,000,000 for each of fiscal years 2008 through 2012''.

SEC. 2604. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb–3) is amended to read as follows:

''SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

''(a) PROGRAM AUTHORIZED.—The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the 'program'), including providing assistance to implement the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

''(b) CONSULTATION AND COOPERATION.—The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

''(c) ASSISTANCE.—In carrying out the program, the Secretary may—

''(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

''(2) establish a priority for projects and activities that—

''(A) directly reduce soil erosion or improve sediment control;

''(B) reduce soil loss in degraded rural watersheds; or

''(C) improve water quality for downstream watersheds.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 2605. CHESAPEAKE BAY WATERSHED PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1240P (16 U.S.C. 3839bb–3) the following new section:

''SEC. 1240Q. CHESAPEAKE BAY WATERSHED.

''(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term 'Chesapeake Bay watershed' means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

''(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay watershed for the purposes of—

''(1) improving water quality and quantity in the Chesapeake Bay watershed; and

''(2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

''(c) CONSERVATION ACTIVITIES.—The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subtitle to assist producers in enhancing land and water resources—

''(1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and

''(2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—

''(A) retained in their current use; or

''(B) restored to their natural condition.

''(d) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) enter into agreements with producers to carry out the purposes of this section; and

''(B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

''(2) SPECIAL CONSIDERATIONS.—In entering into agreements under this subsection, the Secretary shall give special consideration to, and begin evaluating, applications with producers in the following river basins:

''(A) The Susquehanna River.

''(B) The Shenandoah River.

''(C) The Potomac River (including North and South Potomac).

''(D) The Patuxent River.

''(e) DUTIES OF THE SECRETARY.—In carrying out the purposes in this section, the Secretary shall—

''(1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and

''(2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

''(f) CONSULTATION.—The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

''(g) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).

''(h) FUNDING.—

''(1) AVAILABILITY.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

''(A) $23,000,000 for fiscal year 2009;

''(B) $43,000,000 for fiscal year 2010;

''(C) $72,000,000 for fiscal year 2011; and

''(D) $50,000,000 for fiscal year 2012.

''(2) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.''

SEC. 2606. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by inserting after section 1240Q, as added by section 2605, the following new section:

''SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

''(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

''(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

''(A) hunting and fishing; and

''(B) to the maximum extent practicable, other recreational purposes; and

''(2) the methods that will be used to achieve those benefits.

''(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

''(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

''(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

''(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section 1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land;

''(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

''(5) to make available to the public the location of land enrolled.

''(d) RELATIONSHIP TO OTHER LAWS.—

''(1) NO PREEMPTION.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

''(2) EFFECT OF INCONSISTENT OPENING DATES FOR MIGRATORY BIRD HUNTING.—The Secretary shall reduce by 25 percent the amount of a grant otherwise determined for a State under the program if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents.

''(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

''(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary

shall use, to the maximum extent practicable, $50,000,000 for the period of fiscal years 2009 through 2012.''.

Subtitle H—Funding and Administration of Conservation Programs

SEC. 2701. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''.

(b) CONSERVATION RESERVE PROGRAM.—Paragraph (1) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking the period at the end and inserting the following: '', including to the maximum extent practicable—

''(A) $100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 1234(b) in connection with thinning activities conducted on land described in subparagraph (A)(iii) of such paragraph; and

''(B) $25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.''.

(c) CONSERVATION SECURITY AND CONSERVATION STEWARDSHIP PROGRAMS.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(3)(A) CONSERVATION SECURITY PROGRAM.—The conservation security program under subchapter A of chapter 2, using such sums as are necessary to administer contracts entered into before September 30, 2008.

''(B) CONSERVATION STEWARDSHIP PROGRAM.—The conservation stewardship program under subchapter B of chapter 2.''.

(d) FARMLAND PROTECTION PROGRAM.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(4) The farmland protection program under subchapter C of chapter 2, using, to the maximum extent practicable—

''(A) $97,000,000 in fiscal year 2008;

''(B) $121,000,000 in fiscal year 2009;

''(C) $150,000,000 in fiscal year 2010;

''(D) $175,000,000 in fiscal year 2011; and

''(E) $200,000,000 in fiscal year 2012.''.

(e) GRASSLAND RESERVE PROGRAM.—Paragraph (5) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(5) The grassland reserve program under subchapter D of chapter 2.''.

(f) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,200,000,000 in fiscal year 2008;

''(B) $1,337,000,000 in fiscal year 2009;

''(C) $1,450,000,000 in fiscal year 2010;

''(D) $1,588,000,000 in fiscal year 2011; and

''(E) $1,750,000,000 in fiscal year 2012.''.

(g) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2702. AUTHORITY TO ACCEPT CONTRIBUTIONS TO SUPPORT CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following new subsection:

''(e) ACCEPTANCE AND USE OF CONTRIBUTIONS.—

''(1) AUTHORITY TO ESTABLISH CONTRIBUTION ACCOUNTS.—Subject to paragraph (2), the Secretary may establish a sub-account for each conservation program administered by the Secretary under subtitle D to accept contributions of non-Federal funds to support the purposes of the program.

''(2) DEPOSIT AND USE OF CONTRIBUTIONS.—Contributions of non-Federal funds received for a conservation program administered by the Secretary under subtitle D shall be deposited into the sub-account established under this subsection for the program and shall be available to the Secretary, without further appropriation and until expended, to carry out the program.''.

SEC. 2703. REGIONAL EQUITY AND FLEXIBILITY.

(a) REGIONAL EQUITY AND FLEXIBILITY.—Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended—

(1) by striking ''Before April 1'' and inserting the following:

''(1) PRIORITY FUNDING TO PROMOTE EQUITY.—Before April 1'';

(2) by striking ''$12,000,000'' and inserting ''$15,000,000''; and

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

''(2) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.''.

(b) ALLOCATIONS REVIEW AND UPDATE.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (e), as added by section 2702, the following new subsection:

''(f) ALLOCATIONS REVIEW AND UPDATE.—

''(1) REVIEW.—Not later than January 1, 2012, the Secretary shall conduct a review of conservation programs and authorities under this title that utilize allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

''(2) UPDATE.—The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.''.

SEC. 2704. ASSISTANCE TO CERTAIN FARMERS AND RANCHERS TO IMPROVE THEIR ACCESS TO CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (f), as added by section 2703(b), the following new subsection:

''(g) ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.—

''(1) ASSISTANCE.—Of the funds made available for each of fiscal years 2009 through 2012 to carry out the environmental quality incentives program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

''(A) 5 percent to assist beginning farmers or ranchers; and

''(B) 5 percent to assist socially disadvantaged farmers or ranchers.

''(2) REPOOLING OF FUNDS.—In any fiscal year, amounts not obligated under paragraph (1) by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year under the environmental quality incentives program.

''(3) REPOOLING OF ACRES.—In any fiscal year, acres not obligated under paragraph (1) by a date determined by the Secretary shall be available for use in that fiscal year under the conservation stewardship program.''.

SEC. 2705. REPORT REGARDING ENROLLMENTS AND ASSISTANCE UNDER CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (g), as added by section 2704, the following new subsection:

''(h) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Beginning in calendar year 2009, and each year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a semi-annual report containing statistics by State related to enrollments in conservation programs under this subtitle, as follows:

''(1) Payments made under the wetlands reserve program for easements valued at $250,000 or greater.

''(2) Payments made under the farmland protection program for easements in which the Federal share is $250,000 or greater.

''(3) Payments made under the grassland reserve program valued at $250,000 or greater.

''(4) Payments made under the environmental quality incentives program for land determined to have special environmental significance pursuant to section 1240G(b).

''(5) Payments made under the agricultural water enhancement program subject to the waiver of adjusted gross income limitations pursuant to section 1240I(g).

''(6) Waivers granted by the Secretary under section 1001D(b)(2) of this Act in order to protect environmentally sensitive land of special significance.''.

SEC. 2706. DELIVERY OF CONSERVATION TECHNICAL ASSISTANCE.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended to read as follows:

''SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.

''(a) DEFINITION OF ELIGIBLE PARTICIPANT.—In this section, the term 'eligible participant' means a producer, landowner, or entity that is participating in, or seeking to participate in, programs for which the producer, landowner, or entity is otherwise eligible to participate in under this title or the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524).

''(b) PURPOSE OF TECHNICAL ASSISTANCE.—The purpose of technical assistance authorized by this section is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

''(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance under this title to an eligible participant—

''(1) directly;

''(2) through an agreement with a third-party provider; or

''(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

''(d) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, other agencies within the Department or non-Federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation programs under this title.

''(e) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

''(1) PURPOSE.—The purpose of the third-party provider program is to increase the

availability and range of technical expertise available to eligible participants to plan and implement conservation measures.

''(2) REGULATIONS.—Not later than 180 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall promulgate such regulations as are necessary to carry out this section.

''(3) EXPERTISE.—In promulgating such regulations, the Secretary, to the maximum extent practicable, shall—

''(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of the technical assistance;

''(B) provide national criteria for the certification of third party providers; and

''(C) approve any unique certification standards established at the State level.

''(f) ADMINISTRATION.—

''(1) FUNDING.—Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation made available to carry out technical assistance for each of the programs specified in section 1241 shall be available for the provision of technical assistance from third-party providers under this section.

''(2) TERM OF AGREEMENT.—An agreement with a third-party provider under this section shall have a term that—

''(A) at a minimum, is equal to the period beginning on the date on which the agreement is entered into and ending on the date that is 1 year after the date on which all activities performed pursuant to the agreement have been completed;

''(B) does not exceed 3 years; and

''(C) can be renewed, as determined by the Secretary.

''(3) REVIEW OF CERTIFICATION REQUIREMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall—

''(A) review certification requirements for third-party providers; and

''(B) make any adjustments considered necessary by the Secretary to improve participation.

''(4) ELIGIBLE ACTIVITIES.—

''(A) INCLUSION OF ACTIVITIES.—The Secretary may include as activities eligible for payments to a third party provider—

''(i) technical services provided directly to eligible participants, such as conservation planning, education and outreach, and assistance with design and implementation of conservation practices; and

''(ii) related technical assistance services that accelerate conservation program delivery.

''(B) EXCLUSIONS.—The Secretary shall not designate as an activity eligible for payments to a third party provider any service that is provided by a business, or equivalent, in connection with conducting business and that is customarily provided at no cost.

''(5) PAYMENT AMOUNTS.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers.

''(g) AVAILABILITY OF TECHNICAL SERVICES.—

''(1) IN GENERAL.—In carrying out the programs under this title and the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524), the Secretary shall make technical services available to all eligible participants who are installing an eligible practice.

''(2) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not provided under a program referred to in paragraph (1), the Secretary may enter into a technical service contract with the eligible participant for the purposes of assisting in the planning, design, or installation of an eligible practice.

''(h) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

''(1) REVIEW REQUIRED.—The Secretary shall—

''(A) review conservation practice standards, including engineering design specifications, in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008;

''(B) ensure, to the maximum extent practicable, the completeness and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, bioenergy crop production, forestry, and such other needs as are determined by the Secretary; and

''(C) ensure that the standards provide for the optimal balance between meeting site-specific conservation needs and minimizing risks of design failure and associated costs of construction and installation.

''(2) CONSULTATION.—In conducting the review under paragraph (1), the Secretary shall consult with eligible participants, crop consultants, cooperative extension and land grant universities, nongovernmental organizations, and other qualified entities.

''(3) EXPEDITED REVISION OF STANDARDS.—If the Secretary determines under paragraph (1) that revisions to the conservation practice standards, including engineering design specifications, are necessary, the Secretary shall establish an administrative process for expediting the revisions.

''(i) ADDRESSING CONCERNS OF SPECIALITY CROP, ORGANIC, AND PRECISION AGRICULTURE PRODUCERS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) to the maximum extent practicable, fully incorporate specialty crop production, organic crop production, and precision agriculture into the conservation practice standards; and

''(B) provide for the appropriate range of conservation practices and resource mitigation measures available to producers involved with organic or specialty crop production or precision agriculture.

''(2) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by producers involved with organic, specialty crop production, or precision agriculture through Federal conservation programs.

''(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall develop—

''(i) programs that meet specific needs of producers involved with organic, specialty crop production or precision agriculture through cooperative agreements with other agencies and nongovernmental organizations; and

''(ii) program specifications that allow for innovative approaches to engage local resources in providing technical assistance for planning and implementation of conservation practices.''.

SEC. 2707. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) TRANSFER OF EXISTING PROVISIONS.—Subsections (a), (c), and (d) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) are—

(1) redesignated as subsections (c), (d), and (e), respectively; and

(2) transferred to appear at the end of section 1244 of such Act (16 U.S.C. 3844).

(b) ESTABLISHMENT OF PARTNERSHIP INITIATIVE.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

''SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

''(a) ESTABLISHMENT OF INITIATIVE.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the 'Initiative') to work with eligible partners to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

''(b) PURPOSES.—The purposes of a partnership entered into under the Initiative shall be—

''(1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;

''(2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;

''(3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest operations; or

''(4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

''(c) INITIATIVE PROGRAMS.—

''(1) COVERED PROGRAMS.—Except as provided in paragraph (2), the Initiative applies to all conservation programs under subtitle D.

''(2) EXCLUDED PROGRAMS.—The Initiative shall not include the following programs:

''(A) Conservation reserve program.

''(B) Wetlands reserve program.

''(C) Farmland protection program

''(D) Grassland reserve program.

''(d) ELIGIBLE PARTNERS.—The Secretary may enter into a partnership under the Initiative with one or more of the following:

''(1) States and local governments.

''(2) Indian tribes.

''(3) Producer associations.

''(4) Farmer cooperatives.

''(5) Institutions of higher education.

''(6) Nongovernmental organizations with a history of working cooperatively with producers to effectively address conservation priorities related to agricultural production and nonindustrial private forest land.

''(e) IMPLEMENTATION AGREEMENTS.—The Secretary shall carry out the Initiative—

''(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

''(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

''(f) APPLICATIONS.—

''(1) REQUIRED INFORMATION.—An application to enter into a partnership agreement under the Initiative shall include the following:

''(A) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.

''(B) A description of the partner, or partners, collaborating to achieve the objectives of the agreement, and the roles, responsibilities, and capabilities of the partner.

''(C) A description of the resources that are requested from the Secretary, and the non-Federal resources that will be leveraged by the Federal contribution.

''(D) A description of the plan for monitoring, evaluating, and reporting on progress

made towards achieving the objectives of the agreement.

''(E) Such other information that may be required by the Secretary.

''(2) PRIORITIES.—The Secretary shall give priority to applications for agreements that—

''(A) have a high percentage of producers involved and working agricultural or nonindustrial private forest land included in the area covered by the agreement;

''(B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;

''(C) deliver high percentages of applied conservation to address water quality, water conservation, or State, regional, or national conservation initiatives;

''(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

''(E) meet other factors, as determined by the Secretary.

''(g) RELATIONSHIP TO COVERED PROGRAMS.—

''(1) COMPLIANCE WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary shall ensure that resources made available under the Initiative are delivered in accordance with the applicable rules of programs specified in subsection (c)(1) through normal program mechanisms relating to program functions, including rules governing appeals, payment limitations, and conservation compliance.

''(2) ADJUSTMENT.—The Secretary may adjust the elements of any program specified in subsection (c)(1)—

''(A) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the Initiative; and

''(B) to provide preferential enrollment to producers who are eligible for the applicable program and to participate in the Initiative.

''(h) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

''(i) FUNDING.—

''(1) RESERVATION.—Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

''(2) ALLOCATION REQUIREMENTS.—Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

''(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

''(B) 10 percent of the funds and acres to projects based on a national competitive process established by the Secretary.

''(3) UNUSED FUNDING.—Any funds and acres reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

''(4) ADMINISTRATIVE COSTS OF PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.''.

SEC. 2708. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844), as amended by section 2707, is further amended—

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

''(a) INCENTIVES FOR CERTAIN FARMERS AND RANCHERS AND INDIAN TRIBES.—

''(1) INCENTIVES AUTHORIZED.—In carrying out any conservation program administered by the Secretary, the Secretary may provide to a person or entity specified in paragraph (2) incentives to participate in the conservation program—

''(A) to foster new farming and ranching opportunities; and

''(B) to enhance long-term environmental goals.

''(2) COVERED PERSONS.—Incentives authorized by paragraph (1) may be provided to the following:

''(A) Beginning farmers or ranchers.

''(B) Socially disadvantaged farmers or ranchers.

''(C) Limited resource farmers or ranchers.

''(D) Indian tribes.''; and

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

''(f) ACREAGE LIMITATIONS.—

''(1) LIMITATIONS.—

''(A) ENROLLMENTS.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under subchapters B and C of chapter 1 of subtitle D.

''(B) EASEMENTS.—Not more than 10 percent of the cropland in a country may be subject to an easement acquired under subchapter C of chapter 1 of subtitle D.

''(2) EXCEPTIONS.—The Secretary may exceed the limitation in paragraph (1)(A), if the Secretary determines that—

''(A) the action would not adversely affect the local economy of a county; and

''(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

''(3) WAIVER TO EXCLUDE CERTAIN ACREAGE.—The Secretary may grant a waiver to exclude acreage enrolled under subsection (c)(2)(B) or (f)(4) of section 1234 from the limitations in paragraph (1)(A) with the concurrence of the county government of the county involved.

''(4) SHELTERBELTS AND WINDBREAKS.—The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subchapter C of chapter 1 that is used for the establishment of shelterbelts and windbreaks.

''(g) COMPLIANCE AND PERFORMANCE.—For each conservation program under subtitle D, the Secretary shall develop procedures—

''(1) to monitor compliance with program requirements;

''(2) to measure program performance;

''(3) to demonstrate whether the long-term conservation benefits of the program are being achieved;

''(4) to track participation by crop and livestock types; and

''(5) to coordinate activities described in this subsection with the national conservation program authorized under section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004).

''(h) ENCOURAGEMENT OF POLLINATOR HABITAT DEVELOPMENT AND PROTECTION.—In carrying out any conservation program administered by the Secretary, the Secretary may, as appropriate, encourage—

''(1) the development of habitat for native and managed pollinators; and

''(2) the use of conservation practices that benefit native and managed pollinators.

''(i) STREAMLINED APPLICATION PROCESS.—

''(1) IN GENERAL.—In carrying out each conservation program under this title, the Secretary shall ensure that the application process used by producers and landowners is streamlined to minimize complexity and eliminate redundancy.

''(2) REVIEW AND STREAMLINING.—

''(A) REVIEW.—The Secretary shall carry out a review of the application forms and processes for each conservation program covered by this subsection.

''(B) STREAMLINING.—On completion of the review the Secretary shall revise application forms and processes, as necessary, to ensure that—

''(i) all required application information is essential for the efficient, effective, and accountable implementation of conservation programs;

''(ii) conservation program applicants are not required to provide information that is readily available to the Secretary through existing information systems of the Department of Agriculture;

''(iii) information provided by the applicant is managed and delivered efficiently for use in all stages of the application process, or for multiple applications; and

''(iv) information technology is used effectively to minimize data and information input requirements.

''(3) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a written notification of completion of the requirements of this subsection.''.

SEC. 2709. ENVIRONMENTAL SERVICES MARKETS.

Subtitle E of title XII of the Food Security Act of 1985 is amended by inserting after section 1244 (16 U.S.C. 3844) the following new section:

''SEC. 1245. ENVIRONMENTAL SERVICES MARKETS.

''(a) TECHNICAL GUIDELINES REQUIRED.—The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

''(b) ESTABLISHMENT.—The Secretary shall establish guidelines under subsection (a) for use in developing the following:

''(1) A procedure to measure environmental services benefits.

''(2) A protocol to report environmental services benefits.

''(3) A registry to collect, record and maintain the benefits measured.

''(c) VERIFICATION REQUIREMENTS.—

''(1) VERIFICATION OF REPORTS.—The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports an environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

''(2) ROLE OF THIRD PARTIES.—In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third-parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

''(d) USE OF EXISTING INFORMATION.—In carrying out subsection (b), the Secretary shall build on activities or information in existence on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

''(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the following:

''(1) Federal and State government agencies.

''(2) Nongovernmental interests including—

''(A) farm, ranch, and forestry producers;

''(B) financial institutions involved in environmental services trading;

''(C) institutions of higher education with relevant expertise or experience;

''(D) nongovernmental organizations with relevant expertise or experience; and

''(E) private sector representatives with relevant expertise or experience.

''(3) Other interested persons, as determined by the Secretary.''.

SEC. 2710. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 2005a) the following new section:

''SEC. 1252. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a conservation experienced services program (in this section referred to as the 'ACES Program') for the purpose of utilizing the talents of individuals who are age 55 or older, but who are not employees of the Department of Agriculture or a State agriculture department, to provide technical services in support of the conservation-related programs and authorities carried out by the Secretary. Such technical services may include conservation planning assistance, technical consultation, and assistance with design and implementation of conservation practices.

''(b) PROGRAM AGREEMENTS.—

''(1) RELATION TO OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.—Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, to carry out the ACES program during a fiscal year, the Secretary may enter into agreements with nonprofit private agencies and organizations eligible to receive grants for that fiscal year under the Community Service Senior Opportunities Act (42 U.S.C. 3056 et seq.) to secure participants for the ACES program who will provide technical services under the ACES program.

''(2) REQUIRED DETERMINATION.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the agreement would not—

''(A) result in the displacement of individuals employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

''(B) result in the use of an individual under the ACES program for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

''(C) affect existing contracts for services.

''(c) FUNDING SOURCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may carry out the ACES program using funds made available to carry out each program under this title.

''(2) EXCLUSIONS.—Funds made available to carry out the following programs may not be used to carry out the ACES program:

''(A) The conservation reserve program.

''(B) The wetlands reserve program.

''(C) The grassland reserve program.

''(D) The conservation stewardship program.

''(d) LIABILITY.—An individual providing technical services under the ACES program is deemed to be an employee of the United States Government for purposes of chapter 171 of title 28, United States Code, if the individual—

''(1) is providing technical services pursuant to an agreement entered into under subsection (b); and

''(2) is acting within the scope of the agreement.''.

SEC. 2711. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES AND THEIR RESPONSIBILITIES.

Subtitle G of title XII of the Farm Security Act of 1985 (16 U.S.C. 3861, 3862) is amended to read as follows:

''Subtitle G—State Technical Committees

''SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

''(a) ESTABLISHMENT.—The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this title.

''(b) STANDARDS.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop—

''(1) standard operating procedures to standardize the operations of State technical committees; and

''(2) standards to be used by State technical committees in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.

''(c) COMPOSITION.—Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

''(1) The Natural Resources Conservation Service.

''(2) The Farm Service Agency.

''(3) The Forest Service.

''(4) The National Institute of Food and Agriculture.

''(5) The State fish and wildlife agency.

''(6) The State forester or equivalent State official.

''(7) The State water resources agency.

''(8) The State department of agriculture.

''(9) The State association of soil and water conservation districts.

''(10) Agricultural producers representing the variety of crops and livestock or poultry raised within the State.

''(11) Owners of nonindustrial private forest land.

''(12) Nonprofit organizations within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 with demonstrable conservation expertise and experience working with agriculture producers in the State.

''(13) Agribusiness.

''SEC. 1262. RESPONSIBILITIES.

''(a) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title.

''(b) PUBLIC NOTICE AND ATTENDANCE.—Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this title.

''(c) ROLE.—

''(1) IN GENERAL.—The role of State technical committees is advisory in nature, and such committees shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such committees in administering the programs under this title.

''(2) ADVISORY ROLE IN ESTABLISHING PROGRAM PRIORITIES AND CRITERIA.—Each State technical committee shall advise the Secretary in establishing priorities and criteria for the programs in this title, including the review of whether local working groups are addressing those priorities.

''(d) FACA REQUIREMENTS.—

''(1) EXEMPTION.—Each State technical committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

''(2) LOCAL WORKING GROUPS.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), any local working group established under this subtitle shall be considered to be a subcommittee of the applicable State technical committee.''.

Subtitle I—Conservation Programs Under Other Laws

SEC. 2801. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

(a) ELIGIBLE STATES.—Section 524(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended by inserting ''Hawaii,'' after ''Delaware,''.

(b) FUNDING.—Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in clause (i), by striking ''Except as provided in clauses (ii) and (iii)'' and inserting ''Except as provided in clause (ii)''; and

(2) by striking clauses (ii) and (iii) and inserting the following new clause:

''(ii) EXCEPTION FOR FISCAL YEARS 2008 THROUGH 2012.—For each of fiscal years 2008 through 2012, the Commodity Credit Corporation shall make available to carry out this subsection $15,000,000.''.

(c) CERTAIN USES.—Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

''(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

''(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

''(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.''.

SEC. 2802. TECHNICAL ASSISTANCE UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

(a) PREVENTION OF SOIL EROSION.—

(1) IN GENERAL.—The first section of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) is amended—

(A) by striking ''That it'' and inserting the following:

''SECTION 1. PURPOSE.

''It''; and

(B) in the matter preceding paragraph (1), by striking ''and thereby to preserve natural resources,'' and inserting ''to preserve soil, water, and related resources, promote soil and water quality,''.

(2) POLICIES AND PURPOSES.—Section 7(a)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)(1)) is amended by striking ''fertility'' and inserting ''and water quality and related resources''.

(b) DEFINITIONS.—Section 10 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590j) is amended to read as follows:

''SEC. 10. DEFINITIONS.

''In this Act:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

''(A) an agricultural commodity; and

''(B) any regional or market classification, type, or grade of an agricultural commodity.

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

''(B) INCLUSIONS.—The term 'technical assistance' includes—

''(i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and

''(ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.''.

SEC. 2803. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by adding at the end the following new subparagraph:

''(G) $100,000,000 for fiscal year 2009, to be available until expended.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking ''fiscal year 2007'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 2804. AMENDMENTS TO SOIL AND WATER RESOURCES CONSERVATION ACT OF 1977.

(a) CONGRESSIONAL FINDINGS.—Section 2 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) is amended—

(1) in paragraph (2), by striking ''base, of the'' and inserting ''base of the''; and

(2) in paragraph (3), by striking ''(3)'' and all that follows through ''Since individual'' and inserting the following:

''(3) Appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative approaches to existing conservation programs are basic to effective soil, water, and related natural resource conservation.

''(4) Since individual''.

(b) CONTINUING APPRAISAL OF SOIL, WATER, AND RELATED RESOURCES.—Section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following new subsection:

''(d) EVALUATION OF APPRAISAL.—In conducting the appraisal described in subsection (a), the Secretary shall concurrently solicit and evaluate recommendations for improving the appraisal, including the content, scope, process, participation in, and other elements of the appraisal, as determined by the Secretary.''; and

(4) in subsection (e), as redesignated by paragraph (2), by striking the first sentence and inserting the following: ''The Secretary shall conduct comprehensive appraisals under this section, to be completed by December 31, 2010, and December 31, 2015.''.

(c) SOIL AND WATER CONSERVATION PROGRAM.—Section 6 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2005) is amended—

(1) by redesignating subsection (b) as subsection (d);

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

''(b) EVALUATION OF EXISTING CONSERVATION PROGRAMS.—In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

''(c) IMPROVEMENT TO PROGRAM.—In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary.''; and

(3) in subsection (d), as redesignated by paragraph (1), by striking ''December 31, 1979'' and all that follows through ''December 31, 2007'' and inserting ''December 31, 2011, and December 31, 2016''.

(d) REPORTS TO CONGRESS.—Section 7 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2006) is amended to read as follows:

''SEC. 7. REPORTS TO CONGRESS.

''(a) APPRAISAL.—Not later than the date on which Congress convenes in 2011 and 2016, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the appraisal developed under section 5 and completed before the end of the previous year.

''(b) PROGRAM AND STATEMENT OF POLICY.—Not later than the date on which Congress convenes in 2012 and 2017, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(1) the initial program or updated program developed under section 6 and completed before the end of the previous year;

''(2) a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture; and

''(3) a special evaluation of the status, conditions, and trends of soil quality on cropland in the United States that addresses the challenges and opportunities for reducing soil erosion to tolerance levels.

''(c) IMPROVEMENTS TO APPRAISAL AND PROGRAM.—Not later than the date on which Congress convenes in 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the plans of the Department of Agriculture for improving the resource appraisal and national conservation program required under this Act, based on the recommendations received under sections 5(d) and 6(c).''.

(e) TERMINATION OF PROGRAM.—Section 10 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2009) is amended by striking ''2008'' and inserting ''2018''.

SEC. 2805. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''planning process'' and inserting ''locally led planning process'';

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (8), respectively, and moving those paragraphs so as to appear in numerical order;

(3) in paragraph (8) (as so redesignated)—

(A) by striking ''**PLANNING PROCESS**'' and inserting ''LOCALLY LED PLANNING PROCESS''; and

(B) by striking ''council'' and inserting ''locally led council''.

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

''(C) providing assistance for the implementation of area plans and projects; and

''(D) providing services that involve the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.''.

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In carrying''; and

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

''(b) COORDINATOR.—

''(1) IN GENERAL.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate for each council an individual to be the coordinator for the council.

''(2) RESPONSIBILITY.—A coordinator for a council shall be directly responsible for the provision of technical assistance to the council.''.

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2806. USE OF FUNDS IN BASIN FUNDS FOR SALINITY CONTROL ACTIVITIES UPSTREAM OF IMPERIAL DAM.

(a) IN GENERAL.—Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) is amended by adding at the end the following new paragraph:

''(7) BASIN STATES PROGRAM.—

''(A) IN GENERAL.—A Basin States Program that the Secretary, acting through the Bureau of Reclamation, shall implement to carry out salinity control activities in the Colorado River Basin using funds made available under section 205(f).

''(B) ASSISTANCE.—The Secretary, in consultation with the Colorado River Basin Salinity Control Advisory Council, shall carry out this paragraph using funds described in subparagraph (A) directly or by providing grants, grant commitments, or advance funds to Federal or non-Federal entities under such terms and conditions as the Secretary may require.

''(C) ACTIVITIES.—Funds described in subparagraph (A) shall be used to carry out, as determined by the Secretary—

''(i) cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources;

''(ii) operation and maintenance of salinity control features constructed under the Colorado River Basin salinity control program; and

''(iii) studies, planning, and administration of salinity control activities.

''(D) REPORT.—

''(i) IN GENERAL.—Not later than 30 days before implementing the program established under this paragraph, the Secretary shall submit to the appropriate committees of Congress a planning report that describes the proposed implementation of the program.

''(ii) IMPLEMENTATION.—The Secretary may not expend funds to implement the program established under this paragraph before the expiration of the 30-day period beginning on the date on which the Secretary submits the

report, or any revision to the report, under clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''program'' and inserting ''programs''; and

(B) in subsection (b)(4)—

(i) by striking ''program'' and inserting ''programs''; and

(ii) by striking ''and (6)'' and inserting ''(6), and (7)''.

(2) Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended by striking subsection (f) and inserting the following new subsection:

''(f) UP-FRONT COST SHARE.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through an up-front cost share from the Basin Funds, in the same proportions as the cost allocations required under subsection (a), as provided in paragraph (2).

''(2) BASIN STATES PROGRAM.—The Secretary shall expend the required cost share funds described in paragraph (1) through the Basin States Program for salinity control activities established under section 202(a)(7).

''(3) EXISTING SALINITY CONTROL ACTIVITIES.—The cost share contribution required by this section shall continue to be met through repayment in a manner consistent with this section for all salinity control activities for which repayment was commenced prior to the date of enactment of this paragraph.''.

SEC. 2807. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and all that follows through ''$200,000,000'' and inserting ''(a) TRANSFER.—Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108–7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer $175,000,000''; and

(B) by striking the quotation marks at the beginning of paragraphs (1) and (2); and

(2) by striking subsection (b) and inserting the following new subsection:

''(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

''(1) to lease water; or

''(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).''.

Subtitle J—Miscellaneous Conservation Provisions

SEC. 2901. HIGH PLAINS WATER STUDY.

Notwithstanding any other provision of this Act, no person shall become ineligible for any program benefits under this Act or an amendment made by this Act solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.

SEC. 2902. NAMING OF NATIONAL PLANT MATERIALS CENTER AT BELTSVILLE, MARYLAND, IN HONOR OF NORMAN A. BERG.

The National Plant Materials Center at Beltsville, Maryland, referenced in section 613.5(a) of title 7, Code of Federal Regulations, shall be known and designated as the ''Norman A. Berg National Plant Materials Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such National Plant Materials Center shall be deemed to be a reference to the Norman A. Berg National Plant Materials Center.

SEC. 2903. TRANSITION.

(a) CONTINUATION OF PROGRAMS IN FISCAL YEAR 2008.—Except as otherwise provided by an amendment made by this title, the Secretary of Agriculture shall continue to carry out any program or activity covered by title XII of the Food Security Act (16 U.S.C. 3801 et seq.) until September 30, 2008, using the provisions of law applicable to the program or activity as they existed on the day before the date of the enactment of this Act and using funds made available under such title for fiscal year 2008 for the program or activity.

(b) GROUND AND SURFACE WATER CONSERVATION PROGRAM.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2008, the Secretary of Agriculture shall continue to carry out the ground and surface water conservation program under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9), as in effect before the amendment made by section 2510, using the terms, conditions, and funds available to the Secretary to carry out such program on the day before the date of the enactment of this Act.

SEC. 2904. REGULATIONS.

(a) ISSUANCE.—Except as otherwise provided in this title or an amendment made by this title, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this title.

(b) APPLICABLE AUTHORITY.—The promulgation of regulations under subsection (a) and administration of this title—

(1) shall be carried out without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(2) may—

(A) be promulgated with an opportunity for notice and comment; or

(B) if determined to be appropriate by the Secretary of Agriculture or the Commodity Credit Corporation, as an interim rule effective on publication with an opportunity for notice and comment.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SHORT TITLE.

(a) IN GENERAL.—Section 1 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 note; 104 Stat. 3633) is amended by striking ''Agricultural Trade Development and Assistance Act of 1954'' and inserting ''Food for Peace Act''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended—

(A) by striking ''Agricultural Trade Development and Assistance Act of 1954'' each place it appears and inserting ''Food for Peace Act''; and

(B) in each section heading, by striking ''**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**'' each place it appears and inserting ''FOOD FOR PEACE ACT''.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(B) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(C) Section 9(a) of the Military Construction Codification Act (7 U.S.C. 1704c).

(D) Section 201 of the Africa: Seeds of Hope Act of 1998 (7 U.S.C. 1721 note; Public Law 105–385).

(E) The Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.).

(F) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(G) Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(H) Sections 605B and 606C of the Act of August 28, 1954 (commonly known as the ''Agricultural Act of 1954'') (7 U.S.C. 1765b, 1766b).

(I) Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856).

(J) The Agricultural Competitiveness and Trade Act of 1988 (7 U.S.C. 5201 et seq.).

(K) The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

(L) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

(M) Section 301 of title 13, United States Code.

(N) Section 8 of the Endangered Species Act of 1973 (16 U.S.C. 1537).

(O) Section 604 of the Enterprise for the Americas Act of 1992 (22 U.S.C. 2077).

(P) Section 5 of the International Health Research Act of 1960 (22 U.S.C. 2103).

(Q) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(R) The Horn of Africa Recovery and Food Security Act (22 U.S.C. 2151 note; Public Law 102–274).

(S) Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455).

(T) Section 35 of the Foreign Military Sales Act (22 U.S.C. 2775).

(U) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(V) Section 1707 of the Cuban Democracy Act of 1992 (22 U.S.C. 6006).

(W) The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

(X) Section 902 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201).

(Y) Chapter 553 of title 46, United State Code.

(Z) Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(AA) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(BB) Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–34).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the ''Agricultural Trade Development and Assistance Act of 1954'' shall be considered to be a reference to the ''Food for Peace Act''.

SEC. 3002. UNITED STATES POLICY.

Section 2 of the Food for Peace Act (7 U.S.C. 1691) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.

Section 3(b) of the Food for Peace Act (7 U.S.C. 1691a(b)) is amended by striking ''(b)'' and all that follows through paragraph (1) and inserting the following:

''(b) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) in negotiations at the Food Aid Convention, the World Trade Organization, the United Nations Food and Agriculture Organization, and other appropriate venues, the President shall—

''(A) seek commitments of higher levels of food aid by donors in order to meet the legitimate needs of developing countries;

''(B) ensure, to the maximum extent practicable, that humanitarian nongovernmental organizations, recipient country governments, charitable bodies, and international organizations shall continue—

''(i) to be eligible to receive resources based on assessments of need conducted by those organizations and entities; and

''(ii) to implement food aid programs in agreements with donor countries; and

''(C) ensure, to the maximum extent practicable, that options for providing food aid for emergency and nonemergency needs shall not be subject to limitation, including in-kind commodities, provision of funds for agricultural commodity procurement, and monetization of commodities, on the condition that the provision of those commodities or funds—

''(i) is based on assessments of need and intended to benefit the food security of, or otherwise assist, recipients, and

''(ii) is provided in a manner that avoids disincentives to local agricultural production and marketing and with minimal potential for disruption of commercial markets; and''.

SEC. 3004. TRADE AND DEVELOPMENT ASSISTANCE.

(a) Title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) is amended in the title heading, by striking ''**TRADE AND DEVELOPMENT ASSISTANCE**'' and inserting ''**ECONOMIC ASSISTANCE AND FOOD SECURITY**''.

(b) Section 101 of the Food for Peace Act (7 U.S.C. 1701) is amended in the section heading, by striking ''**TRADE AND DEVELOPMENT ASSISTANCE**'' and inserting ''**ECONOMIC ASSISTANCE AND FOOD SECURITY**''.

SEC. 3005. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Food for Peace Act (7 U.S.C. 1702) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) by striking subsection (c).

SEC. 3006. USE OF LOCAL CURRENCY PAYMENTS.

Section 104(c) of the Food for Peace Act (7 U.S.C. 1704(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', through agreements with recipient governments, private voluntary organizations, and cooperatives,'' after ''developing country'';

(2) by striking paragraph (1);

(3) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the improvement of the trade capacity of the recipient country.'';

(4) in paragraph (3), by striking ''agricultural business development and agricultural trade expansion'' and inserting ''development of agricultural businesses and agricultural trade capacity'';

(5) in paragraph (4), by striking '', or otherwise'' and all that follows through ''United States'';

(6) in paragraph (5), by inserting ''to promote agricultural products produced in appropriate developing countries'' after ''trade fairs''; and

(7) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively.

SEC. 3007. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) address famine and food crises, and respond to emergency food needs, arising from man-made and natural disasters;'';

(2) in paragraph (5)—

(A) by inserting ''food security and support'' after ''promote''; and

(B) by striking ''; and'' and inserting a semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) promote economic and nutritional security by increasing educational, training, and other productive activities.''.

SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Food for Peace Act (7 U.S.C. 1722) is amended—

(1) in subsection (b)(2), by striking ''may not deny a request for funds'' and inserting ''may not use as a sole rationale for denying a request for funds'';

(2) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking ''not less than 5 percent nor more than 10 percent'' and inserting ''not less than 7.5 percent nor more than 13 percent'';

(B) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) improving and implementing methodologies for food aid programs, including needs assessments (upon the request of the Administrator), monitoring, and evaluation.''; and

(3) by striking subsection (h) and inserting the following:

''(h) FOOD AID QUALITY.—

''(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2009 and subsequent fiscal years to carry out this title—

''(A) to assess the types and quality of agricultural commodities and products donated for food aid;

''(B) to adjust products and formulations (including the potential introduction of new fortificants and products) as necessary to cost-effectively meet nutrient needs of target populations; and

''(C) to test prototypes.

''(2) ADMINISTRATION.—The Administrator—

''(A) shall carry out this subsection in consultation with and through independent entities with proven expertise in food aid commodity quality enhancements;

''(B) may enter into contracts to obtain the services of such entities; and

''(C) shall consult with the Food Aid Consultative Group on how to carry out this subsection.

''(3) FUNDING LIMITATION.—Of the funds made available under section 207(f), for fiscal years 2009 through 2011, not more than $4,500,000 may be used to carry out this subsection.''.

SEC. 3009. GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

Section 203(b) of the Food for Peace Act (7 U.S.C. 1723(b)) is amended by striking ''1 or more recipient countries'' and inserting ''in 1 or more recipient countries''.

SEC. 3010. LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking ''2002 through 2007'' and inserting ''2008 through 2012''; and

(2) in paragraph (2), by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 3011. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Food for Peace Act (7 U.S.C. 1725) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(7) representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act.''; and

(2) in subsection (f), by striking ''2007'' and inserting ''2012''.

SEC. 3012. ADMINISTRATION.

Section 207 of the Food for Peace Act (7 U.S.C. 1726a) is amended—

(1) in subsection (a)(3), by striking ''and the conditions that must be met for the approval of such proposal'';

(2) in subsection (c), by striking paragraph (3);

(3) by striking subsection (d) and inserting the following:

''(d) TIMELY PROVISION OF COMMODITIES.—The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules.''; and

(4) by adding at the end the following:

''(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

''(1) DUTIES OF ADMINISTRATOR.—The Administrator, in consultation with the Secretary, shall establish systems and carry out activities—

''(A) to determine the need for assistance provided under this title; and

''(B) to improve, monitor, and evaluate the effectiveness and efficiency of the assistance provided under this title to maximize the impact of the assistance.

''(2) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.—The systems and activities described in paragraph (1) shall include—

''(A) program monitors in countries that receive assistance under this title;

''(B) country and regional food aid impact evaluations;

''(C) the identification and implementation of best practices for food aid programs;

''(D) the evaluation of monetization programs;

''(E) early warning assessments and systems to help prevent famines; and

''(F) upgraded information technology systems.

''(3) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this title.

''(4) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the

date of submission of the report under paragraph (3), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains—

''(A) a review of, and comments addressing, the report described in paragraph (3); and

''(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this title.

''(5) CONTRACT AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in carrying out administrative and management activities relating to each activity carried out by the Administrator under paragraph (1), the Administrator may enter into contracts with 1 or more individuals for personal service to be performed in recipient countries or neighboring countries.

''(B) PROHIBITION.—An individual who enters into a contract with the Administrator under subparagraph (A) shall not be considered to be an employee of the Federal Government for the purpose of any law (including regulations) administered by the Office of Personnel Management.

''(C) PERSONAL SERVICE.—Subparagraph (A) does not limit the ability of the Administrator to enter into a contract with any individual for personal service under section 202(a).

''(6) FUNDING.—

''(A) IN GENERAL.—Subject to section 202(h)(3), in addition to other funds made available to the Administrator to carry out the monitoring of emergency food assistance, the Administrator may implement this subsection using up to $22,000,000 of the funds made available under this title for each of fiscal years 2009 through 2012, except for paragraph (2)(F), for which only $2,500,000 shall be made available during fiscal year 2009.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through 2012, not more than $8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

''(ii) CONDITION.—No funds shall be made available under subparagraph (A), in accordance with clause (i), unless not less than $8,000,000 is made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for such purposes for such fiscal year.

''(g) PROJECT REPORTING.—

''(1) IN GENERAL.—In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

''(2) CONFIDENTIAL INFORMATION.—An organization or cooperative described in paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.''.

SEC. 3013. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$8,000,000''; and

(2) by striking ''2007'' and inserting ''2012''.

SEC. 3014. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Section 401 of the Food for Peace Act (7 U.S.C. 1731) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking ''(b)(1)'' and inserting ''(a)(1)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 406(a) of the Food for Peace Act (7 U.S.C. 1736(a)) is amended by striking ''(that have been determined to be available under section 401(a))''.

(2) Subsection (e)(1) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(1)) is amended by striking ''determined to be available under section 401 of the Food for Peace Act''.

SEC. 3015. DEFINITIONS.

Section 402 of the Food for Peace Act (7 U.S.C. 1732) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

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

''(3) APPROPRIATE COMMITTEE OF CONGRESS.—The term 'appropriate committee of Congress' means—

''(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(B) the Committee on Agriculture of the House of Representatives; and

''(C) the Committee on Foreign Affairs of the House of Representatives.''.

SEC. 3016. USE OF COMMODITY CREDIT CORPORATION.

Section 406(b)(2) of the Food for Peace Act (7 U.S.C. 1736(b)(2)) is amended by inserting '', including the costs of carrying out section 415'' before the semicolon.

SEC. 3017. ADMINISTRATIVE PROVISIONS.

Section 407(c) of the Food for Peace Act (7 U.S.C. 1736a(c)) is amended—

(1) in paragraph (4)—

(A) by striking ''Funds made'' and inserting the following:

''(A) IN GENERAL.—Funds made'';

(B) in subparagraph (A) (as so designated)—

(i) by striking ''2007'' and inserting ''2012''; and

(ii) by striking ''$2,000,000'' and inserting ''$10,000,000''; and

(C) by adding at the end the following:

''(B) ADDITIONAL PREPOSITIONING SITES.—

''(i) FEASIBILITY ASSESSMENTS.—The Administrator may carry out assessments for the establishment of not less than 2 sites to determine the feasibility of, and costs associated with, using the sites to store and handle agricultural commodities for prepositioning in foreign countries.

''(ii) ESTABLISHMENT OF SITES.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.''; and

(2) by adding at the end the following:

''(5) NONEMERGENCY OR MULTIYEAR AGREEMENTS.—Annual resource requests for ongoing nonemergency or ongoing multiyear agreements under title II shall be finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped under the agreement.''.

SEC. 3018. CONSOLIDATION AND MODIFICATION OF ANNUAL REPORTS REGARDING AGRICULTURAL TRADE ISSUES.

(a) ANNUAL REPORTS.—Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended by striking subsection (f) and inserting the following:

''(f) ANNUAL REPORTS.—

''(1) ANNUAL REPORT REGARDING AGRICULTURAL TRADE PROGRAMS AND ACTIVITIES.—

''(A) ANNUAL REPORT.—Not later than April 1 of each fiscal year, the Administrator and the Secretary shall jointly prepare and submit to the appropriate committees of Congress a report regarding each program and activity carried out under this Act during the prior fiscal year.

''(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

''(i) a list that contains a description of each country and organization that receives food and other assistance under this Act (including the quantity of food and assistance provided to each country and organization);

''(ii) a general description of each project and activity implemented under this Act (including each activity funded through the use of local currencies);

''(iii) a statement describing the quantity of agricultural commodities made available to each country pursuant to—

''(I) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

''(II) the Food for Progress Act of 1985 (7 U.S.C. 1736o);

''(iv) an assessment of the progress made through programs under this Act towards reducing food insecurity in the populations receiving food assistance from the United States;

''(v) a description of efforts undertaken by the Food Aid Consultative Group under section 205 to achieve an integrated and effective food assistance program;

''(vi) an assessment of—

''(I) each program oversight, monitoring, and evaluation system implemented under section 207(f); and

''(II) the impact of each program oversight, monitoring, and evaluation system on the effectiveness and efficiency of assistance provided under this title; and

''(vii) an assessment of the progress made by the Administrator in addressing issues relating to quality with respect to the provision of food assistance.

''(2) ANNUAL REPORT REGARDING THE PROVISION OF AGRICULTURAL COMMODITIES TO FOREIGN COUNTRIES.—

''(A) ANNUAL REPORT.—Not later than February 1 of each fiscal year, the Administrator shall prepare and submit to the appropriate committees of Congress a report regarding the administration of food assistance programs under title II to benefit foreign countries during the prior fiscal year.

''(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

''(i) a list that contains a description of each program, country, and commodity approved for assistance under section 207; and

''(ii) a statement that contains a description of the total amount of funds approved for transportation and administrative costs under section 207.''.

(b) CONFORMING AMENDMENT.—Section 207(e) of the Food for Peace Act (7 U.S.C. 1726a(e)) is amended—

(1) by striking ''TIMELY APPROVAL.'' and all that follows through ''The Administrator'' and inserting ''TIMELY APPROVAL.—The Administrator''; and

(2) by striking paragraph (2).

SEC. 3019. EXPIRATION OF ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3020. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) for fiscal year 2008 and each fiscal year thereafter, $2,500,000,000 to carry out the emergency and nonemergency food assistance programs under title II; and

''(2) such sums as are necessary—

''(A) to carry out the concessional credit sales program established under title I;

''(B) to carry out the grant program established under title III; and

''(C) to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this Act for the actual costs incurred or to be incurred by the Commodity Credit Corporation in carrying out such programs.''.

SEC. 3021. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by adding at the end the following:

''(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

''(1) FUNDS AND COMMODITIES.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $375,000,000 for fiscal year 2009, $400,000,000 for fiscal year 2010, $425,000,000 for fiscal year 2011, and $450,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under title II.

''(2) EXCEPTION.—The President may use less than the amount specified in paragraph (1) in a fiscal year for nonemergency food assistance programs under title II only if—

''(A) the President has made a determination that there is an urgent need for additional emergency food assistance;

''(B) the funds and commodities held in the Bill Emerson Humanitarian Trust have been exhausted; and

''(C) the President has submitted to Congress a supplemental appropriations request for a sum equal to the amount needed to reach the required spending level for nonemergency food assistance under paragraph (1) and the amount exhausted under paragraph (2)(B).

''(3) NOTIFICATION TO CONGRESS.—If the President makes the determination described in paragraph (2)(A), the President shall submit to Congress written notification that the determination has been made.''.

SEC. 3022. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking ''To the maximum'' and inserting the following:

''(a) IN GENERAL.—To the maximum''; and

(2) by adding at the end the following:

''(b) REPORT REGARDING EFFORTS TO IMPROVE PROCUREMENT PLANNING.—

''(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator and the Secretary shall submit to each appropriate committee of Congress a report that contains a description of each effort taken by the Administrator and the Secretary to improve planning for food and transportation procurement (including efforts to eliminate bunching of food purchases).

''(2) CONTENTS.—A report required under paragraph (1) should include a description of each effort taken by the Administrator and the Secretary—

''(A) to improve the coordination of food purchases made by—

''(i) the United States Agency for International Development; and

''(ii) the Department of Agriculture;

''(B) to increase flexibility with respect to procurement schedules;

''(C) to increase the use of historical analyses and forecasting; and

''(D) to improve and streamline legal claims processes for resolving transportation disputes.''.

SEC. 3023. MICRONUTRIENT FORTIFICATION PROGRAMS.

Section 415 of the Food for Peace Act (7 U.S.C. 1736g–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Not later than September 30, 2003, the Administrator, in consultation with the Secretary'' and inserting ''Not later than September 30, 2008, the Administrator, in consultation with the Secretary''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding ''and'' after the semicolon at the end; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid agricultural commodities, and products of those agricultural commodities, using recommendations included in the report entitled 'Micronutrient Compliance Review of Fortified Public Law 480 Commodities', published in October 2001, with implementation by independent entities with proven experience and expertise in food aid commodity quality enhancements.'';

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''2007'' and inserting ''2012''.

SEC. 3024. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING.—Section 501(d) of the Food for Peace Act (7 U.S.C. 1737(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''not less than'' and inserting ''not less than the greater of $10,000,000 or''; and

(2) by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(e) of the Food for Peace Act (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out the programs under this section—

''(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries; and

''(B) $5,000,000 for other developing or middle-income countries or emerging markets not described in subparagraph (A).''.

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking ''GUARANTEES.—'' and all that follows through ''The Commodity'' in paragraph (1) and inserting ''GUARANTEES.—The Commodity''; and

(B) by striking paragraphs (2) and (3);

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively; and

(4) by adding at the end the following:

''(k) ADMINISTRATION.—

''(1) DEFINITION OF LONG TERM.—In this subsection, the term 'long term' means a period of 10 or more years.

''(2) GUARANTEES.—In administering the export credit guarantees authorized under this section, the Secretary shall—

''(A) maximize the export sales of agricultural commodities;

''(B) maximize the export credit guarantees that are made available and used during the course of a fiscal year;

''(C) develop an approach to risk evaluation that facilitates accurate country risk designations and timely adjustments to the designations (on an ongoing basis) in response to material changes in country risk conditions, with ongoing opportunity for input and evaluation from the private sector;

''(D) adjust risk-based guarantees as necessary to ensure program effectiveness and United States competitiveness; and

''(E) work with industry to ensure, to the maximum extent practicable, that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long term.''.

(b) FUNDING LEVELS.—Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (b) and inserting the following:

''(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2012 credit guarantees under section 202(a) in an amount equal to but not more than the lesser of—

''(1) $5,500,000,000 in credit guarantees; or

''(2) the sum of—

''(A) the amount of credit guarantees that the Commodity Credit Corporation can make available using budget authority of $40,000,000 for each fiscal year for the costs of the credit guarantees; and

''(B) the amount of credit guarantees that the Commodity Credit Corporation can make available using unobligated budget authority for prior fiscal years.''.

(c) CONFORMING AMENDMENTS.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (b)(4) (as redesignated by subsection (a)(3)), by striking '', consistent with the provisions of subsection (c)'';

(2) in subsection (d) (as redesignated by subsection (a)(3))—

(A) by striking ''(1)'' and all that follows through ''The Commodity'' and inserting ''The Commodity''; and

(B) by striking paragraph (2); and

(3) in subsection (g)(2) (as redesignated by subsection (a)(3)), by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''.

SEC. 3102. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after ''agricultural commodities'' the following: ''(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)))''.

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ''$200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3103. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is repealed.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in title III, by striking the title heading and inserting the following:

''TITLE III—BARRIERS TO EXPORTS'';

(2) by redesignating sections 302 and 303 (7 U.S.C. 5652 and 5653) as sections 301 and 302, respectively;

(3) in section 302 (as redesignated by paragraph (2)), by striking '', such as that established under section 301,'';

(4) in section 401 (7 U.S.C. 5661)—

(A) in subsection (a), by striking ''section 201, 202, or 301'' and inserting ''section 201 or 202''; and

(B) in subsection (b), by striking ''sections 201, 202, and 301'' and inserting ''sections 201 and 202''; and

(5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)), by striking ''sections 201, 202, 203, and 301'' and inserting ''sections 201, 202, and 203''.

SEC. 3104. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

(a) REPORT TO CONGRESS.—Section 702(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5722(c)) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(b) FUNDING.—Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 3105. FOOD FOR PROGRESS ACT OF 1985.

(a) IN GENERAL.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(b) DESIGNATION OF PROJECT IN SUB-SAHARAN AFRICA.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (f) by adding at the end the following:

''(6) PROJECT IN MALAWI.—

''(A) IN GENERAL.—In carrying out this section during fiscal year 2009, the President shall approve not less than 1 multiyear project for Malawi—

''(i) to promote sustainable agriculture; and

''(ii) to increase the number of women in leadership positions.

''(B) USE OF ELIGIBLE COMMODITIES.—Of the eligible commodities used to carry out this section during the period in which the project described in subparagraph (A) is carried out, the President shall carry out the project using eligible commodities with a total value of not less than $3,000,000 during the course of the project.''.

SEC. 3106. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsections (b), (c)(2)(B), (f)(1), (h), (i), and (l)(1), by striking ''President'' each place it appears and inserting ''Secretary'';

(2) in subsection (d), by striking ''The President shall designate 1 or more Federal agencies'' and inserting ''The Secretary shall'';

(3) in paragraph (f)(2), by striking ''implementing agency'' and inserting ''Secretary''; and

(4) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

''(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $84,000,000 for fiscal year 2009, to remain available until expended.'';

(B) in paragraph (2), by striking ''2004 through 2007'' and inserting ''2008 through 2012''; and

(C) in paragraph (3), by striking ''any Federal agency implementing or assisting'' and inserting ''the Department of Agriculture or any other Federal agency assisting''.

Subtitle C—Miscellaneous

SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (a)—

(A) by striking ''establish a trust stock'' and inserting ''establish and maintain a trust''; and

(B) by striking ''or any combination of the commodities, totaling not more than 4,000,000 metric tons'' and inserting ''any combination of the commodities, or funds'';

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) funds made available—

''(i) under paragraph (2)(B);

''(ii) as a result of an exchange of any commodity held in the trust for an equivalent amount of funds from the market, if the Secretary determines that such a sale of the commodity on the market will not unduly disrupt domestic markets; or

''(iii) to maximize the value of the trust, in accordance with subsection (d)(3).''; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking ''2007'' each place it appears and inserting ''2012'';

(II) by striking ''(c)(2)'' and inserting ''(c)(1)''; and

(III) by striking ''and'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) from funds accrued through the management of the trust under subsection (d).'';

(3) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) RELEASES FOR EMERGENCY ASSISTANCE.—

''(A) DEFINITION OF EMERGENCY.—

''(i) IN GENERAL.—In this paragraph, the term 'emergency' means an urgent situation—

''(I) in which there is clear evidence that an event or series of events described in clause (ii) has occurred—

''(aa) that causes human suffering; and

''(bb) for which a government concerned has not chosen, or has not the means, to remedy; or

''(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of residents of a country or region of a country on an exceptional scale.

''(ii) EVENT OR SERIES OF EVENTS.—An event or series of events referred to in clause (i) includes 1 or more of—

''(I) a sudden calamity, such as an earthquake, flood, locust infestation, or similar unforeseen disaster;

''(II) a human-made emergency resulting in—

''(aa) a significant influx of refugees;

''(bb) the internal displacement of populations; or

''(cc) the suffering of otherwise affected populations;

''(III) food scarcity conditions caused by slow-onset events, such as drought, crop failure, pest infestation, and disease, that result in an erosion of the ability of communities and vulnerable populations to meet food needs; and

''(IV) severe food access or availability conditions resulting from sudden economic shocks, market failure, or economic collapse, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

''(B) RELEASES.—

''(i) IN GENERAL.—Any funds or commodities held in the trust may be released to provide food, and cover any associated costs, under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)—

''(I) to assist in averting an emergency, including during the period immediately preceding the emergency;

''(II) to respond to an emergency; or

''(III) for recovery and rehabilitation after an emergency.

''(ii) PROCEDURE.—A release under clause (i) shall be carried out in the same manner, and pursuant to the same authority as provided in title II of that Act.

''(C) INSUFFICIENCY OF OTHER FUNDS.—The funds and commodities held in the trust shall be made immediately available on a determination by the Administrator that funds available for emergency needs under title II of that Act (7 U.S.C. 1721 et seq.) for a fiscal year are insufficient to meet emergency needs during the fiscal year.

''(D) WAIVER RELATING TO MINIMUM TONNAGE REQUIREMENTS.—Nothing in this paragraph requires a waiver by the Administrator of the Agency for International Development under section 204(a)(3) of the Food for Peace Act (7 U.S.C. 1724(a)(3)) as a condition for a release of funds or commodities under subparagraph (B).''; and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through ''provide—'' and inserting the following:

''(d) MANAGEMENT OF TRUST.—

''(1) IN GENERAL.—The Secretary shall provide for the management of eligible commodities and funds held in the trust in a manner that is consistent with maximizing the value of the trust, as determined by the Secretary.

''(2) ELIGIBLE COMMODITIES.—The Secretary shall provide—'';

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking ''and'' at the end; and

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) FUNDS.—

''(A) EXCHANGES.—If any commodity held in the trust is exchanged for funds under subsection (b)(1)(D)(ii), the funds shall be held in the trust until the date on which the funds are released in the case of an emergency under subsection (c).

''(B) INVESTMENT.—The Secretary may invest funds held in the trust in any short-term obligation of the United States or any other low-risk short-term instrument or security insured by the Federal Government in which a regulated insurance company may invest under the laws of the District of Columbia.''; and

(5) in subsection (h), in each of paragraphs (1) and (2), by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 3202. GLOBAL CROP DIVERSITY TRUST.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (referred to in this section as the ''Trust'') to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of food crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);

(5) the operation and maintenance of a back-up facility in which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and

(6) oversight designed to ensure international coordination of those actions and efficient, public accessibility to that diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed 25 percent of the total amount of funds contributed to the Trust from all sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for the period of fiscal years 2008 through 2012.

SEC. 3203. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended by striking subsection (d) and inserting the following:

''(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of each factor that affects the export of specialty crops, including each factor relating to any—

''(1) significant sanitary or phytosanitary issue; or

''(2) trade barrier.

''(e) FUNDING.—

''(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

''(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(A) $4,000,000 for fiscal year 2008;

''(B) $7,000,000 for fiscal year 2009;

''(C) $8,000,000 for fiscal year 2010;

''(D) $9,000,000 for fiscal year 2011; and

''(E) $9,000,000 for fiscal year 2012.''.

SEC. 3204. EMERGING MARKETS AND FACILITY GUARANTEE LOAN PROGRAM.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended—

(1) in subsection (a), by striking ''2007'' and inserting ''2012'';

(2) in subsection (b)—

(A) in the first sentence, by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking ''A portion'' and inserting the following:

''(1) IN GENERAL.—A portion'';

(C) in the second sentence, by striking ''The Commodity Credit Corporation'' and inserting the following:

''(2) PRIORITY.—The Commodity Credit Corporation''; and

(D) by adding at the end the following:

''(3) CONSTRUCTION WAIVER.—The Secretary may waive any applicable requirements relating to the use of United States goods in the construction of a proposed facility, if the Secretary determines that—

''(A) goods from the United States are not available; or

''(B) the use of goods from the United States is not practicable.

''(4) TERM OF GUARANTEE.—A facility payment guarantee under this subsection shall be for a term that is not more than the lesser of—

''(A) the term of the depreciation schedule of the facility assisted; or

''(B) 20 years.''; and

(3) in subsection (d)(1)(A)(i) by striking ''2007'' and inserting ''2012''.

SEC. 3205. CONSULTATIVE GROUP TO ELIMINATE THE USE OF CHILD LABOR AND FORCED LABOR IN IMPORTED AGRICULTURAL PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) CHILD LABOR.—The term ''child labor'' means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

(2) CONSULTATIVE GROUP.—The term ''Consultative Group'' means the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products established under subsection (b).

(3) FORCED LABOR.—The term ''forced labor'' means all work or service—

(A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which—

(i) the work or service is not offered voluntarily; or

(ii) the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

(B) by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

(b) ESTABLISHMENT.—There is established a group to be known as the ''Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products'' to develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and in accordance with section 105(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)), as applicable to the importation of agricultural products made with the use of child labor or forced labor, the Consultative Group shall develop, and submit to the Secretary, recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary receives recommendations under paragraph (1), the Secretary shall release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(B) REQUIREMENTS.—Guidelines released under subparagraph (A) shall be published in the Federal Register and made available for public comment for a period of 90 days.

(d) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

(3) 1 member shall represent the Department of State, as determined by the Secretary of State;

(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, and producers, of whom at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;

(5) 2 members shall represent institutions of higher education and research institutions, as determined appropriate by the Bureau of International Labor Affairs of the Department of Labor;

(6) 1 member shall represent an organization that provides independent, third-party certification services for labor standards for producers or importers of agricultural commodities or products; and

(7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.

(e) CHAIRPERSON.—A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.

(f) REQUIREMENTS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Chairperson, after reasonable notice to all members, to develop recommendations described in subsection (c)(1).

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Consultative Group.

(h) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities and recommendations of the Consultative Group.

(i) TERMINATION OF AUTHORITY.—The Consultative Group shall terminate on December 31, 2012.

SEC. 3206. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Agency for International Development.

(2) APPROPRIATE COMMITTEE OF CONGRESS.—The term ''appropriate committee of Congress'' means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Foreign Affairs of the House of Representatives.

(3) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means an agricultural commodity (or the product of an agricultural commodity) that—

(A) is produced in, and procured from, a developing country; and

(B) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(4) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that is—

(A) described in section 202(d) of the Food for Peace Act (7 U.S.C. 1722(d)); and

(B) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.

(b) STUDY; FIELD-BASED PROJECTS.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the

Secretary shall initiate a study of prior local and regional procurements for food aid programs conducted by—

(i) other donor countries;

(ii) private voluntary organizations; and

(iii) the World Food Program of the United Nations.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under subparagraph (A).

(2) FIELD-BASED PROJECTS.—

(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that consist of local or regional procurements of eligible commodities to respond to food crises and disasters in accordance with this section.

(B) CONSULTATION WITH ADMINISTRATOR.—In carrying out the development and implementation of field-based projects under subparagraph (A), the Secretary shall consult with the Administrator.

(c) PROCUREMENT.—

(1) IN GENERAL.—Any eligible commodity that is procured for a field-based project carried out under subsection (b)(2) shall be procured through any approach or methodology that the Secretary considers to be an effective approach or methodology to provide adequate information regarding the manner by which to expedite, to the maximum extent practicable, the provision of food aid to affected populations without significantly increasing commodity costs for low-income consumers who procure commodities sourced from the same markets at which the eligible commodity is procured.

(2) REQUIREMENTS.—

(A) IMPACT ON LOCAL FARMERS AND COUNTRIES.—The Secretary shall ensure that the local or regional procurement of any eligible commodity under this section will not have a disruptive impact on farmers located in, or the economy of—

(i) the recipient country of the eligible commodity; or

(ii) any country in the region in which the eligible commodity may be procured.

(B) TRANSSHIPMENT.—The Secretary shall, in accordance with such terms and conditions as the Secretary considers to be appropriate, require from each eligible organization commitments designed to prevent or restrict—

(i) the resale or transshipment of any eligible commodity procured under this section to any country other than the recipient country; and

(ii) the use of the eligible commodity for any purpose other than food aid.

(C) WORLD PRICES.—

(i) IN GENERAL.—In carrying out this section, the Secretary shall take any precaution that the Secretary considers to be reasonable to ensure that the procurement of eligible commodities will not unduly disrupt—

(I) world prices for agricultural commodities; or

(II) normal patterns of commercial trade with foreign countries.

(ii) PROCUREMENT PRICE.—The procurement of any eligible commodity shall be made at a reasonable market price with respect to the economy of the country in which the eligible commodity is procured, as determined by the Secretary.

(d) REGULATIONS; GUIDELINES.—

(1) IN GENERAL.—In accordance with paragraph (2), not later than 180 days after the date of completion of the study under subsection (b)(1), the Secretary shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(2) REQUIREMENTS.—

(A) USE OF STUDY.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall take into consideration the results of the study described in subsection (b)(1).

(B) PUBLIC REVIEW AND COMMENT.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall provide an opportunity for public review and comment.

(3) AVAILABILITY.—The Secretary shall not approve the procurement of any eligible commodity under this section until the date on which the Secretary promulgates regulations or issues guidelines under paragraph (1).

(e) FIELD-BASED PROJECT GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects.

(2) REQUIREMENTS OF ELIGIBLE ORGANIZATIONS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall submit to the Secretary an application by such date, in such manner, and containing such information as the Secretary may require.

(ii) OTHER APPLICABLE REQUIREMENTS.—Any other applicable requirement relating to the submission of proposals for consideration shall apply to the submission of an application required under clause (i), as determined by the Secretary.

(B) COMPLETION REQUIREMENT.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall agree—

(i) to collect by September 30, 2011, data containing the information required under subsection (f)(1)(B) relating to the field-based project funded through the grant; and

(ii) to provide to the Secretary the data collected under clause (i).

(3) REQUIREMENTS OF SECRETARY.—

(A) PROJECT DIVERSITY.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), in selecting proposals for field-based projects to fund under this section, the Secretary shall select a diversity of projects, including projects located in—

(I) food surplus regions;

(II) food deficit regions (that are carried out using regional procurement methods); and

(III) multiple geographical regions.

(ii) PRIORITY.—In selecting proposals for field-based projects under clause (i), the Secretary shall ensure that the majority of selected proposals are for field-based projects that—

(I) are located in Africa; and

(II) procure eligible commodities that are produced in Africa.

(B) DEVELOPMENT ASSISTANCE.—A portion of the funds provided under this subsection shall be made available for field-based projects that provide development assistance for a period of not less than 1 year.

(4) AVAILABILITY.—The Secretary shall not award a grant to any eligible organization under paragraph (1) until the date on which the Secretary promulgates regulations or issues guidelines under subsection (d)(1).

(f) INDEPENDENT EVALUATIONS; REPORT.—

(1) INDEPENDENT EVALUATIONS.—

(A) IN GENERAL.—Not later than November 1, 2011, the Secretary shall ensure that an independent third party conducts an independent evaluation of all field-based projects that—

(i) addresses each factor described in subparagraph (B); and

(ii) is conducted in accordance with this section.

(B) REQUIRED FACTORS.—The Secretary shall require the independent third party to develop—

(i) with respect to each relevant market in which an eligible commodity was procured under this section, a description of—

(I) the prevailing and historic supply, demand, and price movements of the market (including the extent of competition for procurement bids);

(II) the impact of the procurement of the eligible commodity on producer and consumer prices in the market;

(III) each government market interference or other activity of the donor country that might have significantly affected the supply or demand of the eligible commodity in the area at which the local or regional procurement occurred;

(IV) the quantities and types of eligible commodities procured in the market;

(V) the time frame for procurement of each eligible commodity; and

(VI) the total cost of the procurement of each eligible commodity (including storage, handling, transportation, and administrative costs);

(ii) an assessment regarding—

(I) whether the requirements of this section have been met;

(II) the impact of different methodologies and approaches on—

(aa) local and regional agricultural producers (including large and small agricultural producers);

(bb) markets;

(cc) low-income consumers; and

(dd) program recipients; and

(III) the length of the period beginning on the date on which the Secretary initiated the procurement process and ending on the date of delivery of eligible commodities;

(iii) a comparison of different methodologies used to carry out this section, with respect to—

(I) the benefits to local agriculture;

(II) the impact on markets and consumers;

(III) the period of time required for procurement and delivery;

(IV) quality and safety assurances; and

(V) implementation costs; and

(iv) to the extent adequate information is available (including the results of the report required under subsection (b)(1)(B)), a comparison of the different methodologies used by other donor countries to make local and regional procurements.

(C) INDEPENDENT THIRD PARTY ACCESS TO RECORDS AND REPORTS.—The Secretary shall provide to the independent third party access to each record and report that the independent third party determines to be necessary to complete the independent evaluation.

(D) PUBLIC ACCESS TO RECORDS AND REPORTS.—Not later than 180 days after the date described in paragraph (2), the Secretary shall provide public access to each record and report described in subparagraph (C).

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains the analysis and findings of the independent evaluation conducted under paragraph (1)(A).

(g) FUNDING.—

(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) $5,000,000 for fiscal year 2009;

(B) $25,000,000 for fiscal year 2010;

(C) $25,000,000 for fiscal year 2011; and

(D) $5,000,000 for fiscal year 2012.

Subtitle D—Softwood Lumber

SEC. 3301. SOFTWOOD LUMBER.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—SOFTWOOD LUMBER

"SEC. 801. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This title may be cited as the 'Softwood Lumber Act of 2008'.

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

''TITLE VIII—SOFTWOOD LUMBER

''Sec. 801. Short title; table of contents.
''Sec. 802. Definitions.
''Sec. 803. Establishment of softwood lumber importer declaration program.
''Sec. 804. Scope of softwood lumber importer declaration program.
''Sec. 805. Export charge determination and publication.
''Sec. 806. Reconciliation.
''Sec. 807. Verification.
''Sec. 808. Penalties.
''Sec. 809. Reports.

"SEC. 802. DEFINITIONS.

''In this title:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

''(2) COUNTRY OF EXPORT.—The term 'country of export' means the country (including any political subdivision of the country) from which softwood lumber or a softwood lumber product is exported before entering the United States.

''(3) CUSTOMS LAWS OF THE UNITED STATES.—The term 'customs laws of the United States' means any law or regulation enforced or administered by U.S. Customs and Border Protection.

''(4) EXPORT CHARGES.—The term 'export charges' means any tax, charge, or other fee collected by the country from which softwood lumber or a softwood lumber product, described in section 804(a), is exported pursuant to an international agreement entered into by that country and the United States.

''(5) EXPORT PRICE.—

''(A) IN GENERAL.—The term 'export price' means one of the following:

''(i) In the case of softwood lumber or a softwood lumber product that has undergone only primary processing, the value that would be determined F.O.B. at the facility where the product underwent the last primary processing before export.

''(ii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the lumber or product underwent the last primary processing.

''(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that underwent the last remanufacturing before export by a manufacturer who—

''(aa) does not hold tenure rights provided by the country of export;

''(bb) did not acquire standing timber directly from the country of export; and

''(cc) is not related to the person who holds tenure rights or acquired standing timber directly from the country of export.

''(iii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the product underwent the last processing before export.

''(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that undergoes the last remanufacturing before export by a manufacturer who—

''(aa) holds tenure rights provided by the country of export;

''(bb) acquired standing timber directly from the country of export; or

''(cc) is related to a person who holds tenure rights or acquired standing timber directly from the country of export.

''(B) RELATED PERSONS.—For purposes of this paragraph, a person is related to another person if—

''(i) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986;

''(ii) the person bears a relationship to such other person described in section 267(b) of such Code, except that '5 percent' shall be substituted for '50 percent' each place it appears;

''(iii) the person and such other person are part of a controlled group of corporations, as that term is defined in section 1563(a) of such Code, except that '5 percent' shall be substituted for '80 percent' each place it appears;

''(iv) the person is an officer or director of such other person; or

''(v) the person is the employer of such other person.

''(C) TENURE RIGHTS.—For purposes of this paragraph, the term 'tenure rights' means rights to harvest timber from public land granted by the country of export.

''(D) EXPORT PRICE WHERE F.O.B. VALUE CANNOT BE DETERMINED.—

''(i) IN GENERAL.—In the case of softwood lumber or a softwood lumber product described in clause (i), (ii), or (iii) of subparagraph (A) for which an F.O.B. value cannot be determined, the export price shall be the market price for the identical lumber or product sold in an arm's-length transaction in the country of export at approximately the same time as the exported lumber or product. The market price shall be determined in the following order of preference:

''(I) The market price for the lumber or a product sold at substantially the same level of trade as the exported lumber or product but in different quantities.

''(II) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product but in similar quantities.

''(III) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product and in different quantities.

''(ii) LEVEL OF TRADE.—For purposes of clause (i), 'level of trade' shall be determined in the same manner as provided under section 351.412(c) of title 19, Code of Federal Regulations (as in effect on January 1, 2008).

''(6) F.O.B.—The term 'F.O.B.' means a value consisting of all charges payable by a purchaser, including those charges incurred in the placement of merchandise on board of a conveyance for shipment, but does not include the actual shipping charges or any applicable export charges.

''(7) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (as in effect on January 1, 2008).

''(8) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(9) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in General Note 2 of the HTS.

"SEC. 803. ESTABLISHMENT OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The President shall establish and maintain an importer declaration program with respect to the importation of softwood lumber and softwood lumber products described in section 804(a). The importer declaration program shall require importers of softwood lumber and softwood lumber products described in section 804(a) to provide the information required under subsection (b) and declare the information required by subsection (c), and require that such information accompany the entry summary documentation.

''(2) ELECTRONIC RECORD.—The President shall establish an electronic record that includes the importer information required under subsection (b) and the declarations required under subsection (c).

''(b) REQUIRED INFORMATION.—The President shall require the following information to be submitted by any person seeking to import softwood lumber or softwood lumber products described in section 804(a):

''(1) The export price for each shipment of softwood lumber or softwood lumber products.

''(2) The estimated export charge, if any, applicable to each shipment of softwood lumber or softwood lumber products as calculated by applying the percentage determined and published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805 to the export price provided in subsection (b)(1).

''(c) IMPORTER DECLARATIONS.—Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 804(a) shall declare that—

''(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

''(2) to the best of the person's knowledge and belief—

''(A) the export price provided pursuant to subsection (b)(1) is determined in accordance with the definition provided in section 802(5);

''(B) the export price provided pursuant to subsection (b)(1) is consistent with the export price provided on the export permit, if any, granted by the country of export; and

''(C) the exporter has paid, or committed to pay, all export charges due—

''(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

''(ii) consistent with the export charge determinations published by the Under Secretary for International Trade pursuant to section 805(b).

"SEC. 804. SCOPE OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

''(a) PRODUCTS INCLUDED IN PROGRAM.—The following products shall be subject to the importer declaration program established under section 803:

''(1) IN GENERAL.—All softwood lumber and softwood lumber products classified under subheading 4407.10.00, 4409.10.10, 4409.10.20, or 4409.10.90 of the HTS, including the following softwood lumber, flooring, and siding:

''(A) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not

planed, sanded, or finger-jointed, of a thickness exceeding 6 millimeters.

''(B) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

''(C) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded, or finger-jointed.

''(D) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

''(E) Coniferous drilled and notched lumber and angle cut lumber.

''(2) PRODUCTS CONTINUALLY SHAPED.—Any product classified under subheading 4409.10.05 of the HTS that is continually shaped along its end or side edges.

''(3) OTHER LUMBER PRODUCTS.—Except as otherwise provided in subsection (b) or (c), softwood lumber products that are stringers, radius-cut box-spring frame components, fence pickets, truss components, pallet components, and door and window frame parts classified under subheading 4418.90.46.95, 4421.90.70.40, or 4421.90.97.40 of the HTS.

''(b) PRODUCTS EXCLUDED FROM PROGRAM.—The following products shall be excluded from the importer declaration program established under section 803:

''(1) Trusses and truss kits, properly classified under subheading 4418.90 of the HTS.

''(2) I-joist beams.

''(3) Assembled box-spring frames.

''(4) Pallets and pallet kits, properly classified under subheading 4415.20 of HTS.

''(5) Garage doors.

''(6) Edge-glued wood, properly classified under subheading 4421.90.97.40 of the HTS.

''(7) Complete door frames.

''(8) Complete window frames.

''(9) Furniture.

''(10) Articles brought into the United States temporarily and for which an exemption from duty is claimed under subchapter XIII of chapter 98 of the HTS.

''(11) Household and personal effects.

''(c) EXCEPTIONS FOR CERTAIN PRODUCTS.—The following softwood lumber products shall not be subject to the importer declaration program established under section 803:

''(1) STRINGERS.—Stringers (pallet components used for runners), if the stringers—

''(A) have at least 2 notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades; and

''(B) are properly classified under subheading 4421.90.97.40 of the HTS.

''(2) BOX-SPRING FRAME KITS.—

''(A) IN GENERAL.—Box-spring frame kits, if—

''(i) the kits contain—

''(I) 2 wooden side rails;

''(II) 2 wooden end (or top) rails; and

''(III) varying numbers of wooden slats; and

''(ii) the side rails and the end rails are radius-cut at both ends.

''(B) PACKAGING.—Any kit described in subparagraph (A) shall be individually packaged, and contain the exact number of wooden components needed to make the box-spring frame described on the entry documents, with no further processing required. None of the components contained in the package may exceed 1 inch in actual thickness or 83 inches in length.

''(3) RADIUS-CUT BOX-SPRING FRAME COMPONENTS.—Radius-cut box-spring frame components, not exceeding 1 inch in actual thickness or 83 inches in length, ready for assembly without further processing, if radius cuts are present on both ends of the boards and are substantial cuts so as to completely round 1 corner.

''(4) FENCE PICKETS.—Fence pickets requiring no further processing and properly classified under subheading 4421.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards shall be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring ¾ of an inch or more.

''(5) UNITED STATES-ORIGIN LUMBER.—Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

''(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

''(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the lumber originated in the United States.

''(6) SOFTWOOD LUMBER.—Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and documented as originating in the United States was first produced in the United States.

''(7) HOME PACKAGES OR KITS.—

''(A) IN GENERAL.—Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

''(i) The package or kit constitutes a full package of the number of wooden pieces specified in the plan, design, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

''(ii) The package or kit contains—

''(I) all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

''(II) if included in the purchase contract, the decking, trim, drywall, and roof shingles specified in the plan, design, or blueprint.

''(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a valid purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

''(iv) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

''(B) ADDITIONAL DOCUMENTATION REQUIRED FOR HOME PACKAGES AND KITS.—In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation shall be retained by the importer and made available to U.S. Customs and Border Protection upon request:

''(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

''(ii) A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer.

''(iii) A listing of all parts in the package or kit being entered into the United States that conforms to the home design, plan, or blueprint for which such parts are being imported.

''(iv) If a single contract involves multiple entries, an identification of all the items required to be listed under clause (iii) that are included in each individual shipment.

''(d) PRODUCTS COVERED.—For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided in this section.

''SEC. 805. EXPORT CHARGE DETERMINATION AND PUBLICATION.

''(a) DETERMINATION.—The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 804(a) in order to ensure compliance with any international agreement entered into by that country and the United States.

''(b) PUBLICATION.—The Under Secretary for International Trade shall immediately publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

''SEC. 806. RECONCILIATION.

''The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 804(a) and the United States. The Secretary of Treasury shall reconcile the following:

''(1) The export price declared by a United States importer pursuant to section 803(b)(1) with the export price reported to the United States by the country of export, if any.

''(2) The export price declared by a United States importer pursuant to section 803(b)(1) with the revised export price reported to the United States by the country of export, if any.

''SEC. 807. VERIFICATION.

''(a) IN GENERAL.—The Secretary of Treasury shall periodically verify the declarations made by a United States importer pursuant to section 803(c), including by determining whether—

''(1) the export price declared by a United States importer pursuant to section 803(b)(1) is the same as the export price provided on the export permit, if any, issued by the country of export; and

''(2) the estimated export charge declared by a United States importer pursuant to section 803(b)(2) is consistent with the determination published by the Under Secretary for International Trade pursuant to section 805(b).

''(b) EXAMINATION OF BOOKS AND RECORDS.—

''(1) IN GENERAL.—Any record relating to the importer declaration program required under section 803 shall be treated as a record required to be maintained and produced under title V of this Act.

''(2) EXAMINATION OF RECORDS.—The Secretary of the Treasury is authorized to take such action, and examine such records, under section 509 of this Act, as the Secretary determines necessary to verify the declarations

made pursuant to section 803(c) are true and accurate.

"SEC. 808. PENALTIES.

''(a) IN GENERAL.—It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this title.

''(b) CIVIL PENALTIES.—Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed $10,000 for each knowing violation.

''(c) OTHER PENALTIES.—In addition to the penalties provided for in subsection (b), any violation of this title that violates any other customs law of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, United States Code, with respect to the importation of softwood lumber and softwood lumber products described in section 804(a).

''(d) FACTORS TO CONSIDER IN ASSESSING PENALTIES.—In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this title by the person, the ability of the person to pay the penalty, the seriousness of the violation, and such other matters as fairness may require.

''(e) NOTICE.—No penalty may be assessed under this section against a person for violating a provision of this title unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

''(f) EXCEPTION.—Notwithstanding any other provision of this title, and without limitation, an importer shall not be found to have violated subsection 803(c) if—

''(1) the importer made an appropriate inquiry in accordance with section 803(c)(1) with respect to the declaration;

''(2) the importer produces records maintained pursuant to section 807(b) that substantiate the declaration; and

''(3) there is not substantial evidence indicating that the importer knew that the fact to which the importer made the declaration was false.

"SEC. 809. REPORTS.

''(a) SEMIANNUAL REPORTS.—Not later than 180 days after the effective date of this title, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report—

''(1) describing the reconciliations conducted under section 806, and the verifications conducted under section 807;

''(2) identifying the manner in which the United States importers subject to reconciliations conducted under section 806 and verifications conducted under section 807 were chosen;

''(3) identifying any penalties imposed under section 808;

''(4) identifying any patterns of noncompliance with this title; and

''(5) identifying any problems or obstacles encountered in the implementation and enforcement of this title.

''(b) SUBSIDIES REPORTS.—Not later than 180 days after the date of the enactment of this title, and every 180 days thereafter, the Secretary of Commerce shall provide to the appropriate congressional committees a report on any subsidies on softwood lumber or softwood lumber products, including stumpage subsidies, provided by countries of export.

''(c) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees:

''(1) Not later than 18 months after the date of the enactment of this title, a report on the effectiveness of the reconciliations conducted under section 806, and verifications conducted under section 807.

''(2) Not later than 12 months after the date of the enactment of this title, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any international agreements entered into by those countries and the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

SEC. 4001. RENAMING OF FOOD STAMP ACT AND PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking ''Food Stamp Act of 1977'' and inserting ''Food and Nutrition Act of 2008''.

(b) PROGRAM.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as amended by subsection (a)) is amended by striking ''**FOOD STAMP PROGRAM**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**''.

SEC. 4002. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended in the section heading by striking ''**FOOD STAMP PROGRAM**'' and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**''.

(2) Section 5(h)(2)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)(2)(A)) is amended by striking ''Food Stamp Disaster Task Force'' and inserting ''Disaster Task Force''.

(3) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (d)(3), by striking ''for food stamps'';

(B) in subsection (j), in the subsection heading, by striking ''FOOD STAMP''; and

(C) in subsection (o)—

(i) in paragraph (2), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''food stamps'' and inserting ''supplemental nutrition assistance program benefits''; and

(bb) in clause (ii)—

(AA) in the matter preceding subclause (I), by striking ''a food stamp recipient'' and inserting ''a member of a household that receives supplemental nutrition assistance program benefits''; and

(BB) by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits''; and

(II) in subparagraphs (D) and (E), by striking ''food stamp recipients'' each place it appears and inserting ''members of households that receive supplemental nutrition assistance program benefits''.

(4) Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(A) in subsection (i)—

(i) in paragraph (3)(B)(ii), by striking ''food stamp households'' and inserting ''households receiving supplemental nutrition assistance program benefits''; and

(ii) in paragraph (7), by striking ''food stamp issuance'' and inserting ''supplemental nutrition assistance issuance''; and

(B) in subsection (k)—

(i) in paragraph (2), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(ii) in paragraph (3), by striking ''food stamp retail'' and inserting ''retail''.

(5) Section 9(b)(1) of that Food and Nutrition Act of 2008 (7 U.S.C. 2018(b)(1)) is amended by striking ''food stamp households'' and inserting ''households that receive supplemental nutrition assistance program benefits''.

(6) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) by striking ''food stamps'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(ii) by striking ''food stamp offices'' each place it appears and inserting ''supplemental nutrition assistance program offices'';

(iii) by striking ''food stamp office'' each place it appears and inserting ''supplemental nutrition assistance program office''; and

(iv) in paragraph (25)—

(I) in the matter preceding subparagraph (A), by striking ''Simplified Food Stamp Program'' and inserting ''Simplified Supplemental Nutrition Assistance Program''; and

(II) in subparagraph (A), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(B) in subsection (k), by striking ''may issue, upon request by the State agency, food stamps'' and inserting ''may provide, on request by the State agency, supplemental nutrition assistance program benefits'';

(C) in subsection (l), by striking ''food stamp participation'' and inserting ''supplemental nutrition assistance program participation'';

(D) in subsections (q) and (r), in the subsection headings, by striking ''FOOD STAMPS'' each place it appears and inserting ''BENEFITS'';

(E) in subsection (s), by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits''; and

(F) in subsection (t)(1)—

(i) in subparagraph (A), by striking ''food stamp application'' and inserting ''supplemental nutrition assistance program application''; and

(ii) in subparagraph (B), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''.

(7) Section 14(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2023(b)) is amended by striking ''food stamp''.

(8) Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(A) in subsection (a)(4), by striking ''food stamp informational activities'' and inserting ''informational activities relating to the supplemental nutrition assistance program'';

(B) in subsection (c)(9)(C), by striking ''food stamp caseload'' and inserting ''the caseload under the supplemental nutrition assistance program''; and

(C) in subsection (h)(1)(E)(i), by striking ''food stamp recipients'' and inserting ''members of households receiving supplemental nutrition assistance program benefits''.

(9) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(II) in subparagraph (B)—

(aa) in clause (ii)(II), by striking ''food stamp recipients'' and inserting ''supplemental nutrition assistance program recipients'';

(bb) in clause (iii)(I), by striking ''the State's food stamp households'' and inserting ''the number of households in the State receiving supplemental nutrition assistance program benefits''; and

(cc) in clause (iv)(IV)(bb), by striking ''food stamp deductions'' and inserting ''supplemental nutrition assistance program deductions'';

(ii) in paragraph (2), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking ''food stamp employment'' and inserting ''supplemental nutrition assistance program employment'';

(II) in subparagraph (B), by striking ''food stamp recipients'' and inserting ''supplemental nutrition assistance program recipients'';

(III) in subparagraph (C), by striking ''food stamps'' and inserting ''supplemental nutrition assistance program benefits''; and

(IV) in subparagraph (D), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(C) in subsection (c), by striking ''food stamps'' and inserting ''supplemental nutrition assistance'';

(D) in subsection (d)—

(i) in paragraph (1)(B), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''food stamp allotments'' each place it appears and inserting ''allotments''; and

(II) in subparagraph (C)(ii), by striking ''food stamp benefit'' and inserting ''supplemental nutrition assistance program benefits''; and

(iii) in paragraph (3)(E), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(E) in subsections (e) and (f), by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(F) in subsection (g), in the first sentence, by striking ''receipt of food stamp'' and inserting ''receipt of supplemental nutrition assistance program''; and

(G) in subsection (j), by striking ''food stamp agencies'' and inserting ''supplemental nutrition assistance program agencies''.

(10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(A)(ii)) is amended by striking ''food stamps'' and inserting ''supplemental nutrition assistance program benefits''.

(11) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) in the section heading, by striking ''**FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN**'' and inserting ''**MINNESOTA FAMILY INVESTMENT PROJECT**'';

(B) in subsections (b)(12) and (d)(3), by striking ''the Food Stamp Act, as amended,'' each place it appears and inserting ''this Act''; and

(C) in subsection (g)(1), by striking ''the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)'' and inserting ''this Act''.

(12) Section 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2035) is amended—

(A) in the section heading, by striking ''**SIMPLIFIED FOOD STAMP PROGRAM**'' and inserting ''**SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**''; and

(B) in subsection (b), by striking ''simplified food stamp program'' and inserting ''simplified supplemental nutrition assistance program''.

(b) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended (as applicable)—

(A) by striking ''food stamp program'' each place it appears and inserting ''supplemental nutrition assistance program'';

(B) by striking ''Food Stamp Act of 1977'' each place it appears and inserting ''Food and Nutrition Act of 2008'';

(C) by striking ''Food Stamp Act'' each place it appears and inserting ''Food and Nutrition Act of 2008'';

(D) by striking ''food stamp'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(E) by striking ''food stamps'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(F) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMP ACT**'' each place it appears and inserting ''**FOOD AND NUTRITION ACT OF 2008**'';

(G) in each applicable subsection and appropriations heading, by striking ''FOOD STAMP ACT'' each place it appears and inserting ''FOOD AND NUTRITION ACT OF 2008'';

(H) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''**FOOD STAMP ACT**'' each place it appears and inserting ''**FOOD AND NUTRITION ACT OF 2008**'';

(I) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMP PROGRAM**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**'';

(J) in each applicable subsection and appropriations heading, by striking ''FOOD STAMP PROGRAM'' each place it appears and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM'';

(K) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''**FOOD STAMP PROGRAM**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**'';

(L) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMPS**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**'';

(M) in each applicable subsection and appropriations heading, by striking ''FOOD STAMPS'' each place it appears and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS''; and

(N) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''**FOOD STAMPS**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**''.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Hunger Prevention Act of 1988 (Public Law 100–435; 102 Stat. 1645).

(B) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225; 108 Stat. 106).

(C) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 305).

(D) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note).

(E) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 100–77).

(F) The Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Public Law 106–171; 114 Stat. 3).

(G) Section 502(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 2025 note; Public Law 105–185).

(H) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.).

(I) The Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

(J) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(K) Section 8119 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105–262).

(L) The Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5901 et seq.).

(M) Title 18, United States Code.

(N) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(O) The Internal Revenue Code of 1986.

(P) Section 650 of the Treasury and General Government Appropriations Act, 2000 (26 U.S.C. 7801 note; Public Law 106–58).

(Q) The Wagner-Peysner Act (29 U.S.C. 49 et seq.).

(R) The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(S) Title 31, United States Code.

(T) Title 37, United States Code.

(U) The Public Health Service Act (42 U.S.C. 201 et seq.).

(V) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(W) Section 406 of the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2400).

(X) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a).

(Y) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(Z) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(AA) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(BB) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(CC) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

(DD) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(EE) The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(FF) Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i).

(GG) The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(HH) Public Law 95–348 (92 Stat. 487).

(II) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(JJ) The Disaster Assistance Act of 1988 (Public Law 100–387; 102 Stat. 924).

(KK) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(LL) The Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079).

(MM) Section 388 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 98).

(NN) The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1818).

(OO) The Act of March 26, 1992 (Public Law 102–265; 106 Stat. 90).

(PP) Public Law 105–379 (112 Stat. 3399).

(QQ) Section 101(c) of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 528).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the ''food stamp program'' established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the ''supplemental

nutrition assistance program'' established under that Act.

PART II—BENEFIT IMPROVEMENTS

SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAYMENTS FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)) is amended—

(1) by striking ''(d) Household'' and inserting ''(d) EXCLUSIONS FROM INCOME.—Household'';

(2) by striking ''only (1) any'' and inserting ''only—

''(1) any'';

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (2));

(4) by striking the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (3)—

(A) by striking ''like (A) awarded'' and inserting ''like—

''(A) awarded'';

(B) by striking ''thereof, (B) to'' and inserting ''thereof;

''(B) to''; and

(C) by striking ''program, and (C) to'' and inserting ''program; and

''(C) to'';

(6) in paragraph (11), by striking ''), or (B) a'' and inserting ''); or

''(B) a'';

(7) in paragraph (17), by striking '', and'' at the end and inserting a semicolon;

(8) in paragraph (18), by striking the period at the end and inserting ''; and''; and

(9) by adding at the end the following:

''(19) any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(A) is the result of deployment to or service in a combat zone; and

''(B) was not received immediately prior to serving in a combat zone.''.

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''not less than $134'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2009, $144, $246, $203, and $127, respectively; and

''(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2009, $289; and

''(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.''.

SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.

Section 5(e)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(3)(A)) is amended by striking '', the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,''.

SEC. 4104. ASSET INDEXATION, EDUCATION, AND RETIREMENT ACCOUNTS.

(a) ADJUSTING COUNTABLE RESOURCES FOR INFLATION.—Section (5)(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended—

(1) by striking ''(g)(1) The Secretary'' and inserting the following:

''(g) ALLOWABLE FINANCIAL RESOURCES.—

''(1) TOTAL AMOUNT.—

''(A) IN GENERAL.—The Secretary''.

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting ''(as adjusted in accordance with subparagraph (B))'' after ''$2,000''; and

(B) by inserting ''(as adjusted in accordance with subparagraph (B))'' after ''$3,000''; and

(3) by adding at the end the following:

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—Beginning on October 1, 2008, and each October 1 thereafter, the amounts specified in subparagraph (A) shall be adjusted and rounded down to the nearest $250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.''.

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(1) IN GENERAL.—Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)(2)(B)(v)) is amended by striking ''or retirement account (including an individual account)'' and inserting ''account''.

(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

''(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

''(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code; and

''(ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).''.

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) (as amended by subsection (b)) is amended by adding at the end the following:

''(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).''.

SEC. 4105. FACILITATING SIMPLIFIED REPORTING.

Section 6(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(A)) is amended—

(1) by striking ''reporting by'' and inserting ''reporting'';

(2) in clause (i), by inserting ''for periods shorter than 4 months by'' before ''migrant'';

(3) in clause (ii), by inserting ''for periods shorter than 4 months by'' before ''households''; and

(4) in clause (iii), by inserting ''for periods shorter than 1 year by'' before ''households''.

SEC. 4106. TRANSITIONAL BENEFITS OPTION.

Section 11(s)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(s)(1)) is amended—

(1) by striking ''benefits to a household''; and inserting ''benefits—

''(A) to a household'';

(2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(B) at the option of the State, to a household with children that ceases to receive cash assistance under a State-funded public assistance program.''.

SEC. 4107. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is amended by striking ''$10 per month'' and inserting ''8 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment''.

SEC. 4108. EMPLOYMENT, TRAINING, AND JOB RETENTION.

Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vi) the following:

''(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment.''; and

(2) in subparagraph (F), by adding at the end the following:

''(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).''.

PART III—PROGRAM OPERATIONS

SEC. 4111. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting ''and, through an approved State plan, nutrition education'' after ''an allotment''.

(b) IMPLEMENTATION.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f) and inserting the following:

''(f) NUTRITION EDUCATION.—

''(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for program benefits that promotes healthy food choices consistent with the most recent Dietary Guidelines for

Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the National Institute of Food and Agriculture, including through the expanded food and nutrition education program under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

''(3) NUTRITION EDUCATION STATE PLANS.—

''(A) IN GENERAL.—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

''(B) REQUIREMENTS.—The plan shall—

''(i) identify the uses of the funding for local projects; and

''(ii) conform to standards established by the Secretary through regulations or guidance.

''(C) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

''(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.''.

SEC. 4112. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.

Section 6(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking ''No member'' and inserting the following:

''(1) IN GENERAL.—No member''; and

(3) by adding at the end the following:

''(2) PROCEDURES.—The Secretary shall—

''(A) define the terms 'fleeing' and 'actively seeking' for purposes of this subsection; and

''(B) ensure that State agencies use consistent procedures established by the Secretary that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings against the individual.''.

SEC. 4113. CLARIFICATION OF SPLIT ISSUANCE.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (2) and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Any procedure established under paragraph (1) shall—

''(i) not reduce the allotment of any household for any period; and

''(ii) ensure that no household experiences an interval between issuances of more than 40 days.

''(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance during a month only when a benefit correction is necessary.''.

SEC. 4114. ACCRUAL OF BENEFITS.

Section 7(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

''(12) RECOVERING ELECTRONIC BENEFITS.—

''(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

''(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits offline in accordance with subparagraph (D), if the household has not accessed the account after 6 months.

''(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

''(D) NOTICE.—A State agency shall—

''(i) send notice to a household the benefits of which are stored under subparagraph (B); and

''(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.''.

SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through ''subsection (j)) shall be'' and inserting the following:

''SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

''(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be'';

(2) in subsection (b)—

(A) by striking ''(b) Coupons'' and inserting the following:

''(b) USE.—Benefits''; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking ''(c) Coupons'' and inserting the following:

''(c) DESIGN.—

''(1) IN GENERAL.—EBT cards'';

(B) in the first sentence, by striking ''and define their denomination''; and

(C) by striking the second sentence and inserting the following:

''(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.'';

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''coupon issuers'' each place it appears and inserting ''benefit issuers'';

(6) in subsection (f)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupon issuer'' and inserting ''benefit issuers'';

(C) by striking ''including any losses'' and all that follows through ''section 11(e)(20),''; and

(D) by striking ''and allotments'';

(7) by striking subsection (g) and inserting the following:

''(g) ALTERNATIVE BENEFIT DELIVERY.—

''(1) IN GENERAL.—If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the supplemental nutrition assistance program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

''(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.

''(3) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

''(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives supplemental nutrition assistance under this Act.

''(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

''(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed during the 1-year period beginning on the date of enactment of the Food, Conservation, and Energy Act of 2008 shall—

''(i) no longer be an obligation of the Federal Government; and

''(ii) not be redeemable.'';

(8) in subsection (h)(1), by striking ''coupons'' and inserting ''benefits'';

(9) in subsection (i), by adding at the end the following:

''(12) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.'';

(10) in subsection (j)—

(A) in paragraph (2)(A)(ii), by striking ''printing, shipping, and redeeming coupons'' and inserting ''issuing and redeeming benefits''; and

(B) in paragraph (5), by striking ''coupon'' and inserting ''benefit'';

(11) in subsection (k)—

(A) by striking ''coupons in the form of'' each place it appears and inserting ''program benefits in the form of'';

(B) by striking ''a coupon issued in the form of'' each place it appears and inserting ''program benefits in the form of''; and

(C) in subparagraph (A), by striking ''subsection (i)(11)(A)'' and inserting ''subsection (h)(11)(A)''; and

(12) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(A) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(B) by striking subsection (b) and inserting the following:

''(b) BENEFIT.—The term 'benefit' means the value of supplemental nutrition assistance provided to a household by means of—

''(1) an electronic benefit transfer under section 7(i); or

''(2) other means of providing assistance, as determined by the Secretary.'';

(C) in subsection (c), in the first sentence, by striking ''authorization cards'' and inserting ''benefits'';

(D) in subsection (d), by striking ''or access device'' and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking ''(e) 'Coupon issuer' means'' and inserting the following:

''(e) BENEFIT ISSUER.—The term 'benefit issuer' means''; and

(ii) by striking ''coupons'' and inserting ''benefits'';

(F) in subsection (g)(7), by striking ''subsection (r)'' and inserting ''subsection (j)'';

(G) in subsection (i)(5)—

(i) in subparagraph (B), by striking ''subsection (r)'' and inserting ''subsection (j)''; and

(ii) in subparagraph (D), by striking ''coupons'' and inserting ''benefits'';

(H) in subsection (j), by striking ''(as that term is defined in subsection (p))'';

(I) in subsection (k)—

(i) in paragraph (1)(A), by striking ''subsection (u)(1)'' and inserting ''subsection (r)(1)'';

(ii) in paragraph (2), by striking ''subsections (g)(3), (4), (5), (7), (8), and (9) of this section'' and inserting ''paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)''; and

(iii) in paragraph (3), by striking ''subsection (g)(6) of this section'' and inserting ''subsection (k)(6)'';

(J) in subsection (t), by inserting '', including point of sale devices,'' after ''other means of access'';

(K) in subsection (u), by striking ''(as defined in subsection (g))'';

(L) by adding at the end the following:

''(v) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i).''; and

(M) by redesignating subsections (a) through (v) as subsections (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively, and moving the subsections so as to appear in alphabetical order.

(2) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''Coupons issued'' and inserting ''benefits issued''.

(3) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (a), by striking ''section 3(i)(4)'' and inserting ''section 3(n)(4)'';

(B) in subsection (h)(3)(B), in the second sentence, by striking ''section 7(i)'' and inserting ''section 7(h)''; and

(C) in subsection (i)(2)(E), by striking '', as defined in section 3(i) of this Act,''.

(4) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''coupons or authorization cards'' and inserting ''program benefits''; and

(ii) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) in subsection (d)(4)(L), by striking ''section 11(e)(22)'' and inserting ''section 11(e)(19)''.

(5) Section 8 of the Food and Nutrition Act of 2008 (7 U.S.C. 2017) is amended—

(A) in subsection (b), by striking '', whether through coupons, access devices, or otherwise''; and

(B) in subsections (e)(1) and (f), by striking ''section 3(i)(5)'' each place it appears and inserting ''section 3(n)(5)''.

(6) Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) in subsection (a)—

(i) in paragraph (1), by striking ''coupon business'' and inserting ''benefit transactions''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION PERIODS.—The Secretary shall establish specific time periods during which authorization to accept and redeem benefits shall be valid under the supplemental nutrition assistance program.''; and

(C) in subsection (g), by striking ''section 3(g)(9)'' and inserting ''section 3(k)(9)''.

(7) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through ''Regulations'' and inserting the following:

''SEC. 10. REDEMPTION OF PROGRAM BENEFITS.

''Regulations'';

(B) by striking ''section 3(k)(4) of this Act'' and inserting ''section 3(p)(4)'';

(C) by striking ''section 7(i)'' and inserting ''section 7(h)''; and

(D) by striking ''coupons'' each place it appears and inserting ''benefits''.

(8) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (d)—

(i) by striking ''section 3(n)(1) of this Act'' each place it appears and inserting ''section 3(t)(1)''; and

(ii) by striking ''section 3(n)(2) of this Act'' each place it appears and inserting ''section 3(t)(2)'';

(B) in subsection (e)—

(i) in paragraph (8)(E), by striking ''paragraph (16) or (20)(B)'' and inserting ''paragraph (15) or (18)(B)'';

(ii) by striking paragraphs (15) and (19);

(iii) by redesignating paragraphs (16) through (18) and (20) through (25) as paragraphs (15) through (17) and (18) through (23), respectively; and

(iv) in paragraph (17) (as so redesignated), by striking ''(described in section 3(n)(1) of this Act)'' and inserting ''described in section 3(t)(1)'';

(C) in subsection (h), by striking ''coupon or coupons'' and inserting ''benefits'';

(D) by striking ''coupon'' each place it appears and inserting ''benefit'';

(E) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(F) in subsection (q), by striking ''section 11(e)(20)(B)'' and inserting ''subsection (e)(18)(B)''.

(9) Section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(10) Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(B) in subsection (b)(1)—

(i) by striking ''coupons, authorization cards, or access devices'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupons or authorization cards'' and inserting ''benefits''; and

(iii) by striking ''access device'' each place it appears and inserting ''benefit'';

(C) in subsection (c), by striking ''coupons'' each place it appears and inserting ''benefits'';

(D) in subsection (d), by striking ''Coupons'' and inserting ''Benefits'';

(E) by striking subsections (e) and (f);

(F) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking ''coupon, authorization cards or access devices'' and inserting ''benefits''.

(11) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(12) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking ''coupon'' and inserting ''benefit'';

(B) in subsection (b)(1)—

(i) in subparagraph (B)—

(I) in clause (iv)—

(aa) in subclause (I), inserting ''or otherwise providing benefits in a form not restricted to the purchase of food'' after ''of cash'';

(bb) in subclause (III)(aa), by striking ''section 3(i)'' and inserting ''section 3(n)''; and

(cc) in subclause (VII), by striking ''section 7(j)'' and inserting ''section 7(i)''; and

(II) in clause (v)—

(aa) by striking ''countersigned food coupons or similar''; and

(bb) by striking ''food coupons'' and inserting ''EBT cards''; and

(ii) in subparagraph (C)(i)(I), by striking ''coupons'' and inserting ''EBT cards'';

(C) in subsection (f), by striking ''section 7(g)(2)'' and inserting ''section 7(f)(2)''; and

(D) in subsection (j), by striking ''coupon'' and inserting ''benefit''.

(13) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking ''section 3(o)(4)'' and inserting ''section 3(u)(4)''.

(14) Section 21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2030) is repealed.

(15) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) by striking ''food coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(C) in subsection (g)(1)(A), by striking ''coupon'' and inserting ''benefits''.

(16) Section 26(f)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)) is amended—

(A) in subparagraph (A), by striking ''subsections (a) through (g)'' and inserting ''subsections (a) through (f)''; and

(B) in subparagraph (E), by striking ''(16), (18), (20), (24), and (25)'' and inserting ''(15), (17), (18), (22), and (23)''.

(c) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—

(A) USE OF TERMS.—Each provision of law described in subparagraph (B) is amended (as applicable)—

(i) by striking ''coupons'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupon'' each place it appears and inserting ''benefit'';

(iii) by striking ''food coupons'' each place it appears and inserting ''benefits'';

(iv) in each section heading, by striking ''**FOOD COUPONS**'' each place it appears and inserting ''**BENEFITS**'';

(v) by striking ''food stamp coupon'' each place it appears and inserting ''benefit''; and

(vi) by striking ''food stamps'' each place it appears and inserting ''benefits''.

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418).

(ii) Section 1956(c)(7)(D) of title 18, United States Code.

(iii) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92–603).

(v) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(vi) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)).

(2) DEFINITION REFERENCES.—

(A) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418) is amended by striking ''section 3(k)(1)'' and inserting ''section 3(p)(1)''.

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2012 note; Public Law 103–225) is amended by striking ''section 3(k) of such Act (as amended by section 201)'' and inserting ''section 3(p) of that Act''.

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(i) by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''; and

(ii) in subsection (e)(2), by striking ''section 3(m)'' and inserting ''section 3(s)''.

(D) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking ''section 3(r)'' and inserting ''section 3(j)''; and

(ii) in paragraph (3)(B), by striking ''section 3(h)'' and inserting ''section 3(l)''.

(E) Section 3803(c)(2)(C)(vii) of title 31, United States Code, is amended by striking ''section 3(h)'' and inserting ''section 3(l)''.

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 503(d)(4)) is amended by striking ''section 3(n)(1)'' and inserting ''section 3(t)(1)''.

(G) Section 404 of the Social Security Act (42 U.S.C. 604) is amended by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''.

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''.

(I) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)) is amended

by striking ''(as defined in section 3(e) of such Act)''.

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a ''coupon'', ''authorization card'', or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a ''benefit'' provided under that Act.

SEC. 4116. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking the section enumerator and heading and subsection (a) and inserting the following:

''SEC. 11. ADMINISTRATION.

''(a) STATE RESPONSIBILITY.—

''(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

''(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(t)(1).

''(3) RECORDS.—

''(A) IN GENERAL.—Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

''(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—

''(i) be available for inspection and audit at any reasonable time;

''(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

''(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

''(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—

''(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

''(i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);

''(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

''(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

''(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

''(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

''(i) notify the Secretary; and

''(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).''.

SEC. 4117. CIVIL RIGHTS COMPLIANCE.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (c) and inserting the following:

''(c) CIVIL RIGHTS COMPLIANCE.—

''(1) IN GENERAL.—In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

''(2) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

''(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

''(B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).''.

SEC. 4118. CODIFICATION OF ACCESS RULES.

Section 11(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking ''shall (A) at'' and inserting ''shall—

''(A) at''; and

(2) by striking ''and (B) use'' and inserting ''and

''(B) comply with regulations of the Secretary requiring the use of''.

SEC. 4119. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by striking ''(C) Nothing in this Act'' and inserting the following:

''(C) ELECTRONIC AND AUTOMATED SYSTEMS.—

''(i) IN GENERAL.—Nothing in this Act''; and

(2) by adding at the end the following:

''(ii) STATE OPTION FOR TELEPHONIC SIGNATURE.—A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone.

''(iii) REQUIREMENTS.—A system established under clause (ii) shall—

''(I) record for future reference the verbal assent of the household member and the information to which assent was given;

''(II) include effective safeguards against impersonation, identity theft, and invasions of privacy;

''(III) not deny or interfere with the right of the household to apply in writing;

''(IV) promptly provide to the household member a written copy of the completed application, with instructions for a simple procedure for correcting any errors or omissions;

''(V) comply with paragraph (1)(B);

''(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the supplemental nutrition assistance program, with the date on which the household member provides verbal assent considered as the date of application for all purposes; and

''(VII) comply with such other standards as the Secretary may establish.''.

SEC. 4120. PRIVACY PROTECTIONS.

Section 11(e)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(8)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''limit'' and inserting ''prohibit''; and

(B) by striking ''to persons'' and all that follows through ''State programs'';

(2) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) the safeguards shall permit—

''(i) the disclosure of such information to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal assistance programs, or federally-assisted State programs; and

''(ii) the subsequent use of the information by persons described in clause (i) only for such administration or enforcement;''; and

(4) in subparagraph (F) (as so redesignated) by inserting ''or subsection (u)'' before the semicolon at the end.

SEC. 4121. PRESERVATION OF ACCESS AND PAYMENT ACCURACY.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (g) and inserting the following:

''(g) COST SHARING FOR COMPUTERIZATION.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary is authorized to pay to each State agency the amount provided under subsection (a)(6) for the costs incurred by the State agency in the planning, design, development, or installation of 1 or more automatic data processing and information retrieval systems that the Secretary determines—

''(A) would assist in meeting the requirements of this Act;

''(B) meet such conditions as the Secretary prescribes;

''(C) are likely to provide more efficient and effective administration of the supplemental nutrition assistance program;

''(D) would be compatible with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(E) would be tested adequately before and after implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

''(F) would be operated in accordance with an adequate plan for—

''(i) continuous updating to reflect changed policy and circumstances; and

''(ii) testing the effect of the system on access for eligible households and on payment accuracy.

''(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

''(A) is reimbursed for the costs under any other Federal program; or

''(B) uses the systems for purposes not connected with the supplemental nutrition assistance program.''.

SEC. 4122. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking ''to remain available until expended'' and inserting ''to remain available for 15 months''.

PART IV—PROGRAM INTEGRITY

SEC. 4131. ELIGIBILITY DISQUALIFICATION.

Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

''(p) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

''(q) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.—Subject to

any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.''.

SEC. 4132. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

''(a) DISQUALIFICATION.—

''(1) IN GENERAL.—An approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

''(A) disqualified for a specified period of time from further participation in the supplemental nutrition assistance program;

''(B) assessed a civil penalty of up to $100,000 for each violation; or

''(C) both.

''(2) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the finding of a violation of, the suspension or disqualification of and the assessment of a civil penalty against a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.'';

(2) in subsection (b)—

(A) by striking ''(b) Disqualification'' and inserting the following:

''(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification'';

(B) in paragraph (1), by striking ''of no less than six months nor more than five years'' and inserting ''not to exceed 5 years'';

(C) in paragraph (2), by striking ''of no less than twelve months nor more than ten years'' and inserting ''not to exceed 10 years'';

(D) in paragraph (3)(B)—

(i) by inserting ''or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards'' after ''concern'' the first place it appears; and

(ii) by striking ''civil money penalties'' and inserting ''civil penalties''; and

(E) by striking ''civil money penalty'' each place it appears and inserting ''civil penalty'';

(3) in subsection (c)—

(A) by striking ''(c) The action'' and inserting the following:

''(c) CIVIL PENALTY AND REVIEW OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

''(1) CIVIL PENALTY.—In addition to a disqualification under this section, the Secretary may assess a civil penalty in an amount not to exceed $100,000 for each violation.

''(2) REVIEW.—The action''; and

(B) in paragraph (2) (as designated by subparagraph (A)), by striking ''civil money penalty'' and inserting ''civil penalty'';

(4) in subsection (d)—

(A) by striking ''(d)'' and all that follows through ''. The Secretary shall'' and inserting the following:

''(d) CONDITIONS OF AUTHORIZATION.—

''(1) IN GENERAL.—As a condition of authorization to accept and redeem benefits, the Secretary may require a retail food store or wholesale food concern that, pursuant to subsection (a), has been disqualified for more than 180 days, or has been subjected to a civil penalty in lieu of a disqualification period of more than 180 days, to furnish a collateral bond or irrevocable letter of credit for a period of not more than 5 years to cover the value of benefits that the store or concern may in the future accept and redeem in violation of this Act.

''(2) COLLATERAL.—The Secretary also may require a retail food store or wholesale food concern that has been sanctioned for a violation and incurs a subsequent sanction regardless of the length of the disqualification period to submit a collateral bond or irrevocable letter of credit.

''(3) BOND REQUIREMENTS.—The Secretary shall'';

(B) by striking ''If the Secretary finds'' and inserting the following

''(4) FORFEITURE.—If the Secretary finds''; and

(C) by striking ''Such store or concern'' and inserting the following:

''(5) HEARING.—A store or concern described in paragraph (4)'';

(5) in subsection (e), by striking ''civil money penalty'' each place it appears and inserting ''civil penalty''; and

(6) by adding at the end the following:

''(h) FLAGRANT VIOLATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Agriculture, shall establish procedures under which the processing of program benefit redemptions for a retail food store or wholesale food concern may be immediately suspended pending administrative action to disqualify the retail food store or wholesale food concern.

''(2) REQUIREMENTS.—Under the procedures described in paragraph (1), if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act (including regulations promulgated under this Act), unsettled program benefits that have been redeemed by the retail food store or wholesale food concern—

''(A) may be suspended; and

''(B)(i) if the program disqualification is upheld, may be subject to forfeiture pursuant to section 15(g); or

''(ii) if the program disqualification is not upheld, shall be released to the retail food store or wholesale food concern.

''(3) NO LIABILITY FOR INTEREST.—The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.''.

SEC. 4133. MAJOR SYSTEMS FAILURES.

Section 13(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

''(5) OVERISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

''(A) IN GENERAL.—If the Secretary determines that a State agency overissued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as defined by the Secretary, the Secretary may prohibit the State agency from collecting these overissuances from some or all households.

''(B) PROCEDURES.—

''(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

''(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

''(I) whether the State agency overissued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

''(II) as to the amount of the overissuance in the applicable fiscal year for which the State agency is liable.

''(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has overissued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the overissuance caused by the systemic error.

''(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

''(v) REMISSION TO THE SECRETARY.—

''(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

''(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding made in the administrative and judicial review.

''(vi) ALTERNATIVE METHOD OF COLLECTION.—

''(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

''(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

''(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.''.

PART V—MISCELLANEOUS

SEC. 4141. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

''(k) PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

''(A) of using the supplemental nutrition assistance program to improve the dietary and health status of households eligible for or participating in the supplemental nutrition assistance program; and

''(B) to reduce overweight, obesity (including childhood obesity), and associated comorbidities in the United States.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as defined by the Secretary), for use in accordance with projects that meet the strategy goals of this subsection.

''(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or

grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) SELECTION CRITERIA.—Pilot projects shall be evaluated against publicly disseminated criteria that may include—

''(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

''(ii) incorporation of a scientifically based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

''(iii) a commitment to a pilot project that allows for a rigorous outcome evaluation, including data collection;

''(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

''(v) innovative ways to provide significant improvement to the health and wellness of children;

''(vi) other criteria, as determined by the Secretary.

''(D) USE OF FUNDS.—Funds provided under this paragraph shall not be used for any project that limits the use of benefits under this Act.

''(3) PROJECTS.—Pilot projects carried out under paragraph (1) may include projects to determine whether healthier food purchases by and healthier diets among households participating in the supplemental nutrition assistance program result from projects that—

''(A) increase the supplemental nutrition assistance purchasing power of the participating households by providing increased supplemental nutrition assistance program benefit allotments to the participating households;

''(B) increase access to farmers markets by participating households through the electronic redemption of supplemental nutrition assistance program benefits at farmers' markets;

''(C) provide incentives to authorized supplemental nutrition assistance program retailers to increase the availability of healthy foods to participating households;

''(D) subject authorized supplemental nutrition assistance program retailers to stricter retailer requirements with respect to carrying and stocking healthful foods;

''(E) provide incentives at the point of purchase to encourage households participating in the supplemental nutrition assistance program to purchase fruits, vegetables, or other healthful foods; or

''(F) provide to participating households integrated communication and education programs, including the provision of funding for a portion of a school-based nutrition coordinator to implement a broad nutrition action plan and parent nutrition education programs in elementary schools, separately or in combination with pilot projects carried out under subparagraphs (A) through (E).

''(4) EVALUATION AND REPORTING.—

''(A) EVALUATION.—

''(i) INDEPENDENT EVALUATION.—

''(I) IN GENERAL.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of the pilot program on health and nutrition as described in paragraph (1).

''(II) REQUIREMENT.—The independent evaluation under subclause (I) shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective.

''(ii) COSTS.—The Secretary may use funds provided to carry out this section to pay costs associated with monitoring and evaluating each pilot project.

''(B) REPORTING.—Not later than 90 days after the last day of fiscal year 2009 and each fiscal year thereafter until the completion of the last evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(i) the status of each pilot project;

''(ii) the results of the evaluation completed during the previous fiscal year; and

''(iii) to the maximum extent practicable—

''(I) the impact of the pilot project on appropriate health, nutrition, and associated behavioral outcomes among households participating in the pilot project;

''(II) baseline information relevant to the stated goals and desired outcomes of the pilot project; and

''(III) equivalent information about similar or identical measures among control or comparison groups that did not participate in the pilot project.

''(C) PUBLIC DISSEMINATION.—In addition to the reporting requirements under subparagraph (B), evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

''(5) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

''(B) MANDATORY FUNDING.—Out of any funds made available under section 18, on October 1, 2008, the Secretary shall make available $20,000,000 to carry out a project described in paragraph (3)(E), to remain available until expended.''.

SEC. 4142. STUDY ON COMPARABLE ACCESS TO SUPPLEMENTAL NUTRITION ASSISTANCE FOR PUERTO RICO.

(a) IN GENERAL.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term ''State'' under section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2028).

(b) INCLUSIONS.—The study shall include—

(1) an assessment of the administrative, financial management, and other changes that would be necessary for the Commonwealth to establish a comparable supplemental nutrition assistance program, including compliance with appropriate program rules under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such as—

(A) benefit levels under section 3(u) of that Act (7 U.S.C. 2012(u));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028); and

(4) such other matters as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2008, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $1,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Food Distribution Programs

PART I—EMERGENCY FOOD ASSISTANCE PROGRAM

SEC. 4201. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended by—

(1) by striking ''(A) PURCHASE OF COMMODITIES'' and all that follows through ''$140,000,000 of'' and inserting the following:

''(a) PURCHASE OF COMMODITIES.—

''(1) IN GENERAL.—From amounts made available to carry out this Act, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of''; and

(2) by adding at the end the following:

''(2) AMOUNTS.—The Secretary shall use to carry out paragraph (1)—

''(A) for fiscal year 2008, $190,000,000;

''(B) for fiscal year 2009, $250,000,000; and

''(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2008, and June 30 of the immediately preceding fiscal year.''.

(b) STATE PLANS.—Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:

''(a) PLANS.—

''(1) IN GENERAL.—To receive commodities under this Act, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this Act.

''(2) UPDATES.—A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.''.

(c) AUTHORIZATION AND APPROPRIATIONS.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence—

(1) by striking ''$60,000,000'' and inserting ''$100,000,000''; and

(2) by inserting ''and donated wild game'' before the period at the end.

SEC. 4202. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

The Emergency Food Assistance Act of 1983 is amended by inserting after section 208 (7 U.S.C. 7511) the following:

''SEC. 209. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

''(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an emergency feeding organization.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall use funds made available under subsection (d) to make grants to eligible entities to pay the costs of an activity described in subsection (c).

''(2) RURAL PREFERENCE.—The Secretary shall use not less than 50 percent of the funds described in paragraph (1) for a fiscal year to make grants to eligible entities that serve predominantly rural communities for the purposes of—

''(A) expanding the capacity and infrastructure of food banks, State-wide food

bank associations, and food bank collaboratives that operate in rural areas; and

''(B) improving the capacity of the food banks to procure, receive, store, distribute, track, and deliver time-sensitive or perishable food products.

''(c) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

''(1) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

''(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

''(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

''(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

''(5) improving the identification of—

''(A) potential providers of donated foods;

''(B) potential nonprofit emergency food providers; and

''(C) persons in need of emergency food assistance in rural areas; and

''(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.''.

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

SEC. 4211. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.

(a) IN GENERAL.—Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

''(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

''(1) IN GENERAL.—Distribution of commodities, with or without the supplemental nutrition assistance program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

''(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

''(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the supplemental nutrition assistance program and the program established under this subsection.

''(3) DISQUALIFIED PARTICIPANTS.—An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the supplemental nutrition assistance program under this Act for a period of time to be determined by the Secretary.

''(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

''(5) BISON MEAT.—Subject to the availability of appropriations to carry out this paragraph, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

''(A) Native American bison producers; and

''(B) producer–owned cooperatives of bison ranchers.

''(6) TRADITIONAL AND LOCALLY-GROWN FOOD FUND.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional and locally-grown foods for recipients of food distributed under this subsection.

''(B) NATIVE AMERICAN PRODUCERS.—Where practicable, of the food provided under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

''(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary shall determine the definition of the term 'traditional and locally-grown' with respect to food distributed under this paragraph.

''(D) SURVEY.—In carrying out this paragraph, the Secretary shall—

''(i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and

''(ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

''(E) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under this paragraph during the preceding calendar year.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2008 through 2012.''.

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) (referred to in this subsection as the ''food package'');

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Native Americans compared to the supplemental nutrition assistance program, particularly for very low-income households;

(B) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(D) is limited by distribution costs or challenges in infrastructure; and

(3)(A) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; or

(B) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 4221. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

''(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

''(1) low-income persons aged 60 and older; or

''(2) women, infants, and children.''.

PART IV—SENIOR FARMERS' MARKET NUTRITION PROGRAM

SEC. 4231. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) in subsection (b)(1), by inserting ''honey,'' after ''vegetables,'';

(2) by striking subsection (c) and inserting the following:

''(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.''; and

(3) by adding at the end the following:

''(d) PROHIBITION ON COLLECTION OF SALES TAX.—Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers' market nutrition program.

''(e) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers' market nutrition program.''.

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. STATE PERFORMANCE ON ENROLLING CHILDREN RECEIVING PROGRAM BENEFITS FOR FREE SCHOOL MEALS.

(a) IN GENERAL.—Not later than December 31, 2008 and June 30 of each year thereafter, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as ''program benefits'') for free school meals using direct certification.

(b) SPECIFIC MEASURES.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on

receipt of program benefits, as of October 1 of the prior year; and

(3) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year who were not candidates for direct certification because on October 1 of the prior year the children attended a school operating under the special assistance provisions of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) that is not operating in a base year.

(c) PERFORMANCE INNOVATIONS.—The report of the Secretary shall describe best practices from States with the best performance or the most improved performance from the previous year.

SEC. 4302. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

''(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

''(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate;

''(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and paragraph (3) and post information concerning the policy on the website maintained by the Secretary; and

''(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.''.

SEC. 4303. HEALTHY FOOD EDUCATION AND PROGRAM REPLICABILITY.

Section 18(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)) is amended—

(1) in paragraph (1)(C), by inserting ''promotes healthy food education in the school curriculum and'' before ''incorporates'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

''(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

''(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

''(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

''(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

''(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

''(i) be planted, cared for, and harvested by students at the eligible schools; and

''(ii) teach the students participating in the community gardens about agriculture production practices and diet.

''(C) PRIORITY STATES.—Of the States in which grantees under this paragraph are located—

''(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

''(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

''(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

''(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

''(i) used to supplement food provided at the eligible school;

''(ii) distributed to students to bring home to the families of the students; or

''(iii) donated to a local food bank or senior center nutrition program.

''(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

''(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).''.

SEC. 4304. FRESH FRUIT AND VEGETABLE PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

''SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.

''(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the 'program').

''(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

''(c) FUNDING TO STATES.—

''(1) MINIMUM GRANT.—Except as provided in subsection (i)(2), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a year to carry out the program.

''(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

''(A) the population of the State; bears to

''(B) the population of the United States.

''(d) SELECTION OF SCHOOLS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 4304(a)(2) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

''(A) ensure that each school chosen to participate in the program is a school—

''(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

''(ii) that submits an application in accordance with subparagraph (D);

''(B) to the maximum extent practicable, give the highest priority to schools with the highest proportion of children who are eligible for free or reduced price meals under this Act;

''(C) ensure that each school selected is an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(D) solicit applications from interested schools that include—

''(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

''(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

''(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

''(iv) such other information as may be requested by the Secretary; and

''(E) encourage applicants to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-Federal resources (including entities representing the fruit and vegetable industry).

''(2) EXCEPTION.—Clause (i) of paragraph (1)(A) shall not apply to a State if all schools that meet the requirements of that clause have been selected and the State does not have a sufficient number of additional schools that meet the requirement of that clause.

''(3) OUTREACH TO LOW-INCOME SCHOOLS.—

''(A) IN GENERAL.—Prior to making decisions regarding school participation in the program, a State agency shall inform the schools within the State with the highest proportion of free and reduced price meal eligibility, including Native American schools, of the eligibility of the schools for the program with respect to priority granted to schools with the highest proportion of free and reduced price eligibility under paragraph (1)(B).

''(B) REQUIREMENT.—In providing information to schools in accordance with subparagraph (A), a State agency shall inform the schools that would likely be chosen to participate in the program under paragraph (1)(B).

''(e) NOTICE OF AVAILABILITY.—If selected to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

''(f) PER-STUDENT GRANT.—The per-student grant provided to a school under this section shall be—

''(1) determined by a State agency; and

''(2) not less than $50, nor more than $75.

''(g) LIMITATION.—To the maximum extent practicable, each State agency shall ensure that in making the fruits and vegetables provided under this section available to students, schools offer the fruits and vegetables separately from meals otherwise provided at the school under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(h) EVALUATION AND REPORTS.—

''(1) IN GENERAL.—The Secretary shall conduct an evaluation of the program, including a determination as to whether children experienced, as a result of participating in the program—

''(A) increased consumption of fruits and vegetables;

''(B) other dietary changes, such as decreased consumption of less nutritious foods; and

''(C) such other outcomes as are considered appropriate by the Secretary.

''(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under paragraph (1).

''(i) FUNDING.—

''(1) IN GENERAL.—Out of the funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use the following amounts to carry out this section:

''(A) On October 1, 2008, $40,000,000.

''(B) On July 1, 2009, $65,000,000.

''(C) On July 1, 2010, $101,000,000.

''(D) On July 1, 2011, $150,000,000.

''(E) On July 1, 2012, and each July 1 thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding April 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

''(2) MAINTENANCE OF EXISTING FUNDING.—In allocating funding made available under paragraph (1) among the States in accordance with subsection (c), the Secretary shall ensure that each State that received funding under section 18(f) on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008 shall continue to receive sufficient funding under this section to maintain the caseload level of the State under that section as in effect on that date.

''(3) EVALUATION FUNDING.—On October 1, 2008, out of any funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use to carry out the evaluation required under subsection (h), $3,000,000, to remain available for obligation until September 30, 2010.

''(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds transferred for that purpose, without further appropriation.

''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to carry out this section, there are authorized to be appropriated such sums as are necessary to expand the program established under this section.

''(6) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than $500,000 for the administrative costs of carrying out the program.

''(B) RESERVATION OF FUNDS.—The Secretary shall allow each State to reserve such funding as the Secretary determines to be necessary to administer the program in the State (with adjustments for the size of the State and the grant amount), but not to exceed the amount required to pay the costs of 1 full-time coordinator for the program in the State.

''(7) REALLOCATION.—

''(A) AMONG STATES.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

''(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.''.

(2) TRANSITION OF EXISTING SCHOOLS.—

(A) EXISTING SECONDARY SCHOOLS.—Section 19(d)(1)(C) of the Richard B. Russell National School Lunch Act (as amended by paragraph (1)) may be waived by a State until July 1, 2010, for each secondary school in the State that has been awarded funding under section 18(f) of that Act (42 U.S.C. 1769(f)) for the school year beginning July 1, 2008.

(B) SCHOOL YEAR BEGINNING JULY 1, 2008.—To facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (as amended by paragraph (1))—

(i) for the school year beginning July 1, 2008, the Secretary may permit any school selected for participation under section 18(f) of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act).

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 4305. WHOLE GRAIN PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of whole grain products available to schoolchildren, as recommended by the 2005 Dietary Guidelines for Americans.

(b) DEFINITION OF ELIGIBLE WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In this section, the terms ''whole grains'' and ''whole grain products'' have the meaning given the terms by the Food and Nutrition Service in the HealthierUS School Challenge.

(c) PURCHASE OF WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase whole grains and whole grain products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2011, the Secretary shall conduct an evaluation of the activities conducted under subsection (c) that includes—

(1) an evaluation of whether children participating in the school lunch and breakfast programs increased their consumption of whole grains;

(2) an evaluation of which whole grains and whole grain products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of whole grain products in the school lunch and breakfast programs; and

(4) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representative a report describing the results of the evaluation.

SEC. 4306. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4307. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

(a) IN GENERAL.—For fiscal year 2009, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(b) REPORT.—

(1) IN GENERAL.—On completion of the survey, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the survey.

(2) INTERIM REQUIREMENT.—If the initial report required under paragraph (1) is not submitted to the Committees referred to in that paragraph by June 30, 2009, the Secretary shall submit to the Committees an interim report that describes the relevant survey data, or a sample of such data, available to the Secretary as of that date.

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section not more than $3,000,000.

Subtitle D—Miscellaneous

SEC. 4401. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (2 U.S.C. 1161) is amended to read as follows:

''SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

''(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2008'.

''(b) DEFINITIONS.—In this subsection:

''(1) DIRECTOR.—The term 'Director' means the head of the Congressional Hunger Center.

''(2) FELLOW.—The term 'fellow' means—

''(A) a Bill Emerson Hunger Fellow; or

''(B) Mickey Leland Hunger Fellow.

''(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under subsection (c)(1).

''(c) FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

''(2) PURPOSES.—

''(A) IN GENERAL.—The purposes of the Fellowship Programs are—

''(i) to encourage future leaders of the United States—

''(I) to pursue careers in humanitarian and public service;

''(II) to recognize the needs of low-income people and hungry people;

''(III) to provide assistance to people in need; and

''(IV) to seek public policy solutions to the challenges of hunger and poverty;

''(ii) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities; and

''(iii) to increase awareness of the importance of public service.

''(B) BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The purpose of the Bill Emerson Hunger Fellowship Program is to address hunger and poverty in the United States.

''(C) MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The purpose of the Mickey Leland Hunger Fellowship Program is to address international hunger and other humanitarian needs.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to provide a grant to the Congressional Hunger Center to administer the Fellowship Programs.

''(B) TERMS OF GRANT.—The terms of the grant provided under subparagraph (A), including the length of the grant and provisions for the alteration or termination of the grant, shall be determined by the Secretary in accordance with this section.

''(d) FELLOWSHIPS.—

''(1) IN GENERAL.—The Director shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

''(2) CURRICULUM.—

''(A) IN GENERAL.—The Fellowship Programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (c)(2), including—

''(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

''(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

''(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Director shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

''(3) PERIOD OF FELLOWSHIP.—

''(A) BILL EMERSON HUNGER FELLOW.—A Bill Emerson Hunger Fellowship awarded under this section shall be for not more than 15 months.

''(B) MICKEY LELAND HUNGER FELLOW.—A Mickey Leland Hunger Fellowship awarded under this section shall be for not more than 2 years.

''(4) SELECTION OF FELLOWS.—

''(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Director.

''(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

''(i) an intent to pursue a career in humanitarian services and outstanding potential for such a career;

''(ii) leadership potential or actual leadership experience;

''(iii) diverse life experience;

''(iv) proficient writing and speaking skills;

''(v) an ability to live in poor or diverse communities; and

''(vi) such other attributes as are considered to be appropriate by the Director.

''(5) AMOUNT OF AWARD.—

''(A) IN GENERAL.—A fellow shall receive—

''(i) a living allowance during the term of the Fellowship; and

''(ii) subject to subparagraph (B), an end-of-service award.

''(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Director.

''(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

''(i) the Department of Agriculture;

''(ii) the Congressional Hunger Center; or

''(iii) a host agency in the field or policy placement of the fellow.

''(D) RECOGNITION OF FELLOWSHIP AWARD.—

''(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

''(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

''(6) EVALUATIONS AND AUDITS.—Under terms stipulated in the contract entered into under subsection (c)(3), the Director shall—

''(A) conduct periodic evaluations of the Fellowship Programs; and

''(B) arrange for annual independent financial audits of expenditures under the Fellowship Programs.

''(e) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Director may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

''(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

''(f) REPORT.—The Director shall annually submit to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(1) describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year, including expenditures made from funds made available under subsection (g); and

''(2) includes the results of evaluations and audits required by subsection (d).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 4402. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

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

''(a) DEFINITIONS.—In this section:

''(1) COMMUNITY FOOD PROJECT.—In this section, the term 'community food project' means a community-based project that—

''(A) requires a 1-time contribution of Federal assistance to become self-sustaining; and

''(B) is designed—

''(i)(I) to meet the food needs of low-income individuals;

''(II) to increase the self-reliance of communities in providing for the food needs of the communities; and

''(III) to promote comprehensive responses to local food, farm, and nutrition issues; or

''(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

''(I) infrastructure improvement and development;

''(II) planning for long-term solutions; or

''(III) the creation of innovative marketing activities that mutually benefit agricultural producers and low-income consumers.

''(2) CENTER.—The term 'Center' means the healthy urban food enterprise development center established under subsection (h).

''(3) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community or an Indian tribe) that, as determined by the Secretary, has—

''(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

''(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

''(C) a high rate of hunger or food insecurity; or

''(D) severe or persistent poverty.'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) HEALTHY URBAN FOOD ENTERPRISE DEVELOPMENT CENTER.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a nonprofit organization;

''(B) a cooperative;

''(C) a commercial entity;

''(D) an agricultural producer;

''(E) an academic institution;

''(F) an individual; and

''(G) such other entities as the Secretary may designate.

''(2) ESTABLISHMENT.—The Secretary shall offer to provide a grant to a nonprofit organization to establish and support a healthy urban food enterprise development center to carry out the purpose described in paragraph (3).

''(3) PURPOSE.—The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

''(4) ACTIVITIES.—

''(A) TECHNICAL ASSISTANCE AND INFORMATION.—The Center shall collect, develop, and provide technical assistance and information to small and medium-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of such products in underserved communities.

''(B) AUTHORITY TO SUBGRANT.—The Center may provide subgrants to eligible entities—

''(i) to carry out feasibility studies to establish businesses for the purpose described in paragraph (3); and

''(ii) to establish and otherwise assist enterprises that process, distribute, aggregate, store, and market healthy affordable foods.

''(5) PRIORITY.—In providing technical assistance and grants under paragraph (4), the Center shall give priority to applications that include projects—

''(A) to benefit underserved communities; and

''(B) to develop market opportunities for small and mid-sized farm and ranch operations.

''(6) REPORT.—For each fiscal year for which the nonprofit organization described in paragraph (2) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the preceding fiscal year, including—

''(A) a description of technical assistance provided by the Center;

''(B) the total number and a description of the subgrants provided under paragraph (4)(B);

''(C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

''(D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

''(7) COMPETITIVE AWARD PROCESS.—The Secretary shall use a competitive process to award funds to establish the Center.

''(8) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

''(9) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2011.

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated $2,000,000 to carry out this subsection for fiscal year 2012.''.

SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

The Secretary and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

(4) to analyze new data that becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

SEC. 4404. SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $190,000,000 for fiscal year 2008.

(2) $193,000,000 for fiscal year 2009.

(3) $199,000,000 for fiscal year 2010.

(4) $203,000,000 for fiscal year 2011.

(5) $206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4) is amended by striking subsection (b) and inserting the following:

''(b) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than $50,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 4405. HUNGER-FREE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) NON-FEDERAL SHARE.—

(i) CALCULATION.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(ii) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(2) USE OF FUNDS.—An eligible entity in a community shall use a grant received under this subsection for any fiscal year for hunger relief activities, including—

(A) meeting the immediate needs of people who experience hunger in the community served by the eligible entity by—

(i) distributing food;

(ii) providing community outreach to assist in participation in federally assisted nutrition programs, including—

(I) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(II) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(III) the summer food service program for children established under section 13 of that Act; and

(IV) other Federal programs that provide food for children in child care facilities and homeless and older individuals; or

(iii) improving access to food as part of a comprehensive service; and

(B) developing new resources and strategies to help reduce hunger in the community and prevent hunger in the future by—

(i) developing creative food resources, such as community gardens, buying clubs, food cooperatives, community-owned and operated grocery stores, and farmers' markets;

(ii) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or

(iii) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.

(c) HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available for a fiscal year under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(2) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application at such time, in such form, and containing such information as the Secretary may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (3) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) REPORT.—If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger free-communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 4406. REAUTHORIZATION OF FEDERAL FOOD ASSISTANCE PROGRAMS.

(a) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking ''for each of the fiscal years 2003 through 2007'' and inserting ''for each of fiscal years 2008 through 2012''.

(2) GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.—Section 11(t)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(t)(1)) is amended by striking ''For each of fiscal years 2003 through 2007'' and inserting ''Subject to the availability of appropriations under section 18(a), for each fiscal year''.

(3) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)) is amended—

(A) in subparagraph (A), by striking ''the amount of—'' and all that follows through the end of the subparagraph and inserting '', $90,000,000 for each fiscal year.''; and

(B) in subparagraph (E)(i), by striking ''for each of fiscal years 2002 through 2007'' and inserting ''for each fiscal year''.

(4) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Section 16(k)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(3)) is amended—

(A) in the first sentence of subparagraph (A), by striking ''effective for each of fiscal years 1999 through 2007,''; and

(B) in subparagraph (B)(ii), by striking ''through fiscal year 2007''.

(5) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended—

(A) by striking ''Any pilot'' and inserting ''Subject to the availability of appropriations under section 18(a), any pilot''; and

(B) by striking ''through October 1, 2007,''.

(6) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking ''for each of fiscal years 2004 through 2007'' and inserting ''subject to the availability of appropriations under section 18(a), for each fiscal year thereafter''.

(7) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(A) in subsection (b)(2)(B), by striking ''for each of fiscal years 1997 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''; and

(B) in subsection (i)(4) (as redesignated by section 4402), by striking ''of fiscal years 2003 through 2007'' and inserting ''fiscal year thereafter''.

(b) COMMODITY DISTRIBUTION.—

(1) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking ''for each of the fiscal years 2003 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''.

(2) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking ''years 1991 through 2007'' and inserting ''years 2008 through 2012''.

(3) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''each of fiscal years 2003 through 2007'' and inserting ''each of fiscal years 2008 through 2012''; and

(ii) in paragraph (2)(B), by striking the subparagraph designation and heading and all that follows through ''2007'' and inserting the following:

''(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through 2012''; and

(B) in subsection (d)(2), by striking ''each of the fiscal years 1991 through 2007'' and inserting ''each of fiscal years 2008 through 2012''.

(4) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking ''Effective through September 30, 2007'' and inserting ''For each of fiscal years 2008 through 2012''.

(c) FARM SECURITY AND RURAL INVESTMENT.—

(1) SENIORS FARMERS' MARKET NUTRITION PROGRAM.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by striking by striking subsection (a) and inserting the following:

''(a) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers' market nutrition program $20,600,000 for each of fiscal years 2008 through 2012.''.

(2) NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.—Section 4403(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–171) is amended by striking ''2007'' and inserting ''2012''.

SEC. 4407. EFFECTIVE AND IMPLEMENTATION DATES.

Except as otherwise provided in this title, this title and the amendments made by this title take effect on October 1, 2008.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. DIRECT LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking the section designation and heading and all that follows through ''(a) The Secretary is authorized to'' and inserting the following:

''SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

''(a) IN GENERAL.—The Secretary may''; and

(2) in subsection (a)(2), by inserting '', taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences'' after ''farming operations''.

SEC. 5002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended to read as follows:

''SEC. 304. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

''(a) IN GENERAL.—The Secretary may make or guarantee qualified conservation loans to eligible borrowers under this section.

''(b) DEFINITIONS.—In this section:

''(1) QUALIFIED CONSERVATION LOAN.—The term 'qualified conservation loan' means a loan, the proceeds of which are used to cover the costs to the borrower of carrying out a qualified conservation project.

''(2) QUALIFIED CONSERVATION PROJECT.—The term 'qualified conservation project' means conservation measures that address provisions of a conservation plan of the eligible borrower.

''(3) CONSERVATION PLAN.—The term 'conservation plan' means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

''(A) the installation of conservation structures to address soil, water, and related resources;

''(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

''(C) the installation of water conservation measures;

''(D) the installation of waste management systems;

''(E) the establishment or improvement of permanent pasture;

''(F) compliance with section 1212 of the Food Security Act of 1985; and

''(G) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

''(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in paragraphs (1) and (2) of section 302(a).

''(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

''(1) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;

''(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

''(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

''(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall be 75 percent of the principal amount of the loan.

''(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across diverse geographic regions.

''(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 333 shall not apply to loans made or guaranteed under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.''.

SEC. 5003. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)(2)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5004. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following;

''(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

''(A) the purchase price of the farm or ranch to be acquired;

''(B) the appraised value of the farm or ranch to be acquired; or

''(C) $500,000.

''(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

''(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or

''(B) 1.5 percent.''; and

(B) in paragraph (3), by striking ''15'' and inserting ''20'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''10'' and inserting ''5'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(B) (as so redesignated), by striking ''15-year'' and inserting ''20-year'';

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting ''and socially disadvantaged farmers or ranchers'' after ''ranchers''; and

(ii) by striking ''and'' at the end;

(B) in paragraph (4), by striking ''and ranchers.'' and inserting '' or ranchers or socially disadvantaged farmers or ranchers; and''; and

(C) by adding at the end the following:

''(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher.''; and

(5) by adding at the end the following:

''(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER DEFINED.—In this section, the term 'socially disadvantaged farmer or rancher' has the meaning given that term in section 355(e)(2).''.

SEC. 5005. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

''SEC. 310F. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

''(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

''(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

''(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

''(A) on the date the contract land sale that is subject of the loan is complete, own and operate the farm or ranch that is the subject of the contract land sale;

''(B) have a credit history that—

''(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

''(ii) is acceptable to the Secretary; and

''(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be, at a reasonable rate or term; and

''(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary.

''(c) LIMITATIONS.—

''(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

''(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraisal value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

''(d) PERIOD OF GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

''(e) GUARANTEE PLAN.—

''(1) SELECTION OF PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

''(A) a prompt payment guarantee plan, which shall cover—

''(i) 3 amortized annual installments; or

''(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

''(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

''(2) ELIGIBLITY FOR STANDARD GUARANTEE PLAN.—In order for a private seller to be eligible for a standard guarantee plan referred to in paragraph (1)(B), the private seller shall—

''(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or

''(B) in cooperation with the farmer or rancher, use an appropriate alternate arrangement, as determined by the Secretary.

''(f) TRANSITION FROM PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary may phase-in the implementation of the changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program provided for in this section.

''(2) LIMITATION.—All changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program must be implemented for the 2011 Fiscal Year.''.

Subtitle B—Operating Loans

SEC. 5101. FARMING EXPERIENCE AS ELIGIBILITY REQUIREMENT.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended—

(1) by striking the section designation and all that follows through ''(a) The Secretary is authorized to'' and inserting the following:

''SEC. 311. PERSONS ELIGIBLE FOR LOANS.

''(a) IN GENERAL.—The Secretary may'';

(2) in subsection (a)(2), by inserting '', taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences'' after ''farming operations''.

SEC. 5102. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5103. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security And Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking ''September 30, 2007'' and inserting ''December 31, 2010''.

Subtitle C—Emergency Loans

SEC. 5201. ELIGIBILITY OF EQUINE FARMERS AND RANCHERS FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in paragraph (1), by striking ''farmers, ranchers'' and inserting ''farmers or ranchers (including equine farmers or ranchers)''; and

(2) in paragraph (2)(A), by striking ''farming, ranching,'' and inserting ''farming or ranching (including equine farming or ranching)''.

Subtitle D—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 333A the following:

''SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

''(2) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means a qualified beginning farmer or rancher that—

''(A) lacks significant financial resources or assets; and

''(B) has an income that is less than—

''(i) 80 percent of the median income of the State in which the farmer or rancher resides; or

''(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

''(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term 'individual development account' means a savings account described in subsection (b)(4)(A).

''(4) QUALIFIED ENTITY.—

''(A) IN GENERAL.—The term 'qualified entity' means—

''(i) 1 or more organizations—

''(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

''(II) exempt from taxation under section 501(a) of such Code; or

''(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

''(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

''(b) PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the 'New Farmer Individual Development Accounts Pilot Program' under which the Secretary shall work through qualified entities to establish demonstration programs—

''(A) of at least 5 years in duration; and

''(B) in at least 15 States.

''(2) COORDINATION.—The Secretary shall operate the pilot program through, and in coordination with the farm loan programs of, the Farm Service Agency.

''(3) RESERVE FUNDS.—

''(A) IN GENERAL.—A qualified entity carrying out a demonstration program under this section shall establish a reserve fund

consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

''(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the total amount of the grant awarded under this section to the demonstration program for deposit in the reserve fund.

''(C) USE OF FUNDS.—Of the funds deposited under subparagraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

''(i) may use up to 10 percent for administrative expenses; and

''(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

''(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (A) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

''(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

''(F) REVERSION.—On the date on which all funds remaining in any individual development account established by a qualified entity have reverted under paragraph (5)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

''(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were not used for administrative expenses; divided by

''(ii) the total amount of funds deposited in the reserve fund.

''(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

''(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

''(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

''(i) the eligible participant agrees—

''(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity;

''(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

''(III) to complete financial training; and

''(ii) the qualified entity agrees—

''(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i)(I), at least a 100-percent, and up to a 200-percent, match of that amount into the individual development account established for the eligible participant; and

''(II) with uses of funds proposed by the eligible participant.

''(C) LIMITATION.—

''(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than $6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

''(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

''(5) ELIGIBLE EXPENDITURES.—

''(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

''(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

''(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days after the date of the purchase;

''(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

''(iv) for other similar expenditures, as determined by the Secretary.

''(B) TIMING.—

''(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to the individual development account established for the eligible participant.

''(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

''(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

''(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

''(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

''(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

''(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

''(F) such other factors as the Secretary considers to be appropriate.

''(3) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

''(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers or ranchers (as defined in section 355(e)(2)); and

''(B) expertise in dealing with financial management aspects of farming.

''(4) APPROVAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

''(5) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applicant to carry out the project for a period of 5 years, plus an additional 2 years to make eligible expenditures in accordance with subsection (b)(5)(B).

''(d) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall make a grant to a qualified entity authorized to carry out a demonstration program under this section.

''(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed $250,000.

''(3) TIMING OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

''(A) on the awarding of the grant; or

''(B) pursuant to such payment plan as the qualified entity may specify.

''(e) REPORTS.—

''(1) ANNUAL PROGRESS REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

''(i) an evaluation of the progress of the demonstration program;

''(ii) information about the demonstration program, including the eligible participants and the individual development accounts that have been established; and

''(iii) such other information as the Secretary may require.

''(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

''(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

''(f) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity—

''(1) to assess the financial soundness of the qualified entity; and

''(2) to determine the use of grant funds made available to the qualified entity under this section.

''(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

''(1) the termination of demonstration programs;

''(2) control of the reserve funds in the case of such a termination;

''(3) transfer of demonstration programs to other qualified entities; and

''(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 5302. INVENTORY SALES PREFERENCES; LOAN FUND SET-ASIDES.

(a) INVENTORY SALES PREFERENCES.—Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) in clause (i), by inserting '' or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(iii) in clause (ii), by inserting ''or socially disadvantaged farmer or rancher'' after ''or rancher'';

(iv) in clause (iii), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(v) in clause (iv), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers''; and

(B) in subparagraph (C), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) by inserting ''or a socially disadvantaged farmer or rancher'' after ''a beginning farmer or rancher''; and

(iii) by inserting ''or the socially disadvantaged farmer or rancher'' after ''the beginning farmer or rancher''; and

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(ii) in subclause (II), by inserting ''or the socially disadvantaged farmer or rancher'' after ''or rancher''; and

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers''; and

(ii) in clause (ii), by inserting ''or socially disadvantaged farmers or ranchers'' after ''or ranchers''.

(b) LOAN FUND SET-ASIDES.—Section 346(b)(2) of such Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking ''70 percent'' and inserting ''an amount that is not less than 75 percent of the total amount''; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting ''; JOINT FINANCING ARRANGEMENTS'' after ''PAYMENT LOANS'';

(II) by striking ''60 percent'' and inserting ''an amount not less than ⅔ of the amount''; and

(III) by inserting ''and joint financing arrangements under section 307(a)(3)(D)'' after ''section 310E''; and

(B) in clause (ii)(III), by striking ''2003 through 2007, 35 percent'' and inserting ''2008 through 2012, an amount that is not less than 50 percent of the total amount''; and

(2) in subparagraph (B)(i), by striking ''25 percent'' and inserting ''an amount that is not less than 40 percent of the total amount''.

SEC. 5303. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''$3,796,000,000 for each of fiscal years 2003 through 2007'' and inserting ''$4,226,000,000 for each of fiscal years 2008 through 2012''; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''$770,000,000'' and inserting ''$1,200,000,000'';

(B) in clause (i), by striking ''$205,000,000'' and inserting ''$350,000,000''; and

(C) in clause (ii), by striking ''$565,000,000'' and inserting ''$850,000,000''.

SEC. 5304. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 344 the following:

''SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

''(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest period of time practicable.

''(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

''(1) the borrower training program established by section 359;

''(2) the loan assessment process established by section 360;

''(3) the supervised credit requirement established by section 361;

''(4) the market placement program established by section 362; and

''(5) other appropriate programs and authorities, as determined by the Secretary.''.

SEC. 5305. EXTENSION OF THE RIGHT OF FIRST REFUSAL TO REACQUIRE HOMESTEAD PROPERTY TO IMMEDIATE FAMILY MEMBERS OF BORROWER-OWNER.

Section 352(c)(4)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(4)(B)) is amended—

(1) in the 1st sentence, by striking '', the borrower-owner'' inserting ''of a borrower-owner who is a socially disadvantaged farmer or rancher (as defined in section 355(e)(2)), the borrower-owner or a member of the immediate family of the borrower-owner''; and

(2) in the 2nd sentence, by inserting ''or immediate family member, as the case may be,'' before ''from''.

SEC. 5306. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 364 the following:

''SEC. 365. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

''The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.''.

Subtitle E—Farm Credit

SEC. 5401. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) IN GENERAL.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(1) in the first sentence, by striking ''Each Farm'' and inserting the following;

''(1) IN GENERAL.—Each Farm''; and

(2) by striking the second sentence and inserting the following:

''(2) COMPUTATION.—The assessment on any association or other financing institution described in paragraph (1) for any period shall be computed in an equitable manner, as determined by the Corporation.''.

(b) RULES AND REGULATIONS.—Section 5.58(10) of such Act (12 U.S.C. 2277a-7(10)) is amended by inserting ''and section 1.12(b)'' after ''part''.

SEC. 5402. TECHNICAL CORRECTION.

Section 3.3(b) of the Farm Credit Act of 1971 (12 U.S.C. 2124(b)) is amended in the first sentence by striking ''per'' and inserting ''par''.

SEC. 5403. BANK FOR COOPERATIVES VOTING STOCK.

(a) IN GENERAL.—Section 3.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2124(c)) is amended by striking ''and (ii)'' and inserting ''(ii) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank's board of directors; and (iii)''.

(b) CONFORMING AMENDMENTS.—Section 4.3A(c)(1)(D) of such Act (12 U.S.C. 2154a(c)(1)(D)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

''(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii);''.

SEC. 5404. PREMIUMS.

(a) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(ii) by striking ''annual'' ; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting from the obligations the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020; and

''(B) the product obtained by multiplying—

''(i) the sum of—

''(I) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status; and

''(II) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank; by

''(ii) 0.0010.'';

(2) by striking paragraph (4);

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

''(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in paragraph (1)(A) shall be reduced by deducting from the obligations the sum of (as determined by the Corporation)—

''(A) 90 percent of each of—

''(i) the average principal outstanding for the calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired; and

''(B) 80 percent of each of—

''(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired.'';

(5) in paragraph (3) (as so redesignated by paragraph (3) of this subsection), by striking ''annual''; and

(6) in paragraph (4) (as so redesignated by paragraph (3) of this subsection)—

(A) in the paragraph heading, by inserting ''OR INVESTMENTS'' after ''LOANS''; and

(B) in the matter preceding subparagraph (A), by striking ''As used'' and all that follows through ''guaranteed—'' and inserting ''In this section, the term 'government-guaranteed', when applied to a loan or an investment, means a loan, credit, or investment, or

portion of a loan, credit, or investment, that is guaranteed—''.

(b) AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking ''annual''.

(c) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes'';

(2) by striking ''(adjusted downward'' and all that follows through ''by the Corporation)'' and inserting ''(as adjusted under paragraph (2))''; and

(3) by adding at the end the following:

''(2) ADJUSTMENT.—The aggregate outstanding insured obligations of all insured System banks under paragraph (1) shall be adjusted downward to exclude an amount equal to the sum of (as determined by the corporation)—

''(A) 90 percent of each of—

''(i) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks; and

''(ii) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and

''(B) 80 percent of each of—

''(i) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks; and

''(ii) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired.''.

(d) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking ''PRINCIPAL OUTSTANDING'' and inserting ''LOAN AND INVESTMENT AMOUNTS'';

(2) in the matter preceding paragraph (1), by striking ''For the purpose'' and all that follows through ''made—'' and inserting ''For the purpose of subsections (a) and (c), the principal outstanding on all loans made by an insured System bank, and the amount outstanding on all investments made by an insured System bank, shall be determined based on—'';

(3) in each of paragraphs (1), (2), and (3), by inserting ''all loans or investments made'' before ''by'' the first place it appears; and

(4) in each of paragraphs (1) and (2), by inserting ''or investments'' after ''that is able to make such loans'' each place it appears.

(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking ''the average secure base amount for the calendar year (as calculated on an average daily balance basis)'' and inserting ''the secure base amount'';

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) there shall be credited to the allocated insurance reserves account of each insured system bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as—

''(i) the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)); bears to

''(ii) the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)).'';

and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''beginning more'' and all that follows through ''January 1, 2005'';

(ii) by striking clause (i) and inserting the following:

''(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in the Allocated Insurance Reserves Account of the System bank; and'';

and

(iii) in clause (ii)—

(I) by striking ''subparagraphs (C), (E), and (F)'' and inserting ''subparagraphs (C) and (E)'';

and

(II) by striking '', of the lesser of—'' and all that follows through the end of subclause (II) and inserting ''at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B).'';

(B) in subparagraph (C)—

(i) in clause (i), by striking ''(in addition to the amounts described in subparagraph (F)(ii))'';

and

(ii) by striking clause (ii) and inserting the following:

''(ii) TERMINATION OF ACCOUNT.—On disbursement of an amount equal to $56,000,000, the Corporation shall—

''(I) close the account established under paragraph (1)(B);

and

''(II) transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.'';

and

(C) by striking subparagraph (F).

SEC. 5405. CERTIFICATION OF PREMIUMS.

(a) FILING CERTIFIED STATEMENT.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–5) is amended by striking subsection (a) and inserting the following:

''(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Board of Directors of the Corporation, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (referred to in this section as the 'period') shall file with the Corporation a certified statement showing—

''(1) the average outstanding insured obligations for the period issued by the bank;

''(2)(A) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status; and

''(B) the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(3)(A) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status; and

''(B) the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(4)(A) the average principal outstanding for the period on loans that are in non-accrual status; and

''(B) the average amount outstanding for the period of other-than-temporarily impaired investments; and

''(5) the amount of the premium due the Corporation from the bank for the period.''.

(b) PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a–5) is amended by striking subsection (c) and inserting the following:

''(c) PREMIUM PAYMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such 1 or more times as the Board of Directors shall prescribe.

''(2) PREMIUM AMOUNT.—The amount of the premium shall be established not later than 60 days after filing the certified statement specifying the amount of the premium.''.

(c) SUBSEQUENT PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a–5) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 5406. RURAL UTILITY LOANS.

(a) DEFINITION OF QUALIFIED LOAN.—Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

(1) in subparagraph (A)(iii), by striking ''or'' at the end;

(2) in subparagraph (B)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) that is a loan, or an interest in a loan, for an electric or telephone facility by a cooperative lender to a borrower that has received, or is eligible to receive, a loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).''.

(b) GUARANTEE OF QUALIFIED LOANS.—Section 8.6(a)(1) of such Act (12 U.S.C. 2279aa–6(a)(1)) is amended by inserting ''applicable'' before ''standards'' each place it appears in subparagraphs (A) and (B)(i).

(c) STANDARDS FOR QUALIFIED LOANS.—Section 8.8 of such Act (12 U.S.C. 2279aa–8) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following:

''(1) IN GENERAL.—The Corporation shall establish underwriting, security appraisal, and repayment standards for qualified loans taking into account the nature, risk profile, and other differences between different categories of qualified loans.

''(2) SUPERVISION, EXAMINATION, AND REPORT OF CONDITION.—The standards shall be subject to the authorities of the Farm Credit Administration under section 8.11.''; and

(B) in the last sentence, by striking ''In establishing'' and inserting the following:

''(3) MORTGAGE LOANS.—In establishing'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''with respect to loans secured by agricultural real estate'' after ''subsection (a)''; and

(B) in paragraph (5)—

(i) by striking ''borrower'' the first place it appears and inserting ''farmer or rancher''; and

(ii) by striking ''site'' and inserting ''farm or ranch'';

(3) in subsection (c)(1), by inserting ''secured by agricultural real estate'' after ''A loan'';

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

(d) RISK-BASED CAPITAL LEVELS.—Section 8.32(a)(1) of such Act (12 U.S.C. 2279bb–1(a)(1)) is amended—

(1) by striking ''With respect'' and inserting the following:

''(A) IN GENERAL.—With respect''; and

(2) by adding at the end the following:

''(B) RURAL UTILITY LOANS.—With respect to securities representing an interest in, or obligation backed by, a pool of qualified loans described in section 8.0(9)(C) owned or guaranteed by the Corporation, losses occur

at a rate of default and severity reasonably related to risks in electric and telephone facility loans (as applicable), as determined by the Director.''.

SEC. 5407. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) IN GENERAL.—The Farm Credit Act of 1971 is amended by inserting after section 7.6 (12 U.S.C. 2279b) the following:

''SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

''(a) EQUALIZATION OF LOAN-MAKING POWERS.—

''(1) IN GENERAL.—

''(A) FEDERAL LAND BANK ASSOCIATIONS.—Subject to paragraph (2), any association that owns a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in its chartered territory within the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II within that same chartered territory.

''(B) PRODUCTION CREDIT ASSOCIATIONS.—Subject to paragraph (2), any association that under its charter has title I lending authority and that owns a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in the geographic area described in subsection (b) may make long-term loans and otherwise operate, directly or through a subsidiary association, as a Federal land bank association or Federal land credit association under title I in the geographic area.

''(C) FARM CREDIT BANK.—Notwithstanding section 5.17(a), the Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other comparable financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association exercising such authority.

''(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of the authority is approved by—

''(A) the board of directors of the association; and

''(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders in accordance with the process described in section 7.11.

''(b) APPLICABILITY.—This section applies only to associations the chartered territory of which was within the geographic area served by the Federal intermediate credit bank immediately prior to its merger with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233).''.

(b) CHARTER AMENDMENTS.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

''(15)(A) Approve amendments to the charters of institutions of the Farm Credit System to implement the equalization of loan-making powers of a Farm Credit System association under section 7.7.

''(B) Amendments described in subparagraph (A) to the charters of an association and the related Farm Credit Bank shall be approved by the Farm Credit Administration, subject to any conditions of approval imposed, by not later than 30 days after the date on which the Farm Credit Administration receives all approvals required by section 7.7(a)(2).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended—

(A) by striking ''(2)(A)'' and inserting ''(2)''; and

(B) by striking subparagraphs (B) and (C).

(2) SECTION 410 OF THE 1987 ACT.—Section 410(e)(1)(A)(iii) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233) is amended by inserting ''(except section 7.7 of that Act)'' after ''(12 U.S.C. 2001 et seq.)''.

(3) SECTION 401 OF THE 1992 ACT.—Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102–552) is amended—

(A) by inserting ''(except section 7.7 of the Farm Credit Act of 1971)'' after ''provision of law''; and

(B) by striking '', subject to such limitations'' and all that follows through the end of the paragraph and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Subtitle F—Miscellaneous

SEC. 5501. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

The first section of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) by striking ''That the Secretary'' and inserting the following:

''SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) HIGHLY FRACTIONATED LAND.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)).

''(2) EXCLUSION.—Section 4 shall not apply to trust land, restricted tribal land, or tribal corporation land that is mortgaged in accordance with paragraph (1).''.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Consolidated Farm and Rural Development Act

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6002. SEARCH GRANTS.

(a) IN GENERAL.—Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by adding at the end the following:

''(C) SPECIAL EVALUATION ASSISTANCE FOR RURAL COMMUNITIES AND HOUSEHOLDS PROGRAM.—

''(i) IN GENERAL.—The Secretary may establish the Special Evaluation Assistance for Rural Communities and Households (SEARCH) program, to make predevelopment planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in paragraph (1), this paragraph, and paragraph (24).

''(ii) TERMS.—

''(I) DOCUMENTATION.—With respect to grants made under this subparagraph, the Secretary shall require the lowest amount of documentation practicable.

''(II) MATCHING.—Notwithstanding any other provisions in this subsection, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this subparagraph, as determined by the Secretary.

''(iii) FUNDING.—The Secretary may use not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this title to carry out this subparagraph.

''(iv) RELATIONSHIP TO OTHER AUTHORITY.—The funds and authorities provided under this subparagraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in clause (i).''.

(b) CONFORMING AMENDMENT.—Subtitle D of title VI of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2009ee et seq.) is repealed.

SEC. 6003. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking ''1996 through 2007'' and inserting ''2008 through 2012''.

SEC. 6004. CHILD DAY CARE FACILITY GRANTS, LOANS, AND LOAN GUARANTEES.

Section 306(a)(19)(C)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)(C)(ii)) is amended by striking ''April'' and inserting ''June''.

SEC. 6005. COMMUNITY FACILITY GRANTS TO ADVANCE BROADBAND.

Section 306(a)(20)(E) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended—

(1) by striking ''state'' and inserting ''State''; and

(2) by striking ''dial-up Internet access or''.

SEC. 6006. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)(C)) is amended by striking ''$15,000,000 for fiscal year 2003'' and inserting ''$25,000,000 for fiscal year 2008''.

SEC. 6007. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) in subparagraph (A)—

(A) by striking ''tribal colleges and universities'' and inserting ''an entity that is a Tribal College or University''; and

(B) by striking ''tribal college or university'' and inserting ''Tribal College or University'';

(2) by striking subparagraph (B) and inserting the following:

''(B) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost of the facility.''; and

(3) in subparagraph (C), by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6008. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6009. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

(a) IN GENERAL.—Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking ''2001 through 2007'' and inserting ''2008 through 2012''.

(b) RURAL COMMUNITIES ASSISTANCE.—Section 4009 of the Solid Waste Disposal Act (42 U.S.C. 6949) is amended by adding at the end the following:

''(e) ADDITIONAL APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for the Denali Commission to provide assistance to municipalities in the State of Alaska $1,500,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATION.—For the purpose of carrying out this subsection, the Denali Commission shall—

''(A) be considered a State; and

''(B) comply with all other requirements and limitations of this section.''.

SEC. 6010. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

Section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) is amended—

(1) in subsection (b)(2)(C), by striking ''$8,000'' and inserting ''$11,000''; and

(2) in subsection (d), by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6011. INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end the following:

''(E) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—

''(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding subparagraph (A), in the case of a direct loan for a water or waste disposal facility—

''(I) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest ⅛ of 1 percent; and

''(II) in the case of a loan that would be subject to the 7 percent limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest ⅛ of 1 percent.

''(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of this subparagraph.''.

SEC. 6012. COOPERATIVE EQUITY SECURITY GUARANTEE.

(a) IN GENERAL.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(1) by striking ''SEC. 310B. (a)'' and inserting the following:

''SEC. 310B. ASSISTANCE FOR RURAL ENTITIES.

''(a) LOANS TO PRIVATE BUSINESS ENTERPRISES.—

''(1) DEFINITIONS.—In this subsection:'';

(2) in subsection (a)—

(A) by moving the second and fourth sentences so as to appear as the second and first sentences, respectively;

(B) in the sentence beginning ''As used in this subsection, the'' (as moved by subparagraph (A)), by striking ''As used in this subsection, the'' and inserting the following:

''(A) AQUACULTURE.—The'';

(C) in the sentence beginning ''For the purposes of this subsection, the'', by striking ''For the purposes of this subsection, the'' and inserting the following:

''(B) SOLAR ENERGY.—The'';

(D) in the sentence beginning ''The Secretary may also''—

(i) by striking ''The Secretary may also'' and inserting the following:

''(2) LOAN PURPOSES.—The Secretary may'';

(ii) by inserting ''and private investment funds that invest primarily in cooperative organizations'' after ''or nonprofit'';

(iii) by striking ''of (1) improving'' and inserting ''of—

''(A) improving'';

(iv) by striking ''control, (2) the'' and inserting ''control;

''(B) the'';

(v) by striking ''areas, (3) reducing'' and inserting ''areas;

''(C) reducing'';

(vi) by striking ''areas, and (4) to'' and inserting ''areas; and

''(D) to'';

(E) in the sentence beginning ''Such loans,'', by striking ''Such loans,'' and inserting the following:

''(3) LOAN GUARANTEES.—Loans described in paragraph (2),''; and

(F) in the last sentence, by striking ''No loan'' and inserting the following:

''(4) MAXIMUM AMOUNT OF PRINCIPAL.—No loan''; and

(3) in subsection (g)—

(A) in paragraph (1), by inserting '', including guarantees described in paragraph (3)(A)(ii)'' before the period at the end;

(B) in paragraph (3)(A)—

(i) by striking ''(A) IN GENERAL.—The Secretary'' and inserting the following:

''(A) ELIGIBILITY.—

''(i) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(ii) EQUITY.—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.''; and

(C) in paragraph (8)(A)(ii), by striking ''a project—'' and all that follows through the end of subclause (II) and inserting ''a project that—

''(I)(aa) is in a rural area; and

''(bb) provides for the value-added processing of agricultural commodities; or

''(II) significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) is amended by striking clause (ii) and inserting the following:

''(ii) section 310B(a)(2)(A); and''.

(2) Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by striking ''subsection (a)(1)'' each place it appears in paragraphs (1), (6)(A)(iii), and (8)(C) and inserting ''subsection (a)(2)(A)''.

(3) Section 333A(g)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)(B)) is amended by striking ''section 310B(a)(1)'' and inserting ''section 310B(a)(2)(A)''.

(4) Section 381E(d)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(3)(B)) is amended by striking ''section 310B(a)(1)'' and inserting ''section 310B(a)(2)(A)''.

SEC. 6013. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking ''administering a nationally coordinated, regionally or State-wide operated project'' and inserting ''carrying out activities to promote and assist the development of cooperatively and mutually owned businesses'';

(2) in subparagraph (B), by inserting ''to promote and assist the development of cooperatively and mutually owned businesses'' before the semicolon;

(3) by striking subparagraph (D);

(4) by redesignating subparagraph (E) as subparagraph (D);

(5) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(6) by inserting after subparagraph (D) (as so redesignated) the following:

''(E) demonstrate a commitment to—

''(i) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

''(ii) developing multiorganization and multistate approaches to addressing the economic development and cooperative needs of rural areas; and''; and

(7) in subparagraph (F), by striking ''providing greater than'' and inserting ''providing''.

(b) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by striking paragraph (6) and inserting the following:

''(6) GRANT PERIOD.—

''(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

''(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 years, to a center that has successfully met the parameters described in paragraph (5), as determined by the Secretary.''.

(c) AUTHORITY TO EXTEND GRANT PERIOD.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (12), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO EXTEND GRANT PERIOD.—The Secretary may extend for 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.''.

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (9) (as redesignated by subsection (c)(1)) the following:

''(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.''.

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (10) (as added by subsection (d)) the following:

''(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—

''(A) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—In this paragraph, the term

'socially disadvantaged group' has the meaning given the term in section 355(e).

''(B) RESERVATION OF FUNDS.—

''(i) IN GENERAL.—If the total amount appropriated under paragraph (12) for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives—

''(I) that serve socially disadvantaged groups; and

''(II) a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups.

''(ii) INSUFFICIENT APPLICATIONS.—To the extent there are insufficient applications to carry out clause (i), the Secretary shall use the funds as otherwise authorized by this subsection.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (12) of section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (as redesignated by subsection (c)(1)) is amended by striking ''1996 through 2007'' and inserting ''2008 through 2012''.

SEC. 6014. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)(3)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6015. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

''(9) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.—The term 'locally or regionally produced agricultural food product' means any agricultural food product that is raised, produced, and distributed in—

''(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or

''(II) the State in which the product is produced.

''(ii) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community and an Indian tribal community) that has, as determined by the Secretary—

''(I) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and

''(II) a high rate of hunger or food insecurity or a high poverty rate.

''(B) LOAN AND LOAN GUARANTEE PROGRAM.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm and ranch income.

''(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under clause (i) shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

''(iii) PRIORITY.—In making or guaranteeing a loan under clause (i), the Secretary shall give priority to projects that have components benefitting underserved communities.

''(iv) REPORTS.—Not later than 2 years after the date of enactment of this paragraph and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

''(I) the characteristics of the communities served; and

''(II) resulting benefits.

''(v) RESERVATION OF FUNDS.—

''(I) IN GENERAL.—For each of fiscal years 2008 through 2012, the Secretary shall reserve not less than 5 percent of the funds made available to carry out this subsection to carry out this subparagraph.

''(II) AVAILABILITY OF FUNDS.—Funds reserved under subclause (I) for a fiscal year shall be reserved until April 1 of the fiscal year.''.

SEC. 6016. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

''(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

''(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

''(B) has staff and offices in multiple regions of the United States;

''(C) has experience and expertise in operating national agriculture technical assistance programs;

''(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life; and

''(E) improves the economic viability of agricultural operations.

''(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to—

''(A) reduce input costs;

''(B) conserve energy resources;

''(C) diversify operations through new energy crops and energy generation facilities; and

''(D) expand markets for agricultural commodities produced by the producers by using practices that enhance the environment, natural resource base, and quality of life.

''(3) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance institution.

''(B) GRANT AMOUNT.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6017. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 6016) is amended by adding at the end the following:

''(j) RURAL ECONOMIC AREA PARTNERSHIP ZONES.—Effective beginning on the date of enactment of this subsection through September 30, 2012, the Secretary shall carry out those rural economic area partnership zones administratively in effect on the date of enactment of this subsection in accordance with the terms and conditions contained in the memorandums of agreement entered into by the Secretary for the rural economic area partnership zones, except as otherwise provided in this subsection.''.

SEC. 6018. DEFINITIONS.

(a) RURAL AREA.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking paragraph (13) and inserting the following:

''(13) RURAL AND RURAL AREA.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (G), the terms 'rural' and 'rural area' mean any area other than—

''(i) a city or town that has a population of greater than 50,000 inhabitants; and

''(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) APPLICATION.—This subparagraph applies to—

''(I) an urbanized area described in subparagraphs (A)(ii) and (F) that—

''(aa) has 2 points on its boundary that are at least 40 miles apart; and

''(bb) is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or an urbanized area of such city or town; and

''(II) an area within an urbanized area described in subparagraphs (A)(ii) and (F) that is within ¼-mile of a rural area described in subparagraph (A).

''(ii) DETERMINATION.—Notwithstanding any other provision of this paragraph, on the petition of a unit of local government in an area described in clause (i) or on the initiative of the Under Secretary for Rural Development, the Under Secretary may determine that a part of an area described in clause (i) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the part is rural in character, as determined by the Under Secretary.

''(iii) ADMINISTRATION.—In carrying out this subparagraph, the Under Secretary for Rural Development shall—

''(I) not delegate the authority to carry out this subparagraph;

''(II) consult with the applicable rural development State or regional director of the Department of Agriculture and the governor of the respective State;

''(III) provide to the petitioner an opportunity to appeal to the Under Secretary a determination made under this subparagraph;

''(IV) release to the public notice of a petition filed or initiative of the Under Secretary under this subparagraph not later than 30 days after receipt of the petition or

the commencement of the initiative, as appropriate;

''(V) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (IV);

''(VI) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on actions taken to carry out this subparagraph; and

''(VII) terminate a determination under this subparagraph that part of an area is a rural area on the date that data is available for the next decennial census conducted under section 141(a) of title 13, United States Code.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

''(F) URBAN AREA GROWTH.—

''(i) APPLICATION.—This subparagraph applies to—

''(I) any area that—

''(aa) is a collection of census blocks that are contiguous to each other;

''(bb) has a housing density that the Secretary estimates is greater than 200 housing units per square mile; and

''(cc) is contiguous or adjacent to an existing boundary of a rural area; and

''(II) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A)(i).

''(ii) ADJUSTMENTS.—The Secretary may, by regulation only, consider—

''(I) an area described in clause (i)(I) not to be a rural area for purposes of subparagraphs (A) and (C); and

''(II) an area described in clause (i)(II) not to be a rural area for purposes of subparagraph (C).

''(iii) APPEALS.—A program applicant may appeal an estimate made under clause (i)(I) based on appropriate data for an area, as determined by the Secretary.

''(G) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term ''rural'' and ''rural area'' that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs; and

(4) determines the effect of the amendment made by subsection (a) on the level of rural development funding and participation in those programs in each State.

SEC. 6019. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—

(1) in subsection (g)(1), by striking ''2003 through 2007'' and inserting ''2008 through 2012''; and

(2) in subsection (h), by striking ''the date that is 5 years after the date of enactment of this section'' and inserting ''September 30, 2012''.

SEC. 6020. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraphs (A) and (B), by striking ''a historic barn'' each place it appears and inserting ''historic barns''; and

(B) in subparagraph (C), by striking ''on a historic barn'' and inserting ''on historic barns (including surveys)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) PRIORITY.—In making grants under this subsection, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379A(c)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)(5)) (as redesignated by subsection (a)(2)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6021. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6022. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

''SEC. 379E. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) MICROENTREPRENEUR.—The term 'microentrepreneur' means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this section, as determined by the Secretary.

''(3) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term 'microenterprise development organization' means an organization that—

''(A) is—

''(i) a nonprofit entity;

''(ii) an Indian tribe, the tribal government of which certifies to the Secretary that—

''(I) no microenterprise development organization serves the Indian tribe; and

''(II) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe; or

''(iii) a public institution of higher education;

''(B) provides training and technical assistance to rural microentrepreneurs;

''(C) facilitates access to capital or another service described in subsection (b) for rural microenterprises; and

''(D) has a demonstrated record of delivering services to rural microentrepreneurs, or an effective plan to develop a program to deliver services to rural microentrepreneurs, as determined by the Secretary.

''(4) MICROLOAN.—The term 'microloan' means a business loan of not more than $50,000 that is provided to a rural microenterprise.

''(5) PROGRAM.—The term 'program' means the rural microentrepreneur assistance program established under subsection (b).

''(6) RURAL MICROENTERPRISE.—The term 'rural microenterprise' means—

''(A) a sole proprietorship located in a rural area; or

''(B) a business entity with not more than 10 full-time-equivalent employees located in a rural area.

''(b) RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a rural microentrepreneur assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

''(2) PURPOSE.—The purpose of the program is to provide microentrepreneurs with—

''(A) the skills necessary to establish new rural microenterprises; and

''(B) continuing technical and financial assistance related to the successful operation of rural microenterprises.

''(3) LOANS.—

''(A) IN GENERAL.—The Secretary shall make loans to microenterprise development organizations for the purpose of providing fixed interest rate microloans to microentrepreneurs for startup and growing rural microenterprises.

''(B) LOAN TERMS.—A loan made by the Secretary to a microenterprise development organization under this paragraph shall—

''(i) be for a term not to exceed 20 years; and

''(ii) bear an annual interest rate of at least 1 percent.

''(C) LOAN LOSS RESERVE FUND.—The Secretary shall require each microenterprise development organization that receives a loan under this paragraph to—

''(i) establish a loan loss reserve fund; and

''(ii) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this paragraph are repaid.

''(D) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under this paragraph for a 2-year period beginning on the date the loan is made.

''(4) GRANTS.—

''(A) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

''(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to—

''(I) provide training, operational support, business planning, and market development assistance, and other related services to rural microentrepreneurs; and

''(II) carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

''(ii) SELECTION.—In making grants under clause (i), the Secretary shall—

''(I) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

''(II) ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations—

''(aa) of varying sizes; and

''(bb) that serve racially and ethnically diverse populations.

''(B) GRANTS TO ASSIST MICROENTREPRENEURS.—

''(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to provide marketing, management, and other technical assistance to microentrepreneurs that—

''(I) received a loan from the microenterprise development organization under paragraph (3); or

''(II) are seeking a loan from the microenterprise development organization under paragraph (3).

''(ii) MAXIMUM AMOUNT OF GRANT.—A microenterprise development organization shall be eligible to receive an annual grant under this subparagraph in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under paragraph (3), as of the date the grant is awarded.

''(C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

''(c) ADMINISTRATION.—

''(1) COST SHARE.—

''(A) FEDERAL SHARE.—Subject to subparagraph (B), the Federal share of the cost of a project funded under this section shall not exceed 75 percent.

''(B) MATCHING REQUIREMENT.—As a condition of any grant made under this subparagraph, the Secretary shall require the microenterprise development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds, indirect costs, or in-kind goods or services.

''(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under this section may be provided—

''(i) in cash (including through fees, grants (including community development block grants), and gifts); or

''(ii) in the form of in-kind contributions.

''(2) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

''(d) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $4,000,000 for each of fiscal years 2009 through 2011; and

''(B) $3,000,000 for fiscal year 2012.

''(2) DISCRETIONARY FUNDING.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2009 through 2012.''.

SEC. 6023. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6022) is amended by adding at the end the following:

''SEC. 379F. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

''(a) DEFINITIONS.—In this section:

''(1) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(2) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

''(b) GRANTS.—The Secretary shall make grants to nonprofit organizations, or to a consortium of nonprofit organizations, to expand and enhance employment opportunities for individuals with disabilities in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a nonprofit organization or consortium of nonprofit organizations shall have—

''(1) a significant focus on serving the needs of individuals with disabilities;

''(2) demonstrated knowledge and expertise in—

''(A) employment of individuals with disabilities; and

''(B) advising private entities on accessibility issues involving individuals with disabilities;

''(3) expertise in removing barriers to employment for individuals with disabilities, including access to transportation, assistive technology, and other accommodations; and

''(4) existing relationships with national organizations focused primarily on the needs of rural areas.

''(d) USES.—A grant received under this section may be used only to expand or enhance—

''(1) employment opportunities for individuals with disabilities in rural areas by developing national technical assistance and education resources to assist small businesses in a rural area to recruit, hire, accommodate, and employ individuals with disabilities; and

''(2) self-employment and entrepreneurship opportunities for individuals with disabilities in a rural area.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6024. HEALTH CARE SERVICES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6023) is amended by adding at the end the following:

''SEC. 379G. HEALTH CARE SERVICES.

''(a) PURPOSE.—The purpose of this section is to address the continued unmet health needs in the Delta region through cooperation among health care professionals, institutions of higher education, research institutions, and other individuals and entities in the region.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a consortium of regional institutions of higher education, academic health and research institutes, and economic development entities located in the Delta region that have experience in addressing the health care issues in the region.

''(c) GRANTS.—To carry out the purpose described in subsection (a), the Secretary may award a grant to an eligible entity for –

''(1) the development of –

''(A) health care services;

''(B) health education programs; and

''(C) health care job training programs; and

''(2) the development and expansion of public health-related facilities in the Delta region to address longstanding and unmet health needs of the region.

''(d) USE.—As a condition of the receipt of the grant, the eligible entity shall use the grant to fund projects and activities described in subsection (c), based on input solicited from local governments, public health care providers, and other entities in the Delta region.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $3,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6025. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking ''2001 through 2007'' and inserting ''2008 through 2012''.

(b) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking ''2007'' and inserting ''2012''.

(c) EXPANSION.—Section 4(2) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460) is amended—

(1) in subparagraph (D), by inserting ''Beauregard, Bienville, Cameron, Claiborne, DeSoto, Jefferson Davis, Red River, St. Mary, Vermillion, Webster,'' after ''St. James,''; and

(2) in subparagraph (E)—

(A) by inserting ''Jasper,'' after ''Copiah,''; and

(B) by inserting ''Smith,'' after ''Simpson,''.

SEC. 6026. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) DEFINITION OF REGION.—Section 383A(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb(4)) is amended by inserting ''Missouri (other than counties included in the Delta Regional Authority),'' after ''Minnesota,''.

(b) ESTABLISHMENT.—Section 383B of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) FAILURE TO CONFIRM.—

''(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the Authority may organize and operate without the Federal member.

''(B) INDIAN CHAIRPERSON.—In the case of the Indian Chairperson, if no Indian Chairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to establish priorities and'' and inserting ''for multistate cooperation to advance the economic and social well-being of the region and to'';

(B) in paragraph (3), by striking ''local development districts,'' and inserting ''regional and local development districts or organizations, regional boards established under subtitle I,'';

(C) in paragraph (4), by striking ''cooperation;'' and inserting ''cooperation for—

''(i) renewable energy development and transmission;

''(ii) transportation planning and economic development;

''(iii) information technology;

''(iv) movement of freight and individuals within the region;

''(v) federally-funded research at institutions of higher education; and

''(vi) conservation land management;'';

(D) by striking paragraph (6) and inserting the following:

''(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;''; and

(E) in paragraph (7), by inserting ''renewable energy,'' after ''commercial,''.

(3) in subsection (f)(2), by striking ''the Federal cochairperson'' and inserting ''a cochairperson'';

(4) in subsection (g)(1), by striking subparagraphs (A) through (C) and inserting the following:

''(A) for each of fiscal years 2008 and 2009, 100 percent;

''(B) for fiscal year 2010, 75 percent; and

''(C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.''.

(c) INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

(1) IN GENERAL.—Subtitle G of the Consolidated Farm and Rural Development Act is amended—

(A) by redesignating sections 383C through 383N (7 U.S.C. 2009bb–2 through 2009bb–13) as sections 383D through 383O, respectively; and

(B) by inserting after section 383B (7 U.S.C. 2009bb–1) the following:

''SEC. 383C. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

''(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

''(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

''(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

''(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

''(4) to establish a Regional Working Group on Agriculture Development and Transportation.

''(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

''(1) renewable energy development and transmission;

''(2) transportation planning and economic development;

''(3) information technology;

''(4) movement of freight and individuals within the region;

''(5) federally-funded research at institutions of higher education; and

''(6) conservation land management.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 383B(c)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(c)(3)(B)) is amended by striking ''383I'' and inserting ''383J''.

(B) Section 383D(a) of the Consolidated Farm and Rural Development Act (as redesignated by paragraph (1)(A)) is amended by striking ''383I'' and inserting ''383J''.

(C) Section 383E of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)(1), by striking ''383F(b)'' and inserting ''383G(b)''; and

(ii) in subsection (c)(2)(A), by striking ''383I'' and inserting ''383J''.

(D) Section 383G of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by striking ''383M'' and inserting ''383N''; and

(II) in paragraph (2), by striking ''383D(b)'' and inserting ''383E(b)'';

(ii) in subsection (c)(2)(A), by striking ''383E(b)'' and inserting ''383F(b)''; and

(iii) in subsection (d)—

(I) by striking ''383M'' and inserting ''383N''; and

(II) by striking ''383C(a)'' and inserting ''383D(a)''.

(E) Section 383J(c)(2) of the Consolidated Farm and Rural Development Act (as so redesignated) is amended by striking ''383H'' and inserting ''383I''.

(d) ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.—Section 383D of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''transportation and telecommunication'' and inserting ''transportation, renewable energy transmission, and telecommunication''; and

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) in subsection (b)(2), by striking ''the activities in the following order or priority'' and inserting ''the following activities''.

(e) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 383E(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking '', including local development districts,''.

(f) MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.—Section 383F of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) by striking the section heading and inserting ''**MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.**''; and

(2) by striking subsections (a) through (c) and inserting the following:

''(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term 'multistate and local development district or organization' means an entity—

''(1) that—

''(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

''(B) is—

''(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

''(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

''(iii) a nonprofit agency or instrumentality of a State or local government;

''(iv) a public organization established before the date of enactment of this subtitle under State law for creation of multijurisdictional, area-wide planning organizations;

''(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

''(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

''(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

''(A) inappropriately used Federal grant funds from any Federal source; or

''(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

''(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

''(2) CONDITIONS FOR GRANTS.—

''(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

''(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

''(3) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

''(2) DESIGNATION.—The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.''.

(g) DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.—Section 383G of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (b)(1), by striking ''75'' and inserting ''50'';

(2) by striking subsection (c);

(3) by redesignating subsection (d) as subsection (c); and

(4) in subsection (c) (as so redesignated)—

(A) in the subsection heading, by inserting ''RENEWABLE ENERGY,'' after ''TELECOMMUNICATION''; and

(B) by inserting '', renewable energy,'' after ''telecommunication,''.

(h) DEVELOPMENT PLANNING PROCESS.—Section 383H of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

''(A) multistate, regional, and local development districts and organizations; and''; and

(2) in subsection (d)(1), by striking ''State and local development districts'' and inserting ''multistate, regional, and local development districts and organizations''.

(i) PROGRAM DEVELOPMENT CRITERIA.—Section 383I(a)(1) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by inserting ''multistate or'' before ''regional''.

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(k) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6027. RURAL BUSINESS INVESTMENT PROGRAM.

(a) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—Section 384F(b)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–5(b)(3)(A)) is amended by striking ''In the event'' and inserting the following:

''(i) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

''(ii) REDUCTION OF GUARANTEE.—Subject to clause (i), if''.

(b) FEES.—Section 384G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–6) is amended—

(1) in subsection (a), by striking ''such fees as the Secretary considers appropriate'' and inserting ''a fee that does not exceed $500'';

(2) in subsection (b), by striking ''approved by the Secretary'' and inserting ''that does not exceed $500''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''The'' and inserting ''Except as provided in paragraph (3), the'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) shall not exceed $500 for any fee collected under this subsection.''; and

(C) by adding at the end the following:

''(3) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in paragraph (1) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of this paragraph.''.

(c) RURAL BUSINESS INVESTMENT COMPANIES.—Section 384I(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–8(c)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this subsection.''.

(d) FINANCIAL INSTITUTION INVESTMENTS.—Section 384J of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–9) is amended—

(1) in subsection (a)(1), by inserting '', including an investment pool created entirely by such bank or savings association'' before the period at the end; and

(2) in subsection (c), by striking ''15'' and inserting ''25''.

(e) CONTRACTING OF FUNCTIONS.—Section 384Q of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–16) is repealed.

(f) FUNDING.—The Consolidated Farm and Rural Development Act is amended by striking section 384S (7 U.S.C. 2009cc–18) and inserting the following:

''SEC. 384S. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $50,000,000 for the period of fiscal years 2008 through 2012.''.

SEC. 6028. RURAL COLLABORATIVE INVESTMENT PROGRAM.

Subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd et seq.) is amended to read as follows:

''Subtitle I—Rural Collaborative Investment Program

''SEC. 385A. PURPOSE.

''The purpose of this subtitle is to establish a regional rural collaborative investment program—

''(1) to provide rural regions with a flexible investment vehicle, allowing for local control with Federal oversight, assistance, and accountability;

''(2) to provide rural regions with incentives and resources to develop and implement comprehensive strategies for achieving regional competitiveness, innovation, and prosperity;

''(3) to foster multisector community and economic development collaborations that will optimize the asset-based competitive advantages of rural regions with particular emphasis on innovation, entrepreneurship, and the creation of quality jobs;

''(4) to foster collaborations necessary to provide the professional technical expertise, institutional capacity, and economies of scale that are essential for the long-term competitiveness of rural regions; and

''(5) to better use Department of Agriculture and other Federal, State, and local governmental resources, and to leverage those resources with private, nonprofit, and philanthropic investments, in order to achieve measurable community and economic prosperity, growth, and sustainability.

''SEC. 385B. DEFINITIONS.

''In this subtitle:

''(1) BENCHMARK.—The term 'benchmark' means an annual set of goals and performance measures established for the purpose of assessing performance in meeting a regional investment strategy of a Regional Board.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) NATIONAL BOARD.—The term 'National Board' means the National Rural Investment Board established under section 385C(c).

''(4) NATIONAL INSTITUTE.—The term 'National Institute' means the National Institute on Regional Rural Competitiveness and Entrepreneurship established under section 385C(b)(2).

''(5) REGIONAL BOARD.—The term 'Regional Board' means a Regional Rural Investment Board described in section 385D(a).

''(6) REGIONAL INNOVATION GRANT.—The term 'regional innovation grant' means a grant made by the Secretary to a certified Regional Board under section 385F.

''(7) REGIONAL INVESTMENT STRATEGY GRANT.—The term 'regional investment strategy grant' means a grant made by the Secretary to a certified Regional Board under section 385E.

''(8) RURAL HERITAGE.—

''(A) IN GENERAL.—The term 'rural heritage' means historic sites, structures, and districts.

''(B) INCLUSIONS.—The term 'rural heritage' includes historic rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, heritage areas, and historic landscapes.

''SEC. 385C. ESTABLISHMENT AND ADMINISTRATION OF RURAL COLLABORATIVE INVESTMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a Rural Collaborative Investment Program to support comprehensive regional investment strategies for achieving rural competitiveness.

''(b) DUTIES OF SECRETARY.—In carrying out this subtitle, the Secretary shall—

''(1) appoint and provide administrative and program support to the National Board;

''(2) establish a national institute, to be known as the 'National Institute on Regional Rural Competitiveness and Entrepreneurship', to provide technical assistance to the Secretary and the National Board regarding regional competitiveness and rural entrepreneurship, including technical assistance for—

''(A) the development of rigorous analytic programs to assist Regional Boards in determining the challenges and opportunities that need to be addressed to receive the greatest regional competitive advantage;

''(B) the provision of support for best practices developed by the Regional Boards;

''(C) the establishment of programs to support the development of appropriate governance and leadership skills in the applicable regions; and

''(D) the evaluation of the progress and performance of the Regional Boards in achieving benchmarks established in a regional investment strategy;

''(3) work with the National Board to develop a national rural investment plan that shall—

''(A) create a framework to encourage and support a more collaborative and targeted rural investment portfolio in the United States;

''(B) establish a Rural Philanthropic Initiative, to work with rural communities to create and enhance the pool of permanent philanthropic resources committed to rural community and economic development;

''(C) cooperate with the Regional Boards and State and local governments, organizations, and entities to ensure investment strategies are developed that take into consideration existing rural assets; and

''(D) encourage the organization of Regional Boards;

''(4) certify the eligibility of Regional Boards to receive regional investment strategy grants and regional innovation grants;

''(5) provide grants for Regional Boards to develop and implement regional investment strategies;

''(6) provide technical assistance to Regional Boards on issues, best practices, and emerging trends relating to rural development, in cooperation with the National Rural Investment Board; and

''(7) provide analytic and programmatic support for regional rural competitiveness through the National Institute, including—

''(A) programs to assist Regional Boards in determining the challenges and opportunities that must be addressed to receive the greatest regional competitive advantage;

''(B) support for best practices development by the regional investment boards;

''(C) programs to support the development of appropriate governance and leadership skills in the region; and

''(D) a review and evaluation of the performance of the Regional Boards (including progress in achieving benchmarks established in a regional investment strategy) in an annual report submitted to—

''(i) the Committee on Agriculture of the House of Representatives; and

''(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(c) NATIONAL RURAL INVESTMENT BOARD.—The Secretary shall establish within the Department of Agriculture a board to be known as the 'National Rural Investment Board'.

''(d) DUTIES OF NATIONAL BOARD.—The National Board shall—

''(1) not later than 180 days after the date of establishment of the National Board, develop rules relating to the operation of the National Board; and

''(2) provide advice to—

''(A) the Secretary and subsequently review the design, development, and execution of the National Rural Investment Plan;

''(B) Regional Boards on issues, best practices, and emerging trends relating to rural development; and

''(C) the Secretary and the National Institute on the development and execution of the program under this subtitle.

''(e) MEMBERSHIP.—

''(1) IN GENERAL.—The National Board shall consist of 14 members appointed by the Secretary not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008.

''(2) SUPERVISION.—The National Board shall be subject to the general supervision and direction of the Secretary.

''(3) SECTORS REPRESENTED.—The National Board shall consist of representatives from each of—

''(A) nationally recognized entrepreneurship organizations;

''(B) regional strategy and development organizations;

''(C) community-based organizations;

''(D) elected members of local governments;

''(E) members of State legislatures;

''(F) primary, secondary, and higher education, job skills training, and workforce development institutions;

''(G) the rural philanthropic community;

''(H) financial, lending, venture capital, entrepreneurship, and other related institutions;

''(I) private sector business organizations, including chambers of commerce and other for-profit business interests;

''(J) Indian tribes; and

''(K) cooperative organizations.

''(4) SELECTION OF MEMBERS.—

''(A) IN GENERAL.—In selecting members of the National Board, the Secretary shall consider recommendations made by—

''(i) the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(ii) the Majority Leader and Minority Leader of the Senate; and

''(iii) the Speaker and Minority Leader of the House of Representatives.

''(B) EX-OFFICIO MEMBERS.—In consultation with the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary may appoint not more than 3 other officers or employees of the Executive Branch to serve as ex-officio, nonvoting members of the National Board.

''(5) TERM OF OFFICE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a member of the National Board appointed under paragraph (1)(A) shall be for a period of not more than 4 years.

''(B) STAGGERED TERMS.—The members of the National Board shall be appointed to serve staggered terms.

''(6) INITIAL APPOINTMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall appoint the initial members of the National Board.

''(7) VACANCIES.—A vacancy on the National Board shall be filled in the same manner as the original appointment.

''(8) COMPENSATION.—A member of the National Board shall receive no compensation for service on the National Board, but shall be reimbursed for related travel and other expenses incurred in carrying out the duties of the member of the National Board in accordance with section 5702 and 5703 of title 5, United States Code.

''(9) CHAIRPERSON.—The National Board shall select a chairperson from among the members of the National Board.

''(10) FEDERAL STATUS.—For purposes of Federal law, a member of the National Board shall be considered a special Government employee (as defined in section 202(a) of title 18, United States Code).

''(f) ADMINISTRATIVE SUPPORT.—The Secretary, on a reimbursable basis from funds made available under section 385H, may provide such administrative support to the National Board as the Secretary determines is necessary.

''SEC. 385D. REGIONAL RURAL INVESTMENT BOARDS.

''(a) IN GENERAL.—A Regional Rural Investment Board shall be a multijurisdictional and multisectoral group that—

''(1) represents the long-term economic, community, and cultural interests of a region;

''(2) is certified by the Secretary to establish a rural investment strategy and compete for regional innovation grants;

''(3) is composed of residents of a region that are broadly representative of diverse public, nonprofit, and private sector interests in investment in the region, including (to the maximum extent practicable) representatives of—

''(A) units of local, multijurisdictional, or State government, including not more than 1 representative from each State in the region;

''(B) nonprofit community-based development organizations, including community development financial institutions and community development corporations;

''(C) agricultural, natural resource, and other asset-based related industries;

''(D) in the case of regions with federally recognized Indian tribes, Indian tribes;

''(E) regional development organizations;

''(F) private business organizations, including chambers of commerce;

''(G)(i) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(ii) tribally controlled colleges or universities (as defined in section 2(a) of Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a))); and

''(iii) tribal technical institutions;

''(H) workforce and job training organizations;

''(I) other entities and organizations, as determined by the Regional Board;

''(J) cooperatives; and

''(K) consortia of entities and organizations described in subparagraphs (A) through (J);

''(4) represents a region inhabited by—

''(A) more than 25,000 individuals, as determined in the latest available decennial census conducted under section 141(a) of title 13, United States Code; or

''(B) in the case of a region with a population density of less than 2 individuals per square mile, at least 10,000 individuals, as determined in that latest available decennial census;

''(5) has a membership of which not less than 25 percent, nor more than 40 percent, represents—

''(A) units of local government and Indian tribes described in subparagraphs (A) and (D) of paragraph (3);

''(B) nonprofit community and economic development organizations and institutions of higher education described in subparagraphs (B) and (G) of paragraph (3); or

''(C) private business (including chambers of commerce and cooperatives) and agricultural, natural resource, and other asset-based related industries described in subparagraphs (C) and (F) of paragraph (3);

''(6) has a membership that may include an officer or employee of a Federal agency, serving as an ex-officio, nonvoting member of the Regional Board to represent the agency; and

''(7) has organizational documents that demonstrate that the Regional Board will—

''(A) create a collaborative public-private strategy process;

''(B) develop, and submit to the Secretary for approval, a regional investment strategy that meets the requirements of section 385E, with benchmarks—

''(i) to promote investment in rural areas through the use of grants made available under this subtitle; and

''(ii) to provide financial and technical assistance to promote a broad-based regional development program aimed at increasing and diversifying economic growth, improved community facilities, and improved quality of life;

''(C) implement the approved regional investment strategy;

''(D) provide annual reports to the Secretary and the National Board on progress made in achieving the benchmarks of the regional investment strategy, including an annual financial statement; and

''(E) select a non-Federal organization (such as a regional development organization) in the local area served by the Regional Board that has previous experience in the management of Federal funds to serve as fiscal manager of any funds of the Regional Board.

''(b) URBAN AREAS.—A resident of an urban area may serve as an ex-officio member of a Regional Board.

''(c) DUTIES.—A Regional Board shall—

''(1) create a collaborative planning process for public-private investment within a region;

''(2) develop, and submit to the Secretary for approval, a regional investment strategy;

''(3) develop approaches that will create permanent resources for philanthropic giving in the region, to the maximum extent practicable;

''(4) implement an approved strategy; and

''(5) provide annual reports to the Secretary and the National Board on progress made in achieving the strategy, including an annual financial statement.

''SEC. 385E. REGIONAL INVESTMENT STRATEGY GRANTS.

''(a) IN GENERAL.—The Secretary shall make regional investment strategy grants available to Regional Boards for use in developing, implementing, and maintaining regional investment strategies.

''(b) REGIONAL INVESTMENT STRATEGY.—A regional investment strategy shall provide—

''(1) an assessment of the competitive advantage of a region, including—

''(A) an analysis of the economic conditions of the region;

''(B) an assessment of the current economic performance of the region;

''(C) an overview of the population, geography, workforce, transportation system, resources, environment, and infrastructure needs of the region; and

''(D) such other pertinent information as the Secretary may request;

''(2) an analysis of regional economic and community development challenges and opportunities, including—

''(A) incorporation of relevant material from other government-sponsored or supported plans and consistency with applicable State, regional, and local workforce investment strategies or comprehensive economic development plans; and

''(B) an identification of past, present, and projected Federal and State economic and community development investments in the region;

''(3) a section describing goals and objectives necessary to solve regional competitiveness challenges and meet the potential of the region;

''(4) an overview of resources available in the region for use in—

''(A) establishing regional goals and objectives;

''(B) developing and implementing a regional action strategy;

''(C) identifying investment priorities and funding sources; and

''(D) identifying lead organizations to execute portions of the strategy;

''(5) an analysis of the current state of collaborative public, private, and nonprofit participation and investment, and of the strategic roles of public, private, and nonprofit entities in the development and implementation of the regional investment strategy;

''(6) a section identifying and prioritizing vital projects, programs, and activities for consideration by the Secretary, including—

''(A) other potential funding sources; and

''(B) recommendations for leveraging past and potential investments;

''(7) a plan of action to implement the goals and objectives of the regional investment strategy;

''(8) a list of performance measures to be used to evaluate implementation of the regional investment strategy, including—

''(A) the number and quality of jobs, including self-employment, created during implementation of the regional rural investment strategy;

''(B) the number and types of investments made in the region;

''(C) the growth in public, private, and nonprofit investment in the human, community, and economic assets of the region;

''(D) changes in per capita income and the rate of unemployment; and

''(E) other changes in the economic environment of the region;

''(9) a section outlining the methodology for use in integrating the regional investment strategy with the economic priorities of the State; and

''(10) such other information as the Secretary determines to be appropriate.

''(c) MAXIMUM AMOUNT OF GRANT.—A regional investment strategy grant shall not exceed $150,000.

''(d) COST SHARING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the share of the costs of developing, maintaining, evaluating, implementing, and reporting with respect to a regional investment strategy funded by a grant under this section—

''(A) not more than 40 percent may be paid using funds from the grant; and

''(B) the remaining share shall be provided by the applicable Regional Board or other eligible grantee.

''(2) FORM.—A Regional Board or other eligible grantee shall pay the share described in paragraph (1)(B) in the form of cash, services, materials, or other in-kind contributions, on the condition that not more than 50 percent of that share is provided in the form of services, materials, and other in-kind contributions.

''SEC. 385F. REGIONAL INNOVATION GRANTS PROGRAM.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall provide, on a competitive basis, regional innovation grants to Regional Boards for use in implementing projects and initiatives that are identified in a regional rural investment strategy approved under section 385E.

''(2) TIMING.—After October 1, 2008, the Secretary shall provide awards under this section on a quarterly funding cycle.

''(b) ELIGIBILITY.—To be eligible to receive a regional innovation grant, a Regional Board shall demonstrate to the Secretary that—

''(1) the regional rural investment strategy of a Regional Board has been reviewed by the National Board prior to approval by the Secretary;

''(2) the management and organizational structure of the Regional Board is sufficient to oversee grant projects, including management of Federal funds; and

''(3) the Regional Board has a plan to achieve, to the maximum extent practicable, the performance-based benchmarks of the project in the regional rural investment strategy.

''(c) LIMITATIONS.—

''(1) AMOUNT RECEIVED.—A Regional Board may not receive more than $6,000,000 in regional innovation grants under this section during any 5-year period.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount of a regional innovation grant based on—

''(A) the needs of the region being addressed by the applicable regional rural investment strategy consistent with the purposes described in subsection (f)(2); and

''(B) the size of the geographical area of the region.

''(3) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that not more than 10 percent of funding made available under this section is provided to Regional Boards in any State.

''(d) COST-SHARING.—

''(1) LIMITATION.—Subject to paragraph (2), the amount of a grant made under this section shall not exceed 50 percent of the cost of the project.

''(2) WAIVER OF GRANTEE SHARE.—The Secretary may waive the limitation in paragraph (1) under special circumstances, as determined by the Secretary, including—

''(A) a sudden or severe economic dislocation;

''(B) significant chronic unemployment or poverty;

''(C) a natural disaster; or

''(D) other severe economic, social, or cultural duress.

''(3) OTHER FEDERAL ASSISTANCE.—For the purpose of determining cost-share limitations for any other Federal program, funds provided under this section shall be considered to be non-Federal funds.

''(e) PREFERENCES.—In providing regional innovation grants under this section, the Secretary shall give—

''(1) a high priority to strategies that demonstrate significant leverage of capital and quality job creation; and

''(2) a preference to an application proposing projects and initiatives that would—

''(A) advance the overall regional competitiveness of a region;

''(B) address the priorities of a regional rural investment strategy, including priorities that—

''(i) promote cross-sector collaboration, public-private partnerships, or the provision of interim financing or seed capital for program implementation;

''(ii) exhibit collaborative innovation and entrepreneurship, particularly within a public-private partnership; and

''(iii) represent a broad coalition of interests described in section 385D(a);

''(C) include a strategy to leverage public non-Federal and private funds and existing assets, including agricultural, natural resource, and public infrastructure assets, with substantial emphasis placed on the existence of real financial commitments to leverage available funds;

''(D) create quality jobs;

''(E) enhance the role, relevance, and leveraging potential of community and regional foundations in support of regional investment strategies;

''(F) demonstrate a history, or involve organizations with a history, of successful leveraging of capital for economic development and public purposes;

''(G) address gaps in existing basic services, including technology, within a region;

''(H) address economic diversification, including agricultural and non-agriculturally based economies, within a regional framework;

''(I) improve the overall quality of life in the region;

''(J) enhance the potential to expand economic development successes across diverse stakeholder groups within the region;

''(K) include an effective working relationship with 1 or more institutions of higher education, tribally controlled colleges or universities, or tribal technical institutions;

''(L) help to meet the other regional competitiveness needs identified by a Regional Board; or

''(M) protect and promote rural heritage.

''(f) USES.—

''(1) LEVERAGE.—A Regional Board shall prioritize projects and initiatives carried out using funds from a regional innovation grant provided under this section, based in part on the degree to which members of the Regional Board are able to leverage additional funds for the implementation of the projects.

''(2) PURPOSES.—A Regional Board may use a regional innovation grant—

''(A) to support the development of critical infrastructure (including technology deployment and services) necessary to facilitate the competitiveness of a region;

''(B) to provide assistance to entities within the region that provide essential public and community services;

''(C) to enhance the value-added production, marketing, and use of agricultural and natural resources within the region, including activities relating to renewable and alternative energy production and usage;

''(D) to assist with entrepreneurship, job training, workforce development, housing, educational, or other quality of life services or needs, relating to the development and maintenance of strong local and regional economies;

''(E) to assist in the development of unique new collaborations that link public, private, and philanthropic resources, including community foundations;

''(F) to provide support for business and entrepreneurial investment, strategy, expansion, and development, including feasibility strategies, technical assistance, peer networks, business development funds, and other activities to strengthen the economic competitiveness of the region;

''(G) to provide matching funds to enable community foundations located within the region to build endowments which provide permanent philanthropic resources to implement a regional investment strategy; and

''(H) to preserve and promote rural heritage.

''(3) AVAILABILITY OF FUNDS.—The funds made available to a Regional Board or any other eligible grantee through a regional innovation grant shall remain available for the 7-year period beginning on the date on which the award is provided, on the condition that the Regional Board or other grantee continues to be certified by the Secretary as making adequate progress toward achieving established benchmarks.

''(g) COST SHARING.—

''(1) WAIVER OF GRANTEE SHARE.—The Secretary may waive the share of a grantee of the costs of a project funded by a regional innovation grant under this section if the Secretary determines that such a waiver is appropriate, including with respect to special circumstances within tribal regions, in the event an area experiences—

''(A) a sudden or severe economic dislocation;

''(B) significant chronic unemployment or poverty;

''(C) a natural disaster; or

''(D) other severe economic, social, or cultural duress.

''(2) OTHER FEDERAL PROGRAMS.—For the purpose of determining cost-sharing requirements for any other Federal program, funds provided as a regional innovation grant under this section shall be considered to be non-Federal funds.

''(h) NONCOMPLIANCE.—If a Regional Board or other eligible grantee fails to comply with any requirement relating to the use of funds provided under this section, the Secretary may—

''(1) take such actions as are necessary to obtain reimbursement of unused grant funds; and

''(2) reprogram the recaptured funds for purposes relating to implementation of this subtitle.

''(i) PRIORITY TO AREAS WITH AWARDS AND APPROVED STRATEGIES.—

''(1) IN GENERAL.—Subject to paragraph (3), in providing rural development assistance under other programs, the Secretary shall give a high priority to areas that receive innovation grants under this section.

''(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal agencies to promote the development of priorities similar to those described in paragraph (1).

''(3) EXCLUSION OF CERTAIN PROGRAMS.—Paragraph (1) shall not apply to the provision of rural development assistance under any program relating to basic health, safety, or infrastructure, including broadband deployment or minimum environmental needs.

''SEC. 385G. RURAL ENDOWMENT LOANS PROGRAM.

''(a) IN GENERAL.—The Secretary may provide long-term loans to eligible community foundations to assist in the implementation of regional investment strategies.

''(b) ELIGIBLE COMMUNITY FOUNDATIONS.—To be eligible to receive a loan under this section, a community foundation shall—

''(1) be located in an area that is covered by a regional investment strategy;

''(2) match the amount of the loan with an amount that is at least 250 percent of the amount of the loan; and

''(3) use the loan and the matching amount to carry out the regional investment strategy in a manner that is targeted to community and economic development, including through the development of community foundation endowments.

''(c) TERMS.—A loan made under this section shall—

''(1) have a term of not less than 10, nor more than 20, years;

''(2) bear an interest rate of 1 percent per annum; and

''(3) be subject to such other terms and conditions as are determined appropriate by the Secretary.

''SEC. 385H. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle $135,000,000 for the period of fiscal years 2009 through 2012.''.

SEC. 6029. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) DEFINITION OF APPLICATION.—In this section, the term ''application'' does not include an application for a loan or grant that, as of the date of enactment of this Act, is in the preapplication phase of consideration under regulations of the Secretary in effect on the date of enactment of this Act.

(b) USE OF FUNDS.—Subject to subsection (c), the Secretary shall use funds made available under subsection (d) to provide funds for applications that are pending on the date of enactment of this Act for—

(1) water or waste disposal grants or direct loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)); and

(2) emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a).

(c) LIMITATIONS.—

(1) APPROPRIATED AMOUNTS.—Funds made available under this section shall be available to the Secretary to provide funds for applications for loans and grants described in subsection (b) that are pending on the date of enactment of this Act only to the extent that funds for the loans and grants appropriated in the annual appropriations Act for fiscal year 2007 have been exhausted.

(2) PROGRAM REQUIREMENTS.—The Secretary may use funds made available under this section to provide funds for a pending application for a loan or grant described in subsection (b) only if the Secretary processes, reviews, and approves the application in accordance with regulations in effect on the date of enactment of this Act.

(3) PRIORITY.—In providing funding under this section for pending applications for loans or grants described in subsection (b), the Secretary shall provide funding in the following order of priority (until funds made available under this section are exhausted):

(A) Pending applications for water systems.

(B) Pending applications for waste disposal systems.

(d) FUNDING.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $120,000,000, to remain available until expended.

Subtitle B—Rural Electrification Act of 1936

SEC. 6101. ENERGY EFFICIENCY PROGRAMS.

Sections 2(a) and 4 of the Rural Electrification Act of 1936 (7 U.S.C. 902(a), 904) are amended by inserting ''efficiency and'' before ''conservation'' each place it appears.

SEC. 6102. REINSTATEMENT OF RURAL UTILITY SERVICES DIRECT LENDING.

(a) IN GENERAL.—Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (d), respectively; and

(2) by inserting after subsection (b) (as so designated) the following:

''(c) DIRECT LOANS.—

''(1) DIRECT HARDSHIP LOANS.—Direct hardship loans under this section shall be for the same purposes and on the same terms and conditions as hardship loans made under section 305(c)(1).

''(2) OTHER DIRECT LOANS.—All other direct loans under this section shall bear interest at a rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, plus ⅛ of 1 percent.''.

(b) ELIMINATION OF FEDERAL FINANCING BANK GUARANTEED LOANS.—Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) is amended—

(1) in the third sentence, by striking ''guarantee, accommodation, or subordination'' and inserting ''accommodation or subordination''; and

(2) by striking the fourth sentence.

SEC. 6103. DEFERMENT OF PAYMENTS TO ALLOWS LOANS FOR IMPROVED ENERGY EFFICIENCY AND DEMAND REDUCTION AND FOR ENERGY EFFICIENCY AND USE AUDITS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by adding at the end the following:

''(c) DEFERMENT OF PAYMENTS ON LOANS.—

''(1) IN GENERAL.—The Secretary shall allow borrowers to defer payment of principal and interest on any direct loan made under this Act to enable the borrower to make loans to residential, commercial, and industrial consumers—

''(A) to conduct energy efficiency and use audits; and

''(B) to install energy efficient measures or devices that reduce the demand on electric systems.

''(2) AMOUNT.—The total amount of a deferment under this subsection shall not exceed the sum of the principal and interest on the loans made to a customer of the borrower, as determined by the Secretary.

''(3) TERM.—The term of a deferment under this subsection shall not exceed 60 months.''.

SEC. 6104. RURAL ELECTRIFICATION ASSISTANCE.

Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended to read as follows:

''SEC. 13. DEFINITIONS.

''In this Act:

''(1) FARM.—The term 'farm' means a farm, as defined by the Bureau of the Census.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) RURAL AREA.—Except as provided otherwise in this Act, the term 'rural area' means the farm and nonfarm population of—

''(A) any area described in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)); and

''(B) any area within a service area of a borrower for which a borrower has an outstanding loan made under titles I through V as of the date of enactment of this paragraph.

''(4) TERRITORY.—The term 'territory' includes any insular possession of the United States.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.''.

SEC. 6105. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

The Rural Electrification Act of 1936 is amended by inserting after section 306E (7 U.S.C. 936e) the following:

''SEC. 306F. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PROGRAM.—The term 'eligible program' means a program administered by the Rural Utilities Service and authorized in—

''(A) this Act; or

''(B) paragraph (1), (2), (14), (22), or (24) of section 306(a) or section 306A, 306C, 306D, or 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a), 1926a, 1926c, 1926d, 1926e).

''(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term 'substantially underserved trust area' means a community in 'trust land' (as defined in section 3765 of title 38, United States Code) with respect to which the Secretary determines has a high need for the benefits of an eligible program.

''(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

''(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

''(1) may make available from loan or loan guarantee programs administered by the Rural Utilities Service to qualified utilities or applicants financing with an interest rate as low as 2 percent, and with extended repayment terms;

''(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Rural Utilities Service to facilitate the construction, acquisition, or improvement of infrastructure;

''(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

''(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes—

''(1) the progress of the initiative implemented under subsection (b); and

''(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.''.

SEC. 6106. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) IN GENERAL.—Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''for electrification'' and all that follows through the end and inserting ''for eligible electrification or telephone purposes consistent with this Act.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) ANNUAL AMOUNT.—The total amount of guarantees provided by the Secretary under this section during a fiscal year shall not exceed $1,000,000,000, subject to the availability of funds under subsection (e).'';

(2) in subsection (c), by striking paragraphs (2) and (3) and inserting the following:

''(2) AMOUNT.—

''(A) IN GENERAL.—The amount of the annual fee paid for the guarantee of a bond or note under this section shall be equal to 30 basis points of the amount of the unpaid principal of the bond or note guaranteed under this section.

''(B) PROHIBITION.—Except as otherwise provided in this subsection and subsection (e)(2), no other fees shall be assessed.

''(3) PAYMENT.—

''(A) IN GENERAL.—A lender shall pay the fees required under this subsection on a semiannual basis.

''(B) STRUCTURED SCHEDULE.—The Secretary shall, with the consent of the lender, structure the schedule for payment of the fee to ensure that sufficient funds are available to pay the subsidy costs for note or bond guarantees as provided for in subsection (e)(2).''; and

(3) in subsection (f), by striking ''2007'' and inserting ''2012''.

(b) ADMINISTRATION.—The Secretary shall continue to carry out section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) in the same manner as on the day before the date of enactment of this Act, except without regard to the limitations prescribed in subsection (b)(1) of that section, until such time as any regulations necessary to carry out the amendments made by this section are fully implemented.

SEC. 6107. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e) is amended to read as follows:

''SEC. 315. EXPANSION OF 911 ACCESS.

''(a) IN GENERAL.—Subject to subsection (c) and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this title to entities eligible to borrow from the Rural Utilities Service, State or local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or other public entities for facilities and equipment to expand or improve in rural areas—

''(1) 911 access;

''(2) integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services;

''(3) homeland security communications;

''(4) transportation safety communications; or

''(5) location technologies used outside an urbanized area.

''(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

''(c) EMERGENCY COMMUNICATIONS EQUIPMENT PROVIDERS.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications or technologies described in subsection (a) if the local government that has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

''(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use to make loans under this section any funds otherwise made available for telephone loans for each of fiscal years 2008 through 2012.''.

SEC. 6108. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 940f) the following:

''SEC. 317. ELECTRIC LOANS FOR RENEWABLE ENERGY.

''(a) DEFINITION OF RENEWABLE ENERGY SOURCE.—In this section, the term 'renewable energy source' means an energy conversion system fueled from a solar, wind, hydropower, biomass, or geothermal source of energy.

''(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans under this title for electric generation from renewable energy resources for resale to rural and nonrural residents.

''(c) RATE.—The rate of a loan under this section shall be equal to the average tax-exempt municipal bond rate of similar maturities.''.

SEC. 6109. BONDING REQUIREMENTS.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 317 (as added by section 6108) the following:

''SEC. 318. BONDING REQUIREMENTS.

''The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

''(1) the interests of the Secretary are adequately protected by product warranties; or

''(2) the costs or conditions associated with a bond exceed the benefit of the bond.''.

SEC. 6110. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

''SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

''(a) PURPOSE.—The purpose of this section is to provide loans and loan guarantees to provide funds for the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in rural areas.

''(b) DEFINITIONS.—In this section:

''(1) BROADBAND SERVICE.—The term 'broadband service' means any technology identified by the Secretary as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video.

''(2) INCUMBENT SERVICE PROVIDER.—The term 'incumbent service provider', with respect to an application submitted under this section, means an entity that, as of the date of submission of the application, is providing broadband service to not less than 5 percent of the households in the service territory proposed in the application.

''(3) RURAL AREA.—

''(A) IN GENERAL.—The term 'rural area' means any area other than—

''(i) an area described in clause (i) or (ii) of section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)); and

''(ii) a city, town, or incorporated area that has a population of greater than 20,000 inhabitants.

''(B) URBAN AREA GROWTH.—The Secretary may, by regulation only, consider an area described in section 343(a)(13)(F)(i)(I) of that Act to not be a rural area for purposes of this section.

''(c) LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make or guarantee loans to eligible entities described in subsection (d) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

''(2) PRIORITY.—In making or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the broadband service, had no incumbent service provider.

''(d) ELIGIBILITY.—

''(1) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—To be eligible to obtain a loan or loan guarantee under this section, an entity shall—

''(i) demonstrate the ability to furnish, improve, or extend a broadband service to a rural area;

''(ii) submit to the Secretary a loan application at such time, in such manner, and containing such information as the Secretary may require; and

''(iii) agree to complete buildout of the broadband service described in the loan application by not later than 3 years after the initial date on which proceeds from the loan made or guaranteed under this section are made available.

''(B) LIMITATION.—An eligible entity that provides telecommunications or broadband service to at least 20 percent of the households in the United States may not receive an amount of funds under this section for a fiscal year in excess of 15 percent of the funds authorized and appropriated under subsection (k) for the fiscal year.

''(2) ELIGIBLE PROJECTS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the proceeds of a loan made or guaranteed under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application for the loan or loan guarantee is submitted—

''(i) not less than 25 percent of the households in the proposed service territory is offered broadband service by not more than 1 incumbent service provider; and

''(ii) broadband service is not provided in any part of the proposed service territory by 3 or more incumbent service providers.

''(B) EXCEPTION TO 25 PERCENT REQUIREMENT.—Subparagraph (A)(i) shall not apply to the proposed service territory of a project if a loan or loan guarantee has been made under this section to the applicant to provide broadband service in the proposed service territory.

''(C) EXCEPTION TO 3 OR MORE INCUMBENT SERVICE PROVIDER REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), subparagraph (A)(ii) shall not apply to an incumbent service provider that is upgrading broadband service to the existing territory of the incumbent service provider.

''(ii) EXCEPTION.—Clause (i) shall not apply if the applicant is eligible for funding under another title of this Act.

''(3) EQUITY AND MARKET SURVEY REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may require an entity to provide a cost share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee requested in the application of the entity, unless the Secretary determines that a higher percentage is required for financial feasibility.

''(B) MARKET SURVEY.—

''(i) IN GENERAL.—The Secretary may require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

''(ii) LESS THAN 20 PERCENT.—The Secretary may not require an entity that proposes to have a subscriber projection of less than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

''(4) STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES.—Subject to paragraph (1), a State or local government (including any agency, subdivision, or instrumentality thereof (including consortia thereof)) and an Indian tribe shall be eligible for a loan or loan guarantee under this section to provide broadband services to a rural area.

''(5) NOTICE REQUIREMENT.—The Secretary shall publish a notice of each application for a loan or loan guarantee under this section describing the application, including—

''(A) the identity of the applicant;

''(B) each area proposed to be served by the applicant; and

''(C) the estimated number of households without terrestrial-based broadband service in those areas.

''(6) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce, to the maximum extent practicable, the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants (particularly first-time applicants who are small and start-up broadband service providers), including by providing for a new application that maintains the ability of the Secretary to make an analysis of the risk associated with the loan involved.

''(7) PREAPPLICATION PROCESS.—The Secretary shall establish a process under which a prospective applicant may seek a determination of area eligibility prior to preparing a loan application under this section.

''(e) BROADBAND SERVICE.—

''(1) IN GENERAL.—The Secretary shall, from time to time as advances in technology warrant, review and recommend modifications of rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b)(1).

''(2) PROHIBITION.—The Secretary shall not establish requirements for bandwidth or speed that have the effect of precluding the use of evolving technologies appropriate for rural areas.

''(f) TECHNOLOGICAL NEUTRALITY.—For purposes of determining whether to make a loan or loan guarantee for a project under this section, the Secretary shall use criteria that are technologically neutral.

''(g) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a loan or loan guarantee under this section shall—

''(A) bear interest at an annual rate of, as determined by the Secretary—

''(i) in the case of a direct loan, a rate equivalent to—

''(I) the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

''(II) 4 percent; and

''(ii) in the case of a guaranteed loan, the current applicable market rate for a loan of comparable maturity; and

''(B) have a term of such length, not exceeding 35 years, as the borrower may request, if the Secretary determines that the loan is adequately secured.

''(2) TERM.—In determining the term of a loan or loan guarantee, the Secretary shall consider whether the recipient is or would be serving an area that is not receiving broadband services.

''(3) RECURRING REVENUE.—The Secretary shall consider the existing recurring revenues of the entity at the time of application in determining an adequate level of credit support.

''(h) ADEQUACY OF SECURITY.—

''(1) IN GENERAL.—The Secretary shall ensure that the type and amount of, and method of security used to secure, any loan or loan guarantee under this section is commensurate to the risk involved with the loan or loan guarantee, particularly in any case in which the loan or loan guarantee is issued to a financially strong and stable entity, as determined by the Secretary.

''(2) DETERMINATION OF AMOUNT AND METHOD OF SECURITY.—In determining the amount of, and method of security used to secure, a loan or loan guarantee under this section, the Secretary shall consider reducing the security in a rural area that does not have broadband service.

''(i) USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.—Notwithstanding any other provision of this Act, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act if the use of the proceeds for that purpose will support the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

''(j) REPORTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, and annually thereafter, the Administrator shall submit to Congress a report that describes the extent of participation in the loan and loan guarantee program under this section for the preceding fiscal year, including a description of —

''(1) the number of loans applied for and provided under this section;

''(2)(A) the communities proposed to be served in each loan application submitted for the fiscal year; and

''(B) the communities served by projects funded by loans and loan guarantees provided under this section;

''(3) the period of time required to approve each loan application under this section;

''(4) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this section;

''(5) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video for purposes of subsection (b)(1); and

''(6) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this section.

''(k) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

''(2) ALLOCATION OF FUNDS.—

''(A) IN GENERAL.—From amounts made available for each fiscal year under this subsection, the Secretary shall—

''(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

''(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

''(B) AMOUNT.—The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as—

''(i) the number of communities with a population of 2,500 inhabitants or less in the State; bears to

''(ii) the number of communities with a population of 2,500 inhabitants or less in all States.

''(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

''(l) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, 2012.''.

(b) REGULATIONS.—The Secretary may implement the amendment made by subsection (a) through the promulgation of an interim regulation.

(c) APPLICATION.—The amendment made by subsection (a) shall not apply to—

(1) an application submitted under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) (as it existed before the amendment made by subsection (a)) that—

(A) was pending on the date that is 45 days prior to the date of enactment of this Act; and

(B) is pending on the date of enactment of this Act; or

(2) a petition for reconsideration of a decision on an application described in paragraph (1).

SEC. 6111. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

''SEC. 602. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

''(a) DESIGNATION OF CENTER.—The Secretary shall designate an entity to serve as the National Center for Rural Telecommunications Assessment (referred to in this section as the 'Center').

''(b) CRITERIA.—In designating the Center under subsection (a), the Secretary shall take into consideration the following criteria:

''(1) The Center shall be an entity that demonstrates to the Secretary—

''(A) a focus on rural policy research; and

''(B) a minimum of 5 years of experience relating to rural telecommunications research and assessment.

''(2) The Center shall be capable of assessing broadband services in rural areas.

''(3) The Center shall have significant experience involving other rural economic development centers and organizations with respect to the assessment of rural policies and the formulation of policy solutions at the Federal, State, and local levels.

''(c) BOARD OF DIRECTORS.—The Center shall be managed by a board of directors, which shall be responsible for the duties of the Center described in subsection (d).

''(d) DUTIES.—The Center shall—

''(1) assess the effectiveness of programs carried out under this title in increasing

broadband penetration and purchase in rural areas, especially in rural communities identified by the Secretary as having no broadband service before the provision of a loan or loan guarantee under this title;

''(2) work with existing rural development centers selected by the Center to identify policies and initiatives at the Federal, State, and local levels that have increased broadband penetration and purchase in rural areas and provide recommendations to Federal, State, and local policymakers on effective strategies to bring affordable broadband services to residents of rural areas, particularly residents located outside of the municipal boundaries of a rural city or town; and

''(3) develop and publish reports describing the activities carried out by the Center under this section.

''(e) REPORTING REQUIREMENTS.—Not later than December 1 of each applicable fiscal year, the board of directors of the Center shall submit to Congress and the Secretary a report describing the activities carried out by the Center during the preceding fiscal year and the results of any research conducted by the Center during that fiscal year, including—

''(1) an assessment of each program carried out under this title; and

''(2) an assessment of the effects of the policy initiatives identified under subsection (d)(2).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6112. COMPREHENSIVE RURAL BROADBAND STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to Congress a report describing a comprehensive rural broadband strategy that includes—

(1) recommendations—

(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to streamline or otherwise improve and streamline the policies, programs, and services;

(B) to coordinate existing Federal rural broadband or rural initiatives;

(C) to address both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions and application of the recommendations for Federal, State, regional, and local government policymakers; and

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(2) a description of goals and timeframes to achieve the purposes of the report.

(b) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary, shall update and evaluate the report described in subsection (a) during the third year after the date of enactment of this Act.

SEC. 6113. STUDY ON RURAL ELECTRIC POWER GENERATION.

(a) IN GENERAL.—The Secretary shall conduct a study on the electric power generation needs in rural areas of the United States.

(b) COMPONENTS.—The study shall include an examination of—

(1) generation in various areas in rural areas of the United States, particularly by rural electric cooperatives;

(2) financing available for capacity, including financing available through programs authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.);

(3) the impact of electricity costs on consumers and local economic development;

(4) the ability of fuel feedstock technology to meet regulatory requirements, such as carbon capture and sequestration; and

(5) any other factors that the Secretary considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the study under this section.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) IN GENERAL.—Section 2333(c)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. Sec. 950aaa–2(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) libraries.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking ''2007'' and inserting ''2012''.

(c) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note; Public Law 102–551) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6202. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM GRANTS.

(a) DEFINITIONS.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(2) FAMILY FARM.—The term 'family farm' has the meaning given the term in section 761.2 of title 7, Code of Federal Regulations (as in effect on December 30, 2007).

''(3) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

''(A) targets and strengthens the profitability and competitiveness of small and medium-sized farms and ranches that are structured as a family farm; and

''(B) obtains agreement from an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

''(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

''(5) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product that—

''(A)(i) has undergone a change in physical state;

''(ii) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

''(iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

''(iv) is a source of farm- or ranch-based renewable energy, including E–85 fuel; or

''(v) is aggregated and marketed as a locally-produced agricultural food product; and

''(B) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

''(i) the customer base for the agricultural commodity or product is expanded; and

''(ii) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.''.

(b) GRANT PROGRAM.—Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (7)''; and

(2) by striking paragraph (4) and inserting the following:

''(4) TERM.—A grant under this subsection shall have a term that does not exceed 3 years.

''(5) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000.

''(6) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects that contribute to increasing opportunities for—

''(A) beginning farmers or ranchers;

''(B) socially disadvantaged farmers or ranchers; and

''(C) operators of small- and medium-sized farms and ranches that are structured as a family farm.

''(7) FUNDING.—

''(A) MANDATORY FUNDING.—On October 1, 2008, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000, to remain available until expended.

''(B) DISCRETIONARY FUNDING.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2008 through 2012.

''(C) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS OR RANCHERS, SOCIALLY DISADVANTAGED FARMERS OR RANCHERS, AND MID-TIER VALUE CHAINS.—

''(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

''(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

''(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.''.

SEC. 6203. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note; Public Law 107–171) is amended by striking subsection (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6204. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

''SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

''(a) DEFINITION OF EMERGENCY MEDICAL SERVICES.—In this section:

''(1) IN GENERAL.—The term 'emergency medical services' means resources used by a public or nonprofit entity to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

''(A) the condition of a patient; or

''(B) a natural disaster or related condition.

''(2) INCLUSION.—The term 'emergency medical services' includes services (whether compensated or volunteer) delivered by an emergency medical services provider or other provider recognized by the State involved that is licensed or certified by the State as—

''(A) an emergency medical technician or the equivalent (as determined by the State);

''(B) a registered nurse;

''(C) a physician assistant; or

''(D) a physician that provides services similar to services provided by such an emergency medical services provider.

''(b) GRANTS.—The Secretary shall award grants to eligible entities—

''(1) to enable the entities to provide for improved emergency medical services in rural areas; and

''(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health or an equivalent agency;

''(D) a local government entity;

''(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(F) a State or local ambulance provider; or

''(G) any other public or nonprofit entity determined appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in a rural area—

''(1) to hire or recruit emergency medical service personnel;

''(2) to recruit or retain volunteer emergency medical service personnel;

''(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, or other topics relevant to the delivery of emergency medical services;

''(4) to fund training to meet State or Federal certification requirements;

''(5) to provide training for firefighters or emergency medical personnel for improvements to the training facility, equipment, curricula, or personnel;

''(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

''(7) to acquire emergency medical services vehicles, including ambulances;

''(8) to acquire emergency medical services equipment, including cardiac defibrillators;

''(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; or

''(10) to educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, or other related emergency preparedness topics.

''(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

''(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity makes available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to at least 5 percent of the amount received under the grant.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses incurred in carrying out this section.''.

SEC. 6205. INSURANCE OF LOANS FOR HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.

Section 514(f)(3) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)) is amended by striking ''or the handling of such commodities in the unprocessed stage'' and inserting '', the handling of agricultural or aquacultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities''.

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit to Congress a report that contains the results of the study required by subsection (a).

Subtitle D—Housing Assistance Council

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Housing Assistance Council Authorization Act of 2008''.

SEC. 6302. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by the Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, research, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Secretary of Housing and Urban Development and the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council $10,000,000 for each of fiscal years 2009 through 2011.

SEC. 6303. AUDITS AND REPORTS.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions and activities of the Housing Assistance Council shall be audited annually by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) REQUIREMENTS OF AUDITS.—The Comptroller General of the United States may rely on any audit completed under paragraph (1), if the audit complies with—

(A) the annual programmatic and financial examination requirements established in OMB Circular A-133; and

(B) generally accepted government auditing standards.

(3) REPORT TO CONGRESS.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative a report detailing each audit completed under paragraph (1).

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 7 years.

SEC. 6304. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this subtitle, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this subtitle shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6305. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this subtitle may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE VII—RESEARCH AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. DEFINITIONS.

(a) IN GENERAL.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(B) by striking ''(4) The terms'' and inserting the following:

''(4) COLLEGE AND UNIVERSITY.—

''(A) IN GENERAL.—The terms''; and

(C) by adding at the end the following:

''(B) INCLUSIONS.—The terms 'college' and 'university' include a research foundation maintained by a college or university described in subparagraph (A).'';

(2) by redesignating paragraphs (5) through (8), (9) through (11), (12) through (14), (15), (16), (17), and (18) as paragraphs (6) through (9), (11) through (13), (15) through (17), (20), (5), (18), and (19), respectively, and moving the paragraphs so as to appear in alphabetical and numerical order;

(3) in paragraph (9) (as redesignated by paragraph (2))—

(A) by striking ''renewable natural resources'' and inserting ''renewable energy and natural resources''; and

(B) by striking subparagraph (F) and inserting the following:

''(F) Soil, water, and related resource conservation and improvement.'';

(4) by inserting after paragraph (9) (as so redesignated) the following:

''(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

''(A) IN GENERAL.—The term 'Hispanic-serving agricultural colleges and universities' means colleges or universities that—

''(i) qualify as Hispanic-serving institutions; and

''(ii) offer associate, bachelors, or other accredited degree programs in agriculture-related fields.

''(B) EXCEPTION.—The term 'Hispanic-serving agricultural colleges and universities' does not include 1862 institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)).'';

(5) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).''; and

(6) by inserting after paragraph (13) (as so redesignated) the following:

''(14) NLGCA INSTITUTION; NON-LAND-GRANT COLLEGE OF AGRICULTURE.—

''(A) IN GENERAL.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' mean a public college or university offering a baccalaureate or higher degree in the study of agriculture or forestry.

''(B) EXCLUSIONS.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' do not include—

''(i) Hispanic-serving agricultural colleges and universities; or

''(ii) any institution designated under—

''(I) the Act of July 2, 1862 (commonly known as the 'First Morrill Act'; 7 U.S.C. 301 et seq.);

''(II) the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.);

''(III) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note); or

''(IV) Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(3) of the Research Facilities Act (7 U.S.C. 390(3)) is amended by striking ''section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(2) Section 2(k) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(k)) is amended in the second sentence by striking ''section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(3) Section 18(a)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(B)) is amended by striking ''section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))''.

(4) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking ''section 1404(16) of this title'' and inserting ''section 1404(18)''.

(5) Section 1619(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801(b)) is amended—

(A) in paragraph (1), by striking ''section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)'';

(B) in paragraph (5), by striking ''section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''; and

(C) in paragraph (8), by striking ''section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(6) Section 125(c)(1)(C) of Public Law 100–238 (5 U.S.C. 8432 note) is amended by striking ''section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

SEC. 7102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''31'' and inserting ''25''; and

(B) by striking paragraph (3) and inserting the following:

''(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

''(A) 1 member representing a national farm organization.

''(B) 1 member representing farm cooperatives.

''(C) 1 member actively engaged in the production of a food animal commodity, recommended by a coalition of national livestock organizations.

''(D) 1 member actively engaged in the production of a plant commodity, recommended by a coalition of national crop organizations.

''(E) 1 member actively engaged in aquaculture, recommended by a coalition of national aquacultural organizations.

''(F) 1 member representing a national food animal science society.

''(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

''(H) 1 member representing a national food science organization.

''(I) 1 member representing a national human health association.

''(J) 1 member representing a national nutritional science society.

''(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

''(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

''(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

''(N) 1 member representing NLGCA Institutions.

''(O) 1 member representing Hispanic-serving institutions.

''(P) 1 member representing the American Colleges of Veterinary Medicine.

''(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

''(R) 1 member representing food retailing and marketing interests.

''(S) 1 member representing food and fiber processors.

''(T) 1 member actively engaged in rural economic development.

''(U) 1 member representing a national consumer interest group.

''(V) 1 member representing a national forestry group.

''(W) 1 member representing a national conservation or natural resource group.

''(X) 1 member representing private sector organizations involved in international development.

''(Y) 1 member representing a national social science association.'';

(2) in subsection (g)(1), by striking ''$350,000'' and inserting ''$500,000''; and

(3) in subsection (h), by striking ''2007'' and inserting ''2012''.

(b) NO EFFECT ON TERMS.—Nothing in this section or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Board serving as of the date of enactment of this Act.

SEC. 7103. SPECIALTY CROP COMMITTEE REPORT.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended by adding at the end the following:

''(4) Analyses of changes in macroeconomic conditions, technologies, and policies on specialty crop production and consumption, with particular focus on the effect of those changes on the financial stability of producers.

''(5) Development of data that provide applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.''.

SEC. 7104. RENEWABLE ENERGY COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408A (7 U.S.C. 3123a) the following:

''SEC. 1408B. RENEWABLE ENERGY COMMITTEE.

''(a) INITIAL MEMBERS.—Not later than 90 days after the date of enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee.

''(b) DUTIES.—The permanent renewable energy committee shall study the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

''(c) NONADVISORY BOARD MEMBERS.—

''(1) IN GENERAL.—An individual who is not a member of the Advisory Board may be appointed as a member of the renewable energy committee.

''(2) SERVICE.—A member of the renewable energy committee shall serve at the discretion of the executive committee.

''(d) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the date of establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report that contains the findings and any recommendations of the renewable energy committee with respect to the study conducted under subsection (b).

''(e) CONSULTATION.—In carrying out the duties described in subsection (b), the renewable energy committee shall consult with the Biomass Research and Development Technical Advisory Committee established under section 9008(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8605).

''(f) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee under subsection (d) that are developed by the Advisory Committee.

''(g) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report that describes the ways in which the Secretary addressed each recommendation of the renewable energy committee described in subsection (f).''.

SEC. 7105. VETERINARY MEDICINE LOAN REPAYMENT.

(a) IN GENERAL.—Section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) is amended—

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

''(b) DETERMINATION OF VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations', the Secretary may consider—

''(1) geographical areas that the Secretary determines have a shortage of veterinarians; and

''(2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety.'';

(2) in subsection (c), by adding at the end the following:

''(8) PRIORITY.—In administering the program, the Secretary shall give priority to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.'';

(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following:

''(d) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (f) may be used to carry out section 5379 of title 5, United States Code.

''(e) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.''.

(b) DISAPPROVAL OF TRANSFER OF FUNDS.—Congress disapproves the transfer of funds from the Cooperative State Research, Education, and Extension Service to the Food Safety and Inspection Service described in the notice of use of funds for implementation of the veterinary medicine loan repayment program authorized by the National Veterinary Medical Service Act (72 Fed. Reg. 48609 (August 24, 2007)), and such funds shall be rescinded on the date of enactment of this Act and made available to the Secretary, without further appropriation or fiscal year limitation, for use only in accordance with section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) (as amended by subsection (a)).

SEC. 7106. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by inserting ''(including the University of the District of Columbia)'' after ''land-grant colleges and universities''; and

(2) in subsection (d)(2), by inserting ''(including the University of the District of Columbia)'' after ''universities''.

SEC. 7107. GRANTS TO 1890 SCHOOLS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking ''teaching and research'' and inserting ''teaching, research, and extension''.

SEC. 7108. EXPANSION OF FOOD AND AGRICULTURAL SCIENCES AWARDS.

Section 1417(i) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(i)) is amended—

(1) in the subsection heading, by striking ''Teaching Awards'' and inserting ''Teaching, Extension, and Research Awards''; and

(2) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

''(B) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.''.

SEC. 7109. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking ''SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS'' and inserting ''SECONDARY EDUCATION, 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM''; and

(2) in paragraph (3)—

(A) by striking ''secondary schools, and institutions of higher education that award an associate's degree'' and inserting ''secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(G) to support current agriculture in the classroom programs for grades K–12.''.

(b) REPORT.—Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

''(l) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a biennial report detailing the distribution of funds used to implement the teaching programs under subsection (j).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (as redesignated by subsection (b)(1)) is amended by striking ''2007'' and inserting ''2012''.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2008.

SEC. 7110. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

(a) IN GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is repealed.

(b) CONFORMING AMENDMENT.—Section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act

of 1977 (7 U.S.C. 3311(a)) is amended by striking ''1419,''.

SEC. 7111. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (a)(1), by inserting ''(including commodities, livestock, dairy, and specialty crops)'' after ''agricultural sectors'';

(2) in subsection (b), by inserting ''(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center)'' after ''research institutions and organizations''; and

(3) in subsection (d), by striking ''2007'' and inserting ''2012''.

SEC. 7112. EDUCATION GRANTS TO ALASKA NATIVE-SERVING INSTITUTIONS AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 3242)—

(1) is amended—

(A) in subsection (a)(3), by striking ''2006'' and inserting ''2012''; and

(B) in subsection (b)—

(i) in paragraph (2)(A), by inserting before the semicolon at the end the following: '', including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section''; and

(ii) in paragraph (3), by striking ''2006'' and inserting ''2012'';

(2) is redesignated as section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977; and

(3) is moved so as to appear after section 1419A of that Act (7 U.S.C. 3155).

SEC. 7113. EMPHASIS OF HUMAN NUTRITION INITIATIVE.

Section 1424(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(b)) is amended—

(1) in paragraph (1), by striking ''and,'';

(2) in paragraph (2), by striking the comma at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations;''.

SEC. 7114. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7115. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7116. NUTRITION EDUCATION PROGRAM.

(a) IN GENERAL.—Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by striking the section heading and designation and inserting the following:

''SEC. 1425. NUTRITION EDUCATION PROGRAM.

''(a) DEFINITION OF 1862 INSTITUTION AND 1890 INSTITUTION.—In this section, the terms '1862 Institution' and '1890 Institution' have the meaning given those terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).'';

(3) in subsection (b) (as redesignated by paragraph (1)), by striking ''(b) The Secretary'' and inserting the following:

''(b) ESTABLISHMENT.—The Secretary'';

(4) in subsection (c) (as so redesignated), by striking ''(c) In order to enable'' and inserting the following:

''(c) EMPLOYMENT AND TRAINING.—To enable'';

(5) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking ''(d) Beginning'' and inserting the following:

''(d) ALLOCATION OF FUNDING.—Beginning'';

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Notwithstanding section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), the remainder shall be allocated among the States as follows:

''(i) $100,000 shall be distributed to each 1862 Institution and 1890 Institution.

''(ii) Subject to clause (iii), the remainder shall be allocated to each State in an amount that bears the same ratio to the total amount to be allocated under this clause as—

''(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State; bears to

''(II) the total population living at or below 125 percent of those income poverty guidelines in all States;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

''(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

''(aa) 10 percent for fiscal year 2009.

''(bb) 11 percent for fiscal year 2010.

''(cc) 12 percent for fiscal year 2011.

''(dd) 13 percent for fiscal year 2012.

''(ee) 14 percent for fiscal year 2013.

''(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

''(II) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

''(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State in which the 1890 Institution is located; bears to

''(bb) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

''(iv) Nothing in this subparagraph precludes the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this subparagraph.''; and

(C) by striking paragraph (3); and

(6) by adding at the end the following:

''(e) COMPLEMENTARY ADMINISTRATION.—The Secretary shall ensure the complementary administration of the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and this section $90,000,000 for each of fiscal years 2009 through 2012.''.

(b) CONFORMING AMENDMENT.—Section 1588(b) of the Food Security Act of 1985 (7 U.S.C. 3175e(b)) is amended by striking ''section 1425(c)(2)'' and inserting ''section 1425(d)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

SEC. 7117. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 7118. COOPERATION AMONG ELIGIBLE INSTITUTIONS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by adding at the end the following:

''(g) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.''.

SEC. 7119. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7120. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAM.

Section 1434(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended by inserting after ''universities'' the following: ''(including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)))''.

SEC. 7121. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking ''15 percent'' and inserting ''20 percent''.

SEC. 7122. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking ''25 percent'' and inserting ''30 percent''.

SEC. 7123. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7124. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is

amended by inserting after section 1447 (7 U.S.C. 3222b) the following:

"SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

''(a) PURPOSE.—It is the intent of Congress to assist the land-grant university in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2008 through 2012.''.

SEC. 7125. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447A (as added by section 7124) the following:

"SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

''(a) PURPOSE.—It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

''(b) METHOD OF AWARDING GRANTS.—Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this section.

''(c) REGULATIONS.—The Secretary may promulgate such rules and regulations as the Secretary considers to be necessary to carry out this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7126. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking ''2007'' each place it appears in subsections (a)(1) and (f) and inserting ''2012''.

SEC. 7127. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended—

(1) in the first sentence—

(A) by striking ''for each of fiscal years 2003 through 2007,''; and

(B) by inserting ''equal'' before ''matching''; and

(2) by striking the second sentence and all that follows through paragraph (5).

SEC. 7128. HISPANIC-SERVING INSTITUTIONS.

Section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended—

(1) in subsection (a) by striking ''(or grants without regard to any requirement for competition)'';

(2) in subsection (b)(1), by striking ''of consortia''; and

(3) in subsection (c)—

(A) by striking ''$20,000,000'' and inserting ''$40,000,000''; and

(B) by striking ''2007'' and inserting ''2012''.

SEC. 7129. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1455 (7 U.S.C. 3241) the following:

"SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

''(a) DEFINITION OF ENDOWMENT FUND.—In this section, the term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

''(b) ENDOWMENT.—

''(1) IN GENERAL.—The Secretary of the Treasury shall establish in accordance with this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

''(2) AGREEMENTS.—The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

''(3) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

''(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

''(B) interest earned on the endowment fund corpus.

''(4) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

''(5) WITHDRAWALS AND EXPENDITURES.—

''(A) CORPUS.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

''(B) WITHDRAWALS.—On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

''(i) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

''(ii) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

''(6) ENDOWMENTS.—Amounts made available under this subsection shall be held and considered to be granted to Hispanic-serving agricultural colleges and universities to establish an endowment in accordance with this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

''(c) AUTHORIZATION FOR ANNUAL PAYMENTS.—

''(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the Department of Agriculture to carry out this subsection an amount equal to the product obtained by multiplying—

''(A) $80,000; by

''(B) the number of Hispanic-serving agricultural colleges and universities.

''(2) PAYMENTS.—For fiscal year 2008 and each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-serving agricultural college and university an amount equal to—

''(A) the total amount made available by appropriations under paragraph (1); divided by

''(B) the number of Hispanic-serving agricultural colleges and universities.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.).

''(B) RELATIONSHIP TO OTHER LAW.—Except as otherwise provided in this subsection, the requirements of that Act shall apply to Hispanic-serving agricultural colleges and universities under this section.

''(d) INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

''(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall make grants to assist Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

''(2) CRITERIA FOR INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

''(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) DEMONSTRATION OF NEED.—

''(i) IN GENERAL.—As part of an application for a grant under this subsection, the Secretary shall require the applicant to demonstrate need for the grant, as determined by the Secretary.

''(ii) OTHER SOURCES OF FUNDING.—The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

''(C) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

''(e) COMPETITIVE GRANTS PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.''.

(b) EXTENSION.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following:

''(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for payments to Hispanic-serving agricultural colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter, to remain available until expended.

''(B) ADDITIONAL AMOUNT.—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands.

''(C) ADMINISTRATION.—Amounts made available under this paragraph shall be—

''(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary;

''(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 301 et seq.); and

''(iii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary.''; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting ''AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES'' after ''1994 INSTITUTIONS''; and

(B) by striking ''pursuant to subsection (b)(3)'' and inserting ''or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

''(6) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).''.

(2) Section 102(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(c)) is amended—

(A) in the subsection heading, by inserting ''AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES'' after ''INSTITUTIONS''; and

(B) in paragraph (1), by striking '' and 1994 Institution'' and inserting ''1994 Institution, and Hispanic-serving agricultural college and university''.

(3) Section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(e)) is amended by adding at the end the following:

''(3) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—To be eligible to obtain agricultural extension funds from the Secretary for an activity, each Hispanic-serving agricultural college and university shall—

''(A) establish a process for merit review of the activity; and

''(B) review the activity in accordance with such process.''.

(4) Section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) is amended by striking ''and 1994 Institutions'' and inserting '', 1994 Institutions, and Hispanic-serving agricultural colleges and universities''.

SEC. 7130. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United States institutions, or Federal or State agencies;'';

(2) by striking paragraph (3) and inserting the following:

''(3) enter into agreements with land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, the World Bank, regional development banks, international agricultural research centers), or other organizations, institutions, or individuals with comparable goals, to promote and support—

''(A) the development of a viable and sustainable global agricultural system;

''(B) antihunger and improved international nutrition efforts; and

''(C) increased quantity, quality, and availability of food;'';

(3) in paragraph (7)(A), by striking ''and land-grant colleges and universities'' and inserting '', land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities'';

(4) in paragraph (9)—

(A) in subparagraph (A), by striking ''or other colleges and universities'' and inserting '', Hispanic-serving agricultural colleges and universities, or other colleges and universities''; and

(B) in subparagraph (D), by striking ''and'' at the end;

(5) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).''.

SEC. 7131. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7132. ADMINISTRATION.

(a) LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.—Section 1462(a) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended—

(1) by striking ''a competitive'' and inserting ''any''; and

(2) by striking ''19 percent'' and inserting ''22 percent''.

(b) AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.—Section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)) is amended by striking ''appropriated'' and inserting ''made available''.

SEC. 7133. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7134. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking ''2007'' each place it appears in subsections (a) and (b) and inserting ''2012''.

SEC. 7135. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7136. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7137. NEW ERA RURAL TECHNOLOGY PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding at the end the following:

''SEC. 1473E. NEW ERA RURAL TECHNOLOGY PROGRAM.

''(a) DEFINITION OF COMMUNITY COLLEGE.—In this section, the term 'community college' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))—

''(1) that admits as regular students individuals who—

''(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

''(B) have the ability to benefit from the training offered by the institution;

''(2) that does not provide an educational program for which the institution awards a bachelor's degree or an equivalent degree; and

''(3) that—

''(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

''(B) offers a 2-year program in engineering, technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

''(b) FUNCTIONS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary shall establish a program to be known as the 'New Era Rural Technology Program', to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

''(B) SUPPORT.—The initiative under this section shall support the fields of—

''(i) bioenergy;

''(ii) pulp and paper manufacturing; and

''(iii) agriculture-based renewable energy resources.

''(2) REQUIREMENTS FOR FUNDING.—To receive funding under this section, an entity shall—

''(A) be a community college or advanced technological center, located in a rural area and in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

''(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

''(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

''(c) GRANT PRIORITY.—In providing grants under this section, the Secretary shall give preference to eligible entities working in partnership—

''(1) to improve information-sharing capacity; and

''(2) to maximize the ability to meet the requirements of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7138. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7137) is amended by adding at the end the following:

''SEC. 1473F. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

''(a) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall make competitive grants to NLGCA Institutions to assist the NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

''(A) agriculture;

''(B) renewable resources; and

''(C) other similar disciplines.

''(2) USE OF FUNDS.—An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution—

''(A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;

''(B) to disseminate information relating to priority concerns to—

''(i) interested members of the agriculture, renewable resources, and other relevant communities;

''(ii) the public; and

''(iii) any other interested entity;

''(C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and

''(D) through—

''(i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);

''(ii) the professional growth and development of the faculty of the NLGCA Institution; and

''(iii) the development of graduate assistantships.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7139. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7138) is amended by adding at the end the following:

''SEC. 1473G. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

''(a) FELLOWSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a fellowship program, to be known as the 'Borlaug International Agricultural Science and Technology Fellowship Program,' to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

''(2) PROGRAMS.—The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

''(A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;

''(B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and

''(C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

''(b) ELIGIBLE COUNTRIES.—An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

''(c) PURPOSE OF FELLOWSHIPS.—A fellowship provided under this section shall—

''(1) promote food security and economic growth in eligible countries by—

''(A) educating a new generation of agricultural scientists;

''(B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

''(C) extending that knowledge to users and intermediaries in the marketplace; and

''(2) shall support—

''(A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;

''(B) collaborative research to improve agricultural productivity;

''(C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

''(D) the reduction of barriers to technology adoption.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under this section to individuals from eligible countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

''(A) individuals from the public and private sectors; and

''(B) private agricultural producers.

''(2) CANDIDATE IDENTIFICATION.—The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

''(e) USE OF FELLOWSHIPS.—A fellowship provided under this section shall be used—

''(1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

''(2) to support fellowship recipients through programs described in subsection (a)(2).

''(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 7140. AQUACULTURE ASSISTANCE PROGRAMS.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7141. RANGELAND RESEARCH GRANTS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7142. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7143. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking ''2007'' and inserting ''2012''.

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

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

(2) in subsection (c) (as so redesignated), by striking ''2007'' and inserting ''2012''.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7202. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking ''1991 through 1997'' and inserting ''2008 through 2012''.

SEC. 7203. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(d)) is amended by striking ''may'' and inserting ''shall''.

SEC. 7204. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

(a) IN GENERAL.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (e)—

(A) in paragraph (3), by striking ''and controlling aflatoxin in the food and feed chains.'' and inserting '', improving, and eventually commercializing, alfatoxin controls in corn and other affected agricultural products and crops.'';

(B) by striking paragraphs (1), (4), (7), (8), (15), (17), (21), (23), (26), (27), (32), (34), (41), (42), (43), and (45);

(C) by redesignating paragraphs (2), (3), (5), (6), (9) through (14), (16), (18) through (20), (22), (24), (25), (28) through (31), (33), (35) through (40), and (44) as paragraphs (1) through (29), respectively; and

(D) by adding at the end the following:

''(30) AIR EMISSIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

''(31) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.

''(32) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made under this section to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks, to develop advanced methods for eradication of cattle fever ticks, and to improve management of diseases relating to cattle fever ticks that are associated with wildlife, livestock, and human health.

''(33) SYNTHETIC GYPSUM.—Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

''(34) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made under this section to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

''(35) SORGHUM RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental benefits of sorghum production, and promote water conservation through the use of sorghum.

''(36) MARINE SHRIMP FARMING PROGRAM.—Research and extension grants may be made under this section to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

''(37) TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

''(38) AGRICULTURAL WORKER SAFETY RESEARCH INITIATIVE.—Research and extension grants may be made under this section—

''(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and operators, pesticide handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to pesticides; and

''(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe field re-entry intervals.

''(39) HIGH PLAINS AQUIFER REGION.—Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

''(40) DEER INITIATIVE.—Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

''(41) PASTURE-BASED BEEF SYSTEMS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems, to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability of pasture-finished beef, and to assess the effect of forage quality on reproductive fitness.

''(42) AGRICULTURAL PRACTICES RELATING TO CLIMATE CHANGE.—Research and extension grants may be made under this section for field and laboratory studies that examine the ecosystem from gross to minute scales and for projects that explore the relationship of agricultural practices to climate change.

''(43) BRUCELLOSIS CONTROL AND ERADICATION.—Research and extension grants may be made under this section to conduct research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

''(44) BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.—Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

''(45) AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.—Research and extension grants may be made under this section to support food and agricultural science at a consortium of land-grant institutions in the American-Pacific region.

''(46) TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.—Research grants may be made under this section, in equal dollar amounts to the Caribbean and Pacific Basins, to support tropical and subtropical agricultural research, including pest and disease research, at the land-grant institutions in the Caribbean and Pacific regions.

''(47) VIRAL HEMORRHAGIC SEPTICEMIA.—Research and extension grants may be made under this section to study—

''(A) the effects of viral hemorrhagic septicemia (referred to in this paragraph as 'VHS') on freshwater fish throughout the natural and expanding range of VHS; and

''(B) methods for transmission and human-mediated transport of VHS among waterbodies.

''(48) FARM AND RANCH SAFETY.—Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

''(A) on-site farm or ranch safety reviews;

''(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; and

''(C) agricultural safety education and training.

''(49) WOMEN AND MINORITIES IN STEM FIELDS.—Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

''(50) ALFALFA AND FORAGE RESEARCH PROGRAM.—Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

''(51) FOOD SYSTEMS VETERINARY MEDICINE.—Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the environment, and to improve information resources, curriculum, and clinical education of students with respect to food animal veterinary medicine and food safety.

''(52) BIOCHAR RESEARCH.—Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of coproduction with bioenergy, and the value of soil enhancements and soil carbon sequestration.'';

(2) by redesignating subsection (h) as subsection (j);

(3) by inserting after subsection (g) the following:

''(h) POLLINATOR PROTECTION.—

''(1) RESEARCH AND EXTENSION.—

''(A) GRANTS.—Research and extension grants may be made under this section—

''(i) to survey and collect data on bee colony production and health;

''(ii) to investigate pollinator biology, immunology, ecology, genomics, and bioinformatics;

''(iii) to conduct research on various factors that may be contributing to or associated with colony collapse disorder, and other serious threats to the health of honey bees and other pollinators, including—

''(I) parasites and pathogens of pollinators; and

''(II) the sublethal effects of insecticides, herbicides, and fungicides on honey bees and native and managed pollinators;

''(iv) to develop mitigative and preventative measures to improve native and managed pollinator health; and

''(v) to promote the health of honey bees and native pollinators through habitat conservation and best management practices.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2008 through 2012.

''(2) DEPARTMENT OF AGRICULTURE CAPACITY AND INFRASTRUCTURE.—

''(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, increase the capacity and infrastructure of the Department—

''(i) to address colony collapse disorder and other long-term threats to pollinator health, including the hiring of additional personnel; and

''(ii) to conduct research on colony collapse disorder and other pollinator issues at the facilities of the Department.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through 2012.

''(3) HONEY BEE PEST AND PATHOGEN SURVEILLANCE.—There is authorized to be appropriated to conduct a nationwide honey bee pest and pathogen surveillance program $2,750,000 for each of fiscal years 2008 through 2012.

''(4) ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the progress made by the Department of Agriculture in—

''(A) investigating the cause or causes of honey bee colony collapse; and

''(B) finding appropriate strategies to reduce colony loss.

''(i) REGIONAL CENTERS OF EXCELLENCE.—

''(1) ESTABLISHMENT.—The Secretary shall prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding under this section.

''(2) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)))

that provide financial support to the regional center of excellence.

''(3) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

''(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

''(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

''(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

''(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

''(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine).''; and

(4) in subsection (j) (as redesignated by paragraph (2)), by striking ''2007'' and inserting ''2012''.

(b) CONFORMING AMENDMENTS.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking ''(e), (f), and (g)'' and inserting ''(e) through (i)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraphs (1), (6), (7), and (11)'' and inserting ''paragraphs (4), (7), (8), and (11)(B)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsections (e) through (i)''.

SEC. 7205. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.'';

(2) by striking subsection (d) and inserting the following:

''(d) PRIORITY.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give priority to those grant proposals that involve—

''(1) the cooperation of multiple entities; and

''(2) States or regions with a high concentration of livestock, dairy, or poultry operations.'';

(3) in subsection (e)—

(A) in paragraph (1)(B), by inserting ''and dairy and beef cattle waste'' after ''swine waste''; and

(B) by striking paragraph (5) and inserting the following:

''(5) ALTERNATIVE USES AND RENEWABLE ENERGY.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies to allow agricultural operators to make use of animal waste, such as use as fertilizer, methane digestion, composting, and other useful byproducts.'';

(4) by redesignating subsection (g) as subsection (f); and

(5) in subsection (f) (as so redesignated), by striking ''2007'' and inserting ''2012''.

SEC. 7206. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

(a) IN GENERAL.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (commonly known as the ''Organic Agriculture Research and Extension Initiative'') is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

''(8) developing new and improved seed varieties that are particularly suited for organic agriculture.''; and

(2) by adding at the end the following:

''(f) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(A) $18,000,000 for fiscal year 2009; and

''(B) $20,000,000 for each of fiscal years 2010 through 2012.

''(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.''.

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7207. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.) is amended by inserting after section 1672B (7 U.S.C. 5925b) the following:

''SEC. 1672C. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

''(a) ESTABLISHMENT AND PURPOSE.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the 'Initiative') for the purpose of enhancing the production of biomass energy crops and the energy efficiency of agricultural operations.

''(b) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

''(c) AGRICULTURAL BIOENERGY FEEDSTOCK RESEARCH AND EXTENSION AREAS.—

''(1) IN GENERAL.—Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biorefineries, and biomass use by—

''(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

''(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

''(C) leveraging the broad scientific capabilities of the Department of Agriculture and other entities in—

''(i) plant genetics and breeding;

''(ii) crop production;

''(iii) soil and water science;

''(iv) use of agricultural waste; and

''(v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

''(D) supporting the dissemination of any of the research conducted under this subsection that will assist in achieving the goals of this section.

''(2) SELECTION CRITERIA.—In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

''(A) the capabilities and experiences of the applicant, including—

''(i) research in actual field conditions; and

''(ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

''(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices);

''(C) the need for regional diversity among feedstocks;

''(D) the importance of developing multiyear data relevant to the production of biomass feedstock crops;

''(E) the extent to which the project involves direct participation of agricultural producers;

''(F) the extent to which the project proposal includes a plan or commitment to use the biomass produced as part of the project in commercial channels; and

''(G) such other factors as the Secretary may determine.

''(d) ENERGY-EFFICIENCY RESEARCH AND EXTENSION AREAS.—On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

''(1) improving on-farm renewable energy production;

''(2) encouraging efficient on-farm energy use;

''(3) promoting on-farm energy conservation;

''(4) making a farm or ranch energy-neutral; and

''(5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

''(e) BEST PRACTICES DATABASE.—The Secretary shall develop a best-practices database that includes information, to be available to the public, on—

''(1) the production potential of a variety of biomass crops; and

''(2) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to making grants under this section.

''(2) CONSULTATION AND COORDINATION.—The Secretary shall—

''(A) make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

''(B) coordinate projects and activities carried out under the Initiative with projects and activities under section 9008 of the Farm Security and Rural Investment Act of 2002 to ensure, to the maximum extent practicable, that—

''(i) unnecessary duplication of effort is eliminated or minimized; and

''(ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.

''(3) GRANT PRIORITY.—The Secretary shall give priority to grant applications that integrate research and extension activities established under subsections (c) and (d), respectively.

''(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals found as a result of the peer review process—

''(A) to be scientifically meritorious; and

''(B) that involve cooperation—

''(i) among multiple entities; and

''(ii) with agricultural producers.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7208. FARM BUSINESS MANAGEMENT AND BENCHMARKING.

The Food, Agriculture, Conservation and Trade Act of 1990 is amended by inserting after section 1672C (as added by section 7207) the following:

''SEC. 1672D. FARM BUSINESS MANAGEMENT.

''(a) IN GENERAL.—The Secretary may make competitive research and extension grants for the purpose of—

''(1) improving the farm management knowledge and skills of agricultural producers; and

''(2) establishing and maintaining a national, publicly available farm financial management database to support improved farm management.

''(b) SELECTION CRITERIA.—In allocating funds made available to carry out this section, the Secretary may give priority to grants that—

''(1) demonstrate an ability to work directly with agricultural producers;

''(2) collaborate with farm management and producer associations;

''(3) address the farm management needs of a variety of crops and regions of the United States; and

''(4) use and support the national farm financial management database.

''(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to the making of grants under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 7209. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is repealed.

SEC. 7210. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7211. RESEARCH ON HONEY BEE DISEASES.

Section 1681 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5934) is repealed.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. PEER AND MERIT REVIEW.

Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended by adding at the end the following:

''(3) CONSIDERATION.—Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.''.

SEC. 7302. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622) is repealed.

SEC. 7303. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is repealed.

SEC. 7304. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7305. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625) is repealed.

SEC. 7306. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7307. FUSARIUM GRAMINEARUM GRANTS.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628) is amended—

(1) in subsection (a), in the subsection heading, by striking ''GRANT'' and inserting ''GRANTS''; and

(2) in subsection (e), by striking ''2007'' and inserting ''2012''.

SEC. 7308. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7309. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking subsections (b) and (c) and inserting the following:

''(b) FLEXIBILITY.—The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs, are fully met.

''(c) REDISTRIBUTION OF FUNDING WITHIN ORGANIZATIONS AUTHORIZED.—Recipients of funds under this section may redistribute all or part of the funds received to individual councils or local chapters within the councils without further need of approval from the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7310. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7311. SPECIALTY CROP RESEARCH INITIATIVE.

(a) IN GENERAL.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

''SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

''(a) DEFINITIONS.—In this section:

''(1) INITIATIVE.—The term 'Initiative' means the specialty crop research and extension initiative established by subsection (b).

''(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given that term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

''(b) ESTABLISHMENT.—There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

''(1) research in plant breeding, genetics, and genomics to improve crop characteristics, such as—

''(A) product, taste, quality, and appearance;

''(B) environmental responses and tolerances;

''(C) nutrient management, including plant nutrient uptake efficiency;

''(D) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

''(E) enhanced phytonutrient content;

''(2) efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators;

''(3) efforts to improve production efficiency, productivity, and profitability over the long term (including specialty crop policy and marketing);

''(4) new innovations and technology, including improved mechanization and technologies that delay or inhibit ripening; and

''(5) methods to prevent, detect, monitor, control, and respond to potential food safety hazards in the production and processing of specialty crops, including fresh produce.

''(c) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

''(1) Federal agencies;

''(2) national laboratories;

''(3) colleges and universities;

''(4) research institutions and organizations;

''(5) private organizations or corporations;

''(6) State agricultural experiment stations;

''(7) individuals; or

''(8) groups consisting of 2 or more entities described in paragraphs (1) through (7).

''(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—With respect to grants awarded under subsection (d), the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103; and

''(C) award grants on the basis of merit, quality, and relevance.

''(2) TERM.—The term of a grant under this section may not exceed 10 years.

''(3) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(4) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

''(f) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to projects that—

''(1) are multistate, multi-institutional, or multidisciplinary; and

''(2) include explicit mechanisms to communicate results to producers and the public.

''(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

''(h) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $30,000,000 for fiscal year 2008 and $50,000,000 for each of fiscal years 2009 through 2012, from which activities under each of paragraphs (1) through (5) of subsection (b) shall be allocated not less than 10 percent.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

''(3) TRANSFER.—Of the funds made available to the Secretary under paragraph (1) for fiscal year 2008 and authorized for use for payment of administrative expenses under section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)), the Secretary shall transfer, upon the date of enactment of this section, $200,000 to the Office of Prevention, Pesticides, and Toxic Substances of the Environmental Protection Agency for use in conducting a meta-analysis relating to methyl bromide.

''(4) AVAILABILITY.—Funds made available pursuant to this subsection for a fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.''.

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7312. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642) is amended by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds available to carry out subsection (c), there is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2008 through 2012.''.

SEC. 7313. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle D—Other Laws

SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by adding at the end the following:

''(34) Ilisagvik College.''.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) in subsection (a)(3), in the matter preceding subparagraph (A), by inserting ''this section and'' before ''sections 534,''; and

(2) in the first sentence of subsection (b), by striking ''2007'' and inserting ''2012''.

(c) REDISTRIBUTION.—Section 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) by striking ''The amounts'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts''; and

(2) by adding at the end the following:

''(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

''(i) declines to accept funds under paragraph (2); or

''(ii) fails to meet the accreditation requirements under section 533(a)(3).''.

(d) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(e) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(f) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7403. SMITH-LEVER ACT.

(a) PROGRAM.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended in the second sentence by striking ''apply for and receive'' and all that follows through paragraph (2) and inserting ''compete for and receive funds directly from the Secretary of Agriculture.''.

(b) ELIMINATION OF THE GOVERNOR'S REPORT REQUIREMENT FOR EXTENSION ACTIVITIES.—Section 5 of the Smith-Lever Act (7 U.S.C. 345) is amended by striking the third sentence.

(c) CONFORMING AMENDMENT.—Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking ''after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d))'' and all that follows through the end of the sentence and inserting ''under section 3(d) of that Act (7 U.S.C. 343(d)).''.

SEC. 7404. HATCH ACT OF 1887.

(a) DISTRICT OF COLUMBIA.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361c(d)(4)) is amended—

(1) in the paragraph heading, by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''AREAS'';

(2) in subparagraph (A)—

(A) by inserting ''and the District of Columbia'' after ''United States''; and

(B) by inserting ''and the District of Columbia'' after ''respectively,''; and

(3) in subparagraph (B), by inserting ''or the District of Columbia'' after ''area''.

(b) ELIMINATION OF PENALTY MAIL AUTHORITIES.—

(1) IN GENERAL.—Section 6 of the Hatch Act of 1887 (7 U.S.C. 361f) is amended in the first sentence by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(2) CONFORMING AMENDMENTS IN OTHER LAWS.—

(A) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—

(i) Section 1444(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(f)) is amended by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(ii) Section 1445(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(e)) is amended by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(B) OTHER PROVISIONS.—Section 3202(a) of title 39, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by adding ''and'' at the end;

(II) in subparagraph (E), by striking ''sections; and'' and inserting ''sections.''; and

(III) by striking subparagraph (F);

(ii) in paragraph (2), by adding ''and'' at the end;

(iii) in paragraph (3) by striking ''thereof; and'' and inserting ''thereof.''; and

(iv) by striking paragraph (4).

SEC. 7405. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7406. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

(a) IN GENERAL.—Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended to read as follows:

''(b) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—

''(1) ESTABLISHMENT.—There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture (referred to in this subsection as 'the Secretary') may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

''(2) PRIORITY AREAS.—The competitive grants program established under this subsection shall address the following areas:

''(A) PLANT HEALTH AND PRODUCTION AND PLANT PRODUCTS.—Plant systems, including—

''(i) plant genome structure and function;

''(ii) molecular and cellular genetics and plant biotechnology;

''(iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

''(iv) plant-pest interactions and biocontrol systems;

''(v) crop plant response to environmental stresses;

''(vi) unproved nutrient qualities of plant products; and

''(vii) new food and industrial uses of plant products.

''(B) ANIMAL HEALTH AND PRODUCTION AND ANIMAL PRODUCTS.—Animal systems, including—

''(i) aquaculture;

''(ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

''(iii) animal biotechnology;

''(iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

''(v) identification of genes responsible for improved production traits and resistance to disease;

''(vi) improved nutritional performance of animals;

''(vii) improved nutrient qualities of animal products and uses; and

''(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture.

''(C) FOOD SAFETY, NUTRITION, AND HEALTH.—Nutrition, food safety and quality, and health, including—

''(i) microbial contaminants and pesticides residue relating to human health;

''(ii) links between diet and health;

''(iii) bioavailability of nutrients;

''(iv) postharvest physiology and practices; and

''(v) improved processing technologies.

''(D) RENEWABLE ENERGY, NATURAL RESOURCES, AND ENVIRONMENT.—Natural resources and the environment, including—

''(i) fundamental structures and functions of ecosystems;

''(ii) biological and physical bases of sustainable production systems;

''(iii) minimizing soil and water losses and sustaining surface water and ground water quality;

''(iv) global climate effects on agriculture;

''(v) forestry; and

''(vi) biological diversity.

''(E) AGRICULTURE SYSTEMS AND TECHNOLOGY.—Engineering, products, and processes, including—

''(i) new uses and new products from traditional and nontraditional crops, animals, byproducts, and natural resources;

''(ii) robotics, energy efficiency, computing, and expert systems;

''(iii) new hazard and risk assessment and mitigation measures; and

''(iv) water quality and management.

''(F) AGRICULTURE ECONOMICS AND RURAL COMMUNITIES.—Markets, trade, and policy, including—

''(i) strategies for entering into and being competitive in domestic and overseas markets;

''(ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;

''(iii) new decision tools for farm and market systems;

''(iv) choices and applications of technology;

''(v) technology assessment; and

''(vi) new approaches to rural development, including rural entrepreneurship.

''(3) TERM.—The term of a competitive grant made under this subsection may not exceed 10 years.

''(4) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

''(C) award grants on the basis of merit, quality, and relevance;

''(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

''(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

''(5) ALLOCATION OF FUNDS.—In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

''(A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)), of which—

''(i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and

''(ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and

''(B) not less than 40 percent is made available to make grants for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)).

''(6) SPECIAL CONSIDERATIONS.—In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

''(A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

''(B) to a single investigator or coinvestigators who are beginning research careers and do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the beginning of the initial career track position of the individual;

''(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

''(D) to improve research, extension, and education capabilities in States (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

''(7) ELIGIBLE ENTITIES.—The Secretary may make grants to carry out research, extension, and education under this subsection to—

''(A) State agricultural experiment stations;

''(B) colleges and universities;

''(C) university research foundations;

''(D) other research institutions and organizations;

''(E) Federal agencies;

''(F) national laboratories;

''(G) private organizations or corporations;

''(H) individuals; or

''(I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).

''(8) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

''(9) MATCHING FUNDS.—

''(A) EQUIPMENT GRANTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

''(ii) WAIVER.—The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest ⅓ of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

''(B) APPLIED RESEARCH.—As a condition of making a grant under paragraph (5)(B), the Secretary shall require the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

''(i) commodity-specific; and

''(ii) not of national scope.

''(10) PROGRAM ADMINISTRATION.—To the maximum extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority research, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)).

''(11) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $700,000,000 for each of fiscal years 2008 through 2012, of which—

''(i) not less than 30 percent shall be made available for integrated research pursuant to section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626); and

''(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

''(B) AVAILABILITY.—Funds made available under this paragraph shall—

''(i) be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

''(ii) remain available until expended to pay for obligations incurred during that 2-year period.''.

(b) REPEALS.—

(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is repealed.

(2) Subsection (d) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(d)) is repealed.

(c) EFFECT ON CURRENT SOLICITATIONS.—The amendments made by this section shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before the date of enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking ''and subsection (d)''.

(2) Section 1671(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(d) is amended by striking ''Paragraphs (1), (6), (7), and (11)'' and inserting ''Paragraphs (4), (7), (8), and (11)(B)''.

(3) Section 1672B(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(b)) is amended by striking ''Paragraphs (1), (6), (7), and (11)'' and inserting ''Paragraphs (4), (7), (8), and (11)(B)''.

SEC. 7407. AGRICULTURAL RISK PROTECTION ACT OF 2000.

Section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2012.''.

SEC. 7408. EXCHANGE OR SALE AUTHORITY.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) is amended by adding at the end the following:

''SEC. 307. EXCHANGE OR SALE AUTHORITY.

''(a) DEFINITION OF QUALIFIED ITEM OF PERSONAL PROPERTY.—In this section, the term 'qualified item of personal property' means—

''(1) an animal;

''(2) an animal product;

''(3) a plant; or

''(4) a plant product.

''(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

''(1) to acquire any qualified item of personal property; or

''(2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property.

''(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germplasm in accordance with section 520 of the Revised Statutes (commonly known as the 'Department of Agriculture Organic Act') (7 U.S.C. 2201).''.

SEC. 7409. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) (as amended by section 7408) is amended by adding at the end the following:

''SEC. 308. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

''(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease nonexcess property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

''(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

''(B) will enhance the use of the property;

''(C) will not permit any portion of Department agency property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;

''(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

''(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

''(2) TERM.—The term of a lease under this section shall not exceed 30 years.

''(3) CONSIDERATION.—

''(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(i) in an amount equal to fair market value, as determined by the Secretary; and

''(ii) in the form of cash.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(I) deposited in a capital asset account to be established by the Secretary; and

''(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

''(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

''(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

''(A) the project to be carried out on property or at a facility covered by the lease;

''(B) provision and administration of the lease;

''(C) construction of any needed facilities;

''(D) provision of applicable utilities; and

''(E) any other facility cost normally associated with the operation of a leased facility.

''(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any space covered by a lease under this section.

''(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

''(A) on the date that is 5 years after the date of enactment of this section; or

''(B) with respect to any particular leased property, on the date of termination of the lease.

''(c) EFFECT OF OTHER LAWS.—

''(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329-417).

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes detailed management objectives and performance measurements by which the Secretary intends to evaluate the success of the program under this section.

''(2) REPORTS.—Not later than 1, 3, and 5 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of the program under this section, including—

''(A) a copy of each lease entered into pursuant to this section; and

''(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.''.

SEC. 7410. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) GRANTS.—Section 7405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this subsection shall—

''(i) have a term that is not more than 3 years; and

''(ii) be in an amount that is not more than $250,000 for each year.

''(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this subsection.'';

(2) by redesignating paragraphs (5) through (7) as paragraphs (8) through (10), respectively;

(3) by inserting after paragraph (4) the following:

''(5) EVALUATION CRITERIA.—In making grants under this subsection, the Secretary shall evaluate—

''(A) relevancy;

''(B) technical merit;

''(C) achievability;

''(D) the expertise and track record of 1 or more applicants;

''(E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and

''(F) other appropriate factors, as determined by the Secretary.

''(6) REGIONAL BALANCE.—In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographical diversity.

''(7) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach.''.

(b) FUNDING.—Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following:

''(h) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(A) $18,000,000 for fiscal year 2009; and

''(B) $19,000,000 for each of fiscal years 2010 through 2012.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds provided under paragraph (1), there is authorized to be appropriated to

carry out this section $30,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7411. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a) is repealed.

SEC. 7412. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) IN GENERAL.—Section 2 of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a–1) is amended by inserting ''and 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)),'' before ''and (b)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7413. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7414. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 7415. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

''SEC. 7. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

''A Chinese Garden may be constructed at the National Arboretum established under this Act with—

''(1) funds accepted under section 5;

''(2) authorities provided to the Secretary of Agriculture under section 6; and

''(3) appropriations provided for this purpose.''.

SEC. 7416. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7417. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR CERTAIN LAND-GRANT UNIVERSITY ASSISTANCE.

(a) IN GENERAL.—Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) is amended—

(1) in subsection (b)(2), by striking '', except'' and all that follows through the period and inserting a period; and

(2) in subsection (c)—

(A) by striking ''section 3'' each place it appears and inserting ''section 3(c)''; and

(B) by striking ''Such sums may be used to pay'' and all that follows through ''work.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

SEC. 7501. DEFINITIONS.

Except as otherwise provided in this subtitle, in this subtitle:

(1) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term ''capacity and infrastructure program'' has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(2) CAPACITY AND INFRASTRUCTURE PROGRAM CRITICAL BASE FUNDING.—The term ''capacity and infrastructure program critical base funding'' means the aggregate amount of Federal funds made available for capacity and infrastructure programs for fiscal year 2006, as appropriate.

(3) COMPETITIVE PROGRAM.—The term ''competitive program'' has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(4) COMPETITIVE PROGRAM CRITICAL BASE FUNDING.—The term ''competitive program critical base funding'' means the aggregate amount of Federal funds made available for competitive programs for fiscal year 2006, as appropriate.

(5) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term ''Hispanic-serving agricultural colleges and universities'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(6) NLGCA INSTITUTION.—The term ''NLGCA Institution'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(7) 1862 INSTITUTION; 1890 INSTITUTION; 1994 INSTITUTION.—The terms ''1862 Institution'', ''1890 Institution'', and ''1994 Institution'' have the meanings given the terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

SEC. 7502. GRAZINGLANDS RESEARCH LABORATORY.

Except as otherwise specifically authorized by law and notwithstanding any other provision of law, the Federal land and facilities at El Reno, Oklahoma, administered by the Secretary (as of the date of enactment of this Act) as the Grazinglands Research Laboratory, shall not at any time, in whole or in part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part, for the 5-year period beginning on the date of enactment of this Act.

SEC. 7503. FORT RENO SCIENCE PARK RESEARCH FACILITY.

The Secretary may lease land to the University of Oklahoma at the Grazinglands Research Laboratory at El Reno, Oklahoma, on such terms and conditions as the University and the Secretary may agree in furtherance of cooperative research and existing easement arrangements.

SEC. 7504. ROADMAP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary of Research, Education, and Economics (referred to in this section as the ''Under Secretary''), shall commence preparation of a roadmap for agricultural research, education, and extension that—

(1) identifies current trends and constraints;

(2) identifies major opportunities and gaps that no single entity within the Department of Agriculture would be able to address individually;

(3) involves—

(A) interested parties from the Federal Government and nongovernmental entities; and

(B) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123);

(4) incorporates roadmaps for agricultural research, education, and extension made publicly available by other Federal entities, agencies, or offices; and

(5) describes recommended funding levels for areas of agricultural research, education, and extension, including—

(A) competitive programs;

(B) capacity and infrastructure programs, with attention to the future growth needs of—

(i) small 1862 Institutions, 1890 Institutions, and 1994 Institutions;

(ii) Hispanic-serving agricultural colleges and universities;

(iii) NLGCA Institutions; and

(iv) colleges of veterinary medicine; and

(C) intramural programs at agencies within the research, education, and economics mission area; and

(6) describes how organizational changes enacted by this Act have impacted agricultural research, extension, and education across the Department of Agriculture, including minimization of unnecessary programmatic and administrative duplication.

(b) REVIEWABILITY.—The roadmap described in this section shall not be subject to review by any officer or employee of the Federal Government other than the Secretary (or a designee of the Secretary).

(c) ROADMAP IMPLEMENTATION AND REPORT.—Not later than 1 year after the date on which the Secretary commences preparation of the roadmap under this section, the Secretary shall—

(1) implement and use the roadmap to set the research, education, and extension agenda of the Department of Agriculture; and

(2) make the roadmap available to the public.

SEC. 7505. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements, including those requirements under—

(1) sections 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d) and 3222(c), respectively);

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) CONSULTATION.—In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land-grant institutions.

SEC. 7506. BUDGET SUBMISSION AND FUNDING.

(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term ''competitive programs'' includes only competitive programs for which annual appropriations are requested in the annual budget submission of the President.

(b) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for research, education, and extension activities of the Research, Education, and Economics mission area of the Department for that fiscal year and for the preceding 5 fiscal years.

(c) CAPACITY AND INFRASTRUCTURE PROGRAM REQUEST.—Of the funds requested for capacity and infrastructure programs in excess of the capacity and infrastructure program critical base funding level, budgetary

emphasis should be placed on enhancing funding for—

(1) 1890 Institutions;

(2) 1994 Institutions;

(3) NLGCA Institutions;

(4) Hispanic-serving agricultural colleges and universities; and

(5) small 1862 Institutions.

(d) COMPETITIVE PROGRAM REQUEST.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis should be placed on—

(1) enhancing funding for emerging problems; and

(2) finding solutions for those problems.

PART II—RESEARCH, EDUCATION, AND ECONOMICS

SEC. 7511. RESEARCH, EDUCATION, AND ECONOMICS.

(a) IN GENERAL.—Section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) is amended—

(1) in subsection (a), by inserting ''(referred to in this section as the 'Under Secretary')'' before the period at the end;

(2) by striking subsections (b) through (d);

(3) by redesignating subsection (e) as subsection (g); and

(4) by inserting after subsection (a) the following:

''(b) CONFIRMATION REQUIRED.—The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished scientists with specialized training or significant experience in agricultural research, education, and economics.

''(c) CHIEF SCIENTIST.—The Under Secretary shall—

''(1) hold the title of Chief Scientist of the Department; and

''(2) be responsible for the coordination of the research, education, and extension activities of the Department.

''(d) FUNCTIONS OF UNDER SECRETARY.—

''(1) PRINCIPAL FUNCTION.—The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.

''(2) SPECIFIC FUNCTIONS AND DUTIES.—The Under Secretary shall—

''(A) identify, address, and prioritize current and emerging agricultural research, education, and extension needs (including funding);

''(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—

''(i) across disciplines, agencies, and institutions; and

''(ii) among applicable participants, grantees, and beneficiaries;

''(C) promote the collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and

''(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.

''(3) ADDITIONAL FUNCTIONS.—The Under Secretary shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

''(e) RESEARCH, EDUCATION, AND EXTENSION OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the 'Research, Education, and Extension Office', which shall coordinate the research programs and activities of the Department.

''(2) DIVISION DESIGNATIONS.—The Divisions within the Research, Education, and Extension Office shall be as follows:

''(A) Renewable energy, natural resources, and environment.

''(B) Food safety, nutrition, and health.

''(C) Plant health and production and plant products.

''(D) Animal health and production and animal products.

''(E) Agricultural systems and technology.

''(F) Agricultural economics and rural communities.

''(3) DIVISION CHIEFS.—

''(A) SELECTION.—The Under Secretary shall select a Division Chief for each Division using available personnel authority under title 5, United States Code, including—

''(i) by term, temporary, or other appointment, without regard to—

''(I) the provisions of title 5, United States Code, governing appointments in the competitive service;

''(II) the provisions of subchapter I of chapter 35 of title 5, United States Code, relating to retention preference; and

''(III) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates;

''(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those details unless the appropriation Act specifically refers to this subsection and specifically includes these details;

''(iii) by reassignment or transfer from any other civil service position; and

''(iv) by an assignment under subchapter VI of chapter 33 of title 5, United States Code.

''(B) SELECTION GUIDELINES.—To the maximum extent practicable, the Under Secretary shall select Division Chiefs under subparagraph (A) in a manner that—

''(i) promotes leadership and professional development;

''(ii) enables personnel to interact with other agencies of the Department; and

''(iii) maximizes the ability of the Under Secretary to allow for rotations of Department personnel into the position of Division Chief.

''(C) TERM OF SERVICE.—Notwithstanding title 5, United States Code, the maximum length of service for an individual selected as a Division Chief under subparagraph (A) shall not exceed 4 years.

''(D) QUALIFICATIONS.—To be eligible for selection as a Division Chief, an individual shall have—

''(i) conducted exemplary research, education, or extension in the field of agriculture or forestry; and

''(ii) earned an advanced degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(E) DUTIES OF DIVISION CHIEFS.—Except as otherwise provided in this Act, each Division Chief shall—

''(i) assist the Under Secretary in identifying and addressing emerging agricultural research, education, and extension needs;

''(ii) assist the Under Secretary in identifying and prioritizing Department-wide agricultural research, education, and extension needs, including funding;

''(iii) assess the strategic workforce needs of the research, education, and extension functions of the Department, and develop strategic workforce plans to ensure that existing and future workforce needs are met;

''(iv) communicate with research, education, and extension beneficiaries, including the public, and representatives of the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;

''(v) assist the Under Secretary in preparing and implementing the roadmap for agricultural research, education, and extension, as described in section 7504 of the Food, Conservation, and Energy Act of 2008; and

''(vi) perform such other duties as the Under Secretary may determine.

''(4) GENERAL ADMINISTRATION.—

''(A) FUNDING.—Notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph unless the appropriation Act specifically refers to this subsection and specifically includes the administration of funds under this section, the Secretary may transfer funds made available to an agency in the research, education, and economics mission area to fund the costs of Division personnel.

''(B) LIMITATION.—To the maximum extent practicable—

''(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and

''(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.

''(C) ROTATION OF PERSONNEL.—To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Under Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—

''(i) promotes leadership and professional development; and

''(ii) enables personnel to interact with other agencies of the Department.

''(5) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Research, Education and Extension Office in such form as is required to ensure that administrative duplication does not occur.

''(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADVISORY BOARD.—The term 'Advisory Board' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

''(B) APPLIED RESEARCH.—The term 'applied research' means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

''(C) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term 'capacity and infrastructure program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

''(i) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

''(ii) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 Institutions.

''(iii) Each program established under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

''(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

''(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

''(vi) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

''(vii) Each extension program available to 1890 Institutions established under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221).

''(viii) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222).

''(ix) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

''(x) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

''(xi) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

''(xii) Each research and development and related program established under Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).

''(xiii) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

''(xiv) Each program providing funding to Hispanic-serving agricultural colleges and universities under section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

''(xv) The program providing capacity grants to NLGCA Institutions under section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

''(xvi) Other programs that are capacity and infrastructure programs, as determined by the Secretary.

''(D) COMPETITIVE PROGRAM.—The term 'competitive program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

''(i) The Agriculture and Food Research Initiative established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)).

''(ii) The program providing competitive grants for risk management education established under section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)).

''(iii) The program providing community food project competitive grants established under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

''(iv) The program providing grants for beginning farmer and rancher development established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

''(v) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

''(vi) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

''(vii) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

''(viii) The research and extension projects carried out under section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811).

''(ix) The organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

''(x) The specialty crop research initiative under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(xi) The administration and management of the Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative carried out under section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990.

''(xii) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the competitiveness, viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.

''(xiii) Other programs that are competitive programs, as determined by the Secretary.

''(E) DIRECTOR.—The term 'Director' means the Director of the Institute.

''(F) FUNDAMENTAL RESEARCH.—The term 'fundamental research' means research that—

''(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

''(ii) has an effect on agriculture, food, nutrition, or the environment.

''(G) INSTITUTE.—The term 'Institute' means the National Institute of Food and Agriculture established by paragraph (2)(A).

''(2) ESTABLISHMENT OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

''(A) ESTABLISHMENT.—The Secretary shall establish within the Department an agency to be known as the 'National Institute of Food and Agriculture'.

''(B) TRANSFER OF AUTHORITIES.—The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under—

''(i) the capacity and infrastructure programs;

''(ii) the competitive programs;

''(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

''(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

''(3) DIRECTOR.—

''(A) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

''(i) a distinguished scientist; and

''(ii) appointed by the President.

''(B) SUPERVISION.—The Director shall report directly to the Secretary, or the designee of the Secretary.

''(C) FUNCTIONS OF THE DIRECTOR.—The Director shall—

''(i) serve for a 6-year term, subject to reappointment for an additional 6-year term;

''(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute; and

''(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

''(I) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

''(II) the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies.

''(D) COMPENSATION.—The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

''(E) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—Except as otherwise specifically provided in this subsection, the Director shall—

''(i) exercise all of the authority provided to the Institute by this subsection;

''(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

''(iii) establish offices within the Institute;

''(iv) establish procedures for the provision and administration of grants by the Institute; and

''(v) consult regularly with the Advisory Board.

''(4) REGULATIONS.—The Institute shall have such authority as is necessary to carry out this subsection, including the authority to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel.

''(5) ADMINISTRATION.—

''(A) IN GENERAL.—The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs.

''(B) RESEARCH PRIORITIES.—The Director shall ensure the research priorities established by the Under Secretary through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable.

''(C) FUNDAMENTAL AND APPLIED RESEARCH.—The Director shall—

''(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

''(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

''(D) COMPETITIVELY FUNDED AWARDS.—The Director shall—

''(i) promote the use and growth of grants awarded through a competitive process; and

''(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

''(E) COORDINATION.—The Director shall ensure that the offices and functions established under subparagraph (A) are effectively coordinated for maximum efficiency.

''(6) FUNDING.—

''(A) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

''(B) ALLOCATION.—Funding made available under subparagraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7504 of the Food, Conservation, and Energy Act of 2008.''.

(b) FUNCTIONS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(6) the authority of the Secretary to establish in the Department, under section 251—

''(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;

''(B) the Research, Education, and Extension Office; and

''(C) the National Institute of Food and Agriculture.''.

(c) CONFORMING AMENDMENTS.—The following conforming amendments shall take effect on October 1, 2009:

(1) Section 522(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(2)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(2) Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended in each of paragraphs (1)(B) and (3)(A) by striking ''the Cooperative State Research, Education, and Extension Service'' each place it appears and inserting ''the National Institute of Food and Agriculture''.

(3) Section 306(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(C)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(4) Section 5(b)(2)(E) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102–554) is amended by striking ''Cooperative Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(5) Section 11(f)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(f)(1)) is amended by striking ''Cooperative Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(6) Section 502(h) of the Rural Development Act of 1972 (7 U.S.C. 2662(h)) is amended—

(A) in paragraph (1), by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in paragraph (4), by striking ''Extension Service staff'' and inserting ''National Institute of Food and Agriculture staff''.

(7) Section 7404(b)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107–171) is amended by striking clause (vi) and inserting the following:

''(vi) the National Institute of Food and Agriculture.''.

(8) Section 1408(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)(4)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(9) Section 2381(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(10) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1424A(b) (7 U.S.C. 3174a(b)), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''; and

(B) in section 1458(a)(10) (7 U.S.C. 3291(a)(10)), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(11) Section 1587(a) of the Food Security Act of 1985 (7 U.S.C. 3175d(a)) is amended by striking ''Extension Service'' each place it appears and inserting ''National Institute of Food and Agriculture''.

(12) Section 1444(b)(2)(A) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(b)(2)(A)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(13) Section 1473D(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(d)) is amended by striking ''the Cooperative State Research Service, the Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(14) Section 1499(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(c)) is amended by striking ''the Cooperative State Research Service'' and all that follows through ''extension services;'' and inserting ''the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and State and county cooperative extension services; the Economic Research Service;''.

(15) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—

(A) in subsection (a)(1), by striking ''the Cooperative State Research Service in close cooperation with the Extension Service'' and inserting ''the National Institute of Food and Agriculture'';

(B) in subsection (b)(1)—

(i) by striking subparagraphs (B) and (C) and inserting the following:

''(B) the National Institute of Food and Agriculture;''; and

(ii) by redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively.

(16) Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(17) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended—

(A) in subsection (b), in the first sentence, by striking ''the Extension Service'' and inserting ''the National Institute of Food and Agriculture''; and

(B) in subsection (h), by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(18) Section 1638(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5852(b)) is amended—

(A) in paragraph (3), by striking ''Cooperative State Research Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in paragraph (5), by striking ''Cooperative State Research Service'' and inserting ''National Institute of Food and Agriculture''.

(19) Section 1640(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854(a)(2)) is amended by striking ''the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(20) Section 1641(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(a)) is amended—

(A) in paragraph (2), by striking ''Cooperative State Research Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in paragraph (4,) by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(21) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(b)) is amended by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(22) Section 1670(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(a)(4)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(23) Section 1677(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(24) Section 2122(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6521(b)(1)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(25) Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended—

(A) in subsection (a), by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in subsection (c)(3), by striking ''Service'' and inserting ''System''.

(26) Section 2377(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6615(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(27) Section 212(a)(2)(A) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(a)(2)(A)) is amended by striking ''251(d),'' and inserting ''251(f),''.

(28) Section 537 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7446) is amended in each of subsections (a)(2) and (b)(3)(B)(i) by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''cooperative extension''.

(29) Section 101(b)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7611(b)(2)) is amended by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(30) Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended—

(A) in the subsection heading, by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in each of paragraphs (1) and (2)(A), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(31) Section 407(c) of the Agricultural Research, Extension, and Education Reform

Act of 1998 (7 U.S.C. 7627(c)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(32) Section 410(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(a)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(33) Section 307(g)(5) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 8606(g)(5)) is amended by striking ''Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''Director of the National Institute of Food and Agriculture''.

(34) Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674a(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(35) Section 6(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b(b)) is amended by striking ''the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials'' and inserting ''the National Institute of Food and Agriculture, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or cooperative extension officials''.

(36) Section 9(g)(2)(A)(viii) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(g)(2)(A)(viii)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(37) Section 19(b)(1)(B)(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(1)(B)(i)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(38) Section 1261(c)(4) of the Food Security Act of 1985 (16 U.S.C. 3861(c)(4)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(39) Section 105(a) of the Africa: Seeds of Hope Act of 1998 (22 U.S.C. 2293 note; Public Law 105–385) is amended by striking ''the Cooperative State, Research, Education, and Extension Service (CSREES)'' and inserting ''the National Institute of Food and Agriculture''.

(40) Section 307(a)(4) of the National Aeronautic and Space Administration Authorization Act of 2005 (42 U.S.C. 16657(a)(4)) is amended by striking subparagraph (B) and inserting the following:

''(B) the program and structure of, peer review process of, management of conflicts of interest by, compensation of reviewers of, and the effects of compensation on reviewer efficiency and quality within, the National Institute of Food and Agriculture of the Department of Agriculture;''.

PART III—NEW GRANT AND RESEARCH PROGRAMS

SEC. 7521. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.

(a) IN GENERAL.—The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria, including—

(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

(B) the effect on antibiotic resistance from various drug use regimens; and

(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostics to improve decisionmaking; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

(b) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7522. FARM AND RANCH STRESS ASSISTANCE NETWORK.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall make competitive grants to support cooperative programs between State cooperative extension services and nonprofit organizations to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs to individuals who are engaged in farming, ranching, and other agriculture-related occupations.

(b) ELIGIBLE PROGRAMS.—Grants awarded under subsection (a) may be used to initiate, expand, or sustain programs that provide professional agricultural behavioral health counseling and referral for other forms of assistance as necessary through—

(1) farm telephone helplines and websites;

(2) community education;

(3) support groups;

(4) outreach services and activities; and

(5) home delivery of assistance, in a case in which a farm resident is homebound.

(c) EXTENSION SERVICES.—Grants shall be awarded under this subsection directly to State cooperative extension services to enable the State cooperative extension services to enter into contracts, on a multiyear basis, with nonprofit, community-based, direct-service organizations to initiate, expand, or sustain cooperative programs described in subsections (a) and (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7523. SEED DISTRIBUTION.

(a) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

(b) PURPOSES.—The purposes of this program include—

(1) the distribution of seeds donated by commercial seed companies free-of-charge to appropriate—

(A) individuals;

(B) groups;

(C) institutions;

(D) governmental and nongovernmental organizations; and

(E) such other entities as the Secretary may designate;

(2) distribution of seeds to underserved communities, such as communities that experience—

(A) limited access to affordable fresh vegetables;

(B) a high rate of hunger or food insecurity; or

(C) severe or persistent poverty.

(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(d) SELECTION.—An eligible entity selected to receive a grant under subsection (a) shall have—

(1) expertise regarding the distribution of vegetable seeds donated by commercial seed companies; and

(2) the ability to achieve the purpose of the seed distribution program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7524. LIVE VIRUS FOOT AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the ''successor facility'').

(b) LIMITATION TO SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

SEC. 7525. NATURAL PRODUCTS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Department a natural products research program.

(b) DUTIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

(1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of products and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;

(2) research to characterize the botanical sources, production, chemistry, and biological properties of plant-derived natural products; and

(3) other research priorities identified by the Secretary.

(c) PEER AND MERIT REVIEW.—The Secretary shall—

(1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

(d) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 7526. SUN GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) the Department of Agriculture;

(B) the Department of Energy; and

(C) land-grant colleges and universities.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) NORTH-CENTRAL CENTER.—A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) SOUTHEASTERN CENTER.—A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—

(i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) SOUTH-CENTRAL CENTER.—A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) WESTERN CENTER.—A western sun grant center at Oregon State University for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103 (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) NORTHEASTERN CENTER.—A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) WESTERN INSULAR PACIFIC SUBCENTER.—A western insular Pacific sun grant subcenter at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) MANNER OF DISTRIBUTION.—

(A) CENTERS.—In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) SUBCENTER.—The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) FAILURE TO COMPLY WITH REQUIREMENTS.—If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) IN GENERAL.—A sun grant center or subcenter shall use 75 percent of the funds described in subsection (b) to provide competitive grants to entities that are—

(i) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)); and

(ii) located in the region covered by the sun grant center or subcenter.

(B) ACTIVITIES.—Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(i) research, extension, and education programs on technology development; and

(ii) integrated research, extension, and education programs on technology implementation.

(C) FUNDING ALLOCATION.—Of the amount of funds that is used to provide grants under subparagraph (A), the sun grant center or subcenter shall use—

(i) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(i); and

(ii) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(ii).

(D) ADMINISTRATION.—

(i) PEER AND MERIT REVIEW.—In making grants under this paragraph, a sun grant center or subcenter shall—

(I) seek and accept proposals for grants;

(II) determine the relevance and merit of proposals through a system of peer review similar to that established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(III) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

(ii) PRIORITY.—A sun grant center or subcenter shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (d).

(iii) TERM.—A grant awarded by a sun grant center or subcenter shall have a term that does not exceed 5 years.

(iv) MATCHING FUNDS REQUIRED.—

(I) IN GENERAL.—Except as provided in subclauses (II) and (III), as a condition of receiving a grant under this paragraph, the sun grant center or subcenter shall require that not less than 20 percent of the cost of an activity described in subparagraph (B) be matched with funds, including in-kind contributions, from a non-Federal source.

(II) EXCLUSION.—Subclause (I) shall not apply to fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(III) REDUCTION.—The sun grant center or subcenter may reduce or eliminate the requirement for non-Federal funds under subclause (I) for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)) if the sun grant center or subcenter determines that the reduction is necessary and appropriate pursuant to guidance issued by the Secretary.

(v) BUILDINGS AND FACILITIES.—Funds made available for grants shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) LIMITATION ON INDIRECT COSTS.—A sun grant center or subcenter may not recover the indirect costs of making grants under subparagraph (A).

(2) ADMINISTRATIVE EXPENSES.—A sun grant center or subcenter may use up to 4 percent of the funds described in subsection (b) to pay administrative expenses incurred in carrying out paragraph (1).

(3) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—The sun grant centers and subcenter shall use the remainder of the funds described in subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(A) research, extension, and educational programs on technology development; and

(B) integrated research, extension, and educational programs on technology implementation.

(d) PLAN FOR RESEARCH ACTIVITIES TO BE FUNDED.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry in accordance with paragraph (2), the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and gasification research priorities of the Department of Agriculture and the Department of Energy at the State and regional levels.

(2) GASIFICATION COORDINATION.—With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.

(3) FUNDING.—Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(4) USE OF PLAN.—The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) GRANT INFORMATION ANALYSIS CENTER.—The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(D)(i); and

(2) a description of progress made in facilitating the priorities described in subsection (d)(1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through 2012, of which not more than $4,000,000 for each fiscal year shall

be made available to carry out subsection (e).

SEC. 7527. STUDY AND REPORT ON FOOD DESERTS.

(a) DEFINITION OF FOOD DESERT.—In this section, the term ''food desert'' means an area in the United States with limited access to affordable and nutritious food, particularly such an area composed of predominantly lower-income neighborhoods and communities.

(b) STUDY AND REPORT.—The Secretary shall carry out a study of, and prepare a report on, food deserts.

(c) CONTENTS.—The study and report shall—

(1) assess the incidence and prevalence of food deserts;

(2) identify—

(A) characteristics and factors causing and influencing food deserts; and

(B) the effect on local populations of limited access to affordable and nutritious food; and

(3) provide recommendations for addressing the causes and effects of food deserts through measures that include—

(A) community and economic development initiatives;

(B) incentives for retail food market development, including supermarkets, small grocery stores, and farmers' markets; and

(C) improvements to Federal food assistance and nutrition education programs.

(d) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall conduct the study under this section in coordination and consultation with—

(1) the Secretary of Health and Human Services;

(2) the Administrator of the Small Business Administration;

(3) the Institute of Medicine; and

(4) representatives of appropriate businesses, academic institutions, and nonprofit and faith-based organizations.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the report prepared under this section, including the findings and recommendations described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 7528. DEMONSTRATION PROJECT AUTHORITY FOR TEMPORARY POSITIONS.

Notwithstanding section 4703(d)(1) of title 5, United States Code, the amendment to the personnel management demonstration project established in the Department of Agriculture (67 Fed. Reg. 70776 (2002)), shall become effective upon the date of enactment of this Act and shall remain in effect unless modified by law.

SEC. 7529. AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institutions of higher education to carry out agricultural and rural transportation research and education activities.

(b) ACTIVITIES.—Research and education grants made under this section shall be used to address rural transportation and logistics needs of agricultural producers and related rural businesses, including—

(1) the transportation of biofuels; and

(2) the export of agricultural products.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

(d) DIVERSIFICATION OF RESEARCH.—The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

(e) MATCHING FUNDS REQUIREMENT.—The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

(f) GRANT REVIEW.—A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)).

(g) NO DUPLICATION.—In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE VIII—FORESTRY

Subtitle A—Amendments to Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

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

''(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

''(1) Conserving and managing working forest landscapes for multiple values and uses.

''(2) Protecting forests from threats, including catastrophic wildfires, hurricanes, tornados, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreak, or development, and restoring appropriate forest types in response to such threats.

''(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife, wildlife corridors and wildlife habitat, and recreation.

''(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funds were used under this Act, and through other programs administered by the Secretary, to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.''.

SEC. 8002. LONG-TERM STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

''SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

''(a) ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.—For a State to be eligible to receive funds under the authorities of this Act, the State forester of that State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the following:

''(1) A State-wide assessment of forest resource conditions, including—

''(A) the conditions and trends of forest resources in that State;

''(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);

''(C) any areas or regions of that State that are a priority; and

''(D) any multi-State areas that are a regional priority.

''(2) A long-term State-wide forest resource strategy, including—

''(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

''(B) a description of the resources necessary for the State forester or equivalent State official from all sources to address the State-wide strategy.

''(b) UPDATING.—At such times as the Secretary determines to be necessary, the State forester or equivalent State official shall update and resubmit to the Secretary the State-wide assessment and State-wide strategy required by subsection (a).

''(c) COORDINATION.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State Forester or equivalent State official shall coordinate with—

''(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);

''(2) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

''(3) the State Technical Committee;

''(4) applicable Federal land management agencies; and

''(5) for purposes of the Forest Legacy Program under section 7, the State lead agency designated by the Governor.

''(d) INCORPORATION OF OTHER PLANS.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State forester or equivalent State official shall incorporate any forest management plan of the State, including community wildfire protection plans and State wildlife action plans.

''(e) SUFFICIENCY.—Once approved by the Secretary, a State-wide assessment and State-wide strategy developed under subsection (a) shall be deemed to be sufficient to satisfy all relevant State planning and assessment requirements under this Act.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section up to $10,000,000 for each of fiscal years 2008 through 2012.

''(2) ADDITIONAL FUNDING SOURCES.—In addition to the funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1) to carry out this section, the Secretary may use any other funds made available for planning under this Act to carry out this section, except that the total amount of combined funding used to carry out this section may not exceed $10,000,000 in any fiscal year.

''(g) ANNUAL REPORT ON USE OF FUNDS.—The State forester or equivalent State official shall submit to the Secretary an annual report detailing how funds made available to the State under this Act are being used.''.

SEC. 8003. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the Forest Service projects that, by calendar year 2030, approximately 44,000,000 acres of privately-owned forest land will be developed throughout the United States;

(2) public access to parcels of privately-owned forest land for outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined in cases in which public access is not secured;

(3) rising rates of obesity and other public health problems relating to the inactivity of the citizens of the United States have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from managing forest land owned by local governmental entities for timber and other forest products; and

(7) there is an urgent need for local governmental entities to be able to leverage financial resources in order to purchase important parcels of privately-owned forest land as the parcels are offered for sale.

(b) COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following new section:

"SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) LOCAL GOVERNMENTAL ENTITY.—The term 'local governmental entity' includes any municipal government, county government, or other local government body with jurisdiction over local land use decisions.

''(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that—

''(A) is described in section 170(h)(3) of the Internal Revenue Code of 1986; and

''(B) operates in accordance with 1 or more of the purposes specified in section 170(h)(4)(A) of that Code.

''(5) PROGRAM.—The term 'Program' means the community forest and open space conservation program established under subsection (b).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'community forest and open space conservation program'.

''(c) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to acquire private forest land, to be owned in fee simple, that—

''(A) are threatened by conversion to nonforest uses; and

''(B) provide public benefits to communities, including—

''(i) economic benefits through sustainable forest management;

''(ii) environmental benefits, including clean water and wildlife habitat;

''(iii) benefits from forest-based educational programs, including vocational education programs in forestry;

''(iv) benefits from serving as models of effective forest stewardship for private landowners; and

''(v) recreational benefits, including hunting and fishing.

''(2) FEDERAL COST SHARE.—An eligible entity may receive a grant under the Program in an amount equal to not more than 50 percent of the cost of acquiring 1 or more parcels, as determined by the Secretary.

''(3) NON-FEDERAL SHARE.—As a condition of receipt of the grant, an eligible entity that receives a grant under the Program shall provide, in cash, donation, or in kind, a non-Federal matching share in an amount that is at least equal to the amount of the grant received.

''(4) APPRAISAL OF PARCELS.—To determine the non-Federal share of the cost of a parcel of privately-owned forest land under paragraph (2), an eligible entity shall require appraisals of the land that comply with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

''(5) APPLICATION.—An eligible entity that seeks to receive a grant under the Program shall submit to the State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) an application that includes—

''(A) a description of the land to be acquired;

''(B) a forest plan that provides—

''(i) a description of community benefits to be achieved from the acquisition of the private forest land; and

''(ii) an explanation of the manner in which any private forest land to be acquired using funds from the grant will be managed; and

''(C) such other relevant information as the Secretary may require.

''(6) EFFECT ON TRUST LAND.—

''(A) INELIGIBILITY.—The Secretary shall not provide a grant under the Program for any project on land held in trust by the United States (including Indian reservations and allotment land).

''(B) ACQUIRED LAND.—No land acquired using a grant provided under the Program shall be converted to land held in trust by the United States on behalf of any Indian tribe.

''(7) APPLICATIONS TO SECRETARY.—The State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) shall submit to the Secretary a list that includes a description of each project submitted by an eligible entity at such times and in such form as the Secretary shall prescribe.

''(d) DUTIES OF ELIGIBLE ENTITY.—An eligible entity shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under the Program.

''(e) PROHIBITED USES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

''(2) REIMBURSEMENT OF FUNDS.—An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

''(3) LOSS OF ELIGIBILITY.—An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

''(f) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including equivalent officials of Indian tribes) for Program administration and technical assistance.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 8004. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking ''the Trust Territory of the Pacific Islands,'' and inserting ''the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,''.

SEC. 8005. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

''(a) FOREST RESOURCE COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate nonindustrial private forestry activities within the Department of Agriculture and with the private sector.

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

''(A) The Chief of the Forest Service.

''(B) The Chief of the Natural Resources Conservation Service.

''(C) The Director of the Farm Service Agency.

''(D) The Director of the National Institute of Food and Agriculture.

''(E) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

''(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

''(ii) A representative of a State fish and wildlife agency.

''(iii) An owner of nonindustrial private forest land.

''(iv) A forest industry representative.

''(v) A conservation organization representative.

''(vi) A land-grant university or college representative.

''(vii) A private forestry consultant.

''(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

''(F) Such other persons as determined by the Secretary to be appropriate.

''(3) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

''(4) DUTIES.—The Coordinating Committee shall—

''(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus owners of nonindustrial private forest land;

''(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on nonindustrial private forest land;

''(C) provide advice on the allocation of funds, including the competitive funds set-aside by sections 13A and 13B; and

''(D) assist the Secretary in developing and reviewing the report required by section 2(d).

''(5) MEETING.—The Coordinating Committee shall meet annually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding nonindustrial private forest land.

''(6) COMPENSATION.—

''(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Coordinating Committee.

''(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Coordinating Committee.''.

SEC. 8006. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(ii)—

(A) by striking ''and'' at the end of subclause (VII); and

(B) by adding at the end the following new subclause:

''(IX) the State Technical Committee.''.

(2) in paragraph (2)(C), by striking ''a Forest Stewardship Plan under paragraph (3)'' and inserting ''the State-wide assessment and strategy regarding forest resource conditions under section 2A'';

(3) by striking paragraphs (3) and (4); and

(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SEC. 8007. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13 (16 U.S.C. 2109) the following new section:

''SEC. 13A. COMPETITIVE ALLOCATION OF FUNDS TO STATE FORESTERS OR EQUIVALENT STATE OFFICIALS.

''(a) COMPETITION.—Beginning not later than 3 years after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall competitively allocate a portion, to be determined by the Secretary, of the funds available under this Act to State foresters or equivalent State officials.

''(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a).

''(c) PRIORITY.—The Secretary shall give priority for funding to States for which the long-term State-wide forest resource strategies submitted under section 2A(a)(2) will best promote the national priorities specified in section 2(c).''.

SEC. 8008. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13A, as added by section 8006, the following new section:

''SEC. 13B. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

''(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary may competitively allocate not more than 5 percent of the funds made available under this Act to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c).

''(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained in this Act, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible to compete for funds to be competitively allocated under subsection (a).

''(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.''.

Subtitle B—Cultural and Heritage Cooperation Authority

SEC. 8101. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the reburial of human remains and cultural items on National Forest System land, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(2) to prevent the unauthorized disclosure of information regarding reburial sites, including the quantity and identity of human remains and cultural items on sites and the location of sites;

(3) to authorize the Secretary of Agriculture to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;

(4) to authorize the Secretary to provide forest products, without consideration, to Indian tribes for traditional and cultural purposes;

(5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;

(6) to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and

(7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) ADJACENT SITE.—The term ''adjacent site'' means a site that borders a boundary line of National Forest System land.

(2) CULTURAL ITEMS.—The term ''cultural items'' has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), except that the term does not include human remains.

(3) HUMAN REMAINS.—The term ''human remains'' means the physical remains of the body of a person of Indian ancestry.

(4) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(5) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(6) LINEAL DESCENDANT.—The term ''lineal descendant'' means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.

(7) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(8) REBURIAL SITE.—The term ''reburial site'' means a specific physical location at which cultural items or human remains are reburied.

(9) TRADITIONAL AND CULTURAL PURPOSE.—The term ''traditional and cultural purpose'', with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.

SEC. 8103. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.

(a) REBURIAL SITES.—In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) REBURIAL.—With the consent of the affected Indian tribe or lineal descendent, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) AUTHORIZATION OF USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize such uses of reburial sites on National Forest System land, or on the National Forest System land immediately surrounding a reburial site, as the Secretary determines to be necessary for management of the National Forest System.

(2) AVOIDANCE OF ADVERSE IMPACTS.—In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

SEC. 8104. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) RECOGNITION OF HISTORIC USE.—To the maximum extent practicable, the Secretary shall ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) CLOSING LAND FROM PUBLIC ACCESS.—

(1) AUTHORITY TO CLOSE.—Upon the approval by the Secretary of a request from an Indian tribe, the Secretary may temporarily close from public access specifically identified National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION.—A closure of National Forest System land under paragraph (1) shall affect the smallest practicable area for the minimum period necessary for activities of the applicable Indian tribe.

(3) CONSISTENCY.—Access by Indian tribes to National Forest System land under this subsection shall be consistent with the purposes of Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8105. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) IN GENERAL.—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) PROHIBITION.—Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.

SEC. 8106. PROHIBITION ON DISCLOSURE.

(a) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), information relating to—

(A) subject to subsection (b)(l), human remains or cultural items reburied on National Forest System land under section 8103; or

(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

(i) have a traditional and cultural purpose; and

(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) LIMITATIONS ON DISCLOSURE.—Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), concerning the identity, use, or specific location in the National Forest System of—

(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or

(B) any cultural items not covered under section 8103.

(b) LIMITED RELEASE OF INFORMATION.—

(1) REBURIAL.—The Secretary may disclose information described in subsection (a)(l)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendent;

(B) determines that disclosure of the information—

(i) would advance the purposes of this subtitle; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2) OTHER INFORMATION.—The Secretary, in consultation with appropriate Indian tribes, may disclose information described under paragraph (1)(B) or (2) of subsection (a) if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this subtitle;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

SEC. 8107. SEVERABILITY AND SAVINGS PROVISIONS.

(a) SEVERABILITY.—If any provision of this subtitle, or the application of any provision of this subtitle to any person or circumstance is held invalid, the application of such provision or circumstance and the remainder of this subtitle shall not be affected thereby.

(b) SAVINGS.—Nothing in this subtitle—

(1) diminishes or expands the trust responsibility of the United States to Indian tribes, or any legal obligation or remedy resulting from that responsibility;

(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;

(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or

(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.

Subtitle C—Amendments to Other Forestry-Related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking ''2004 through 2008'' and inserting ''2008 through 2012''.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 8203. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

''SEC. 407. EMERGENCY FOREST RESTORATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) EMERGENCY MEASURES.—The term 'emergency measures' means those measures that—

''(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

''(i) would impair or endanger the natural resources on the land; and

''(ii) would materially affect future use of the land; and

''(B) would restore forest health and forest-related resources on the land.

''(2) NATURAL DISASTER.—The term 'natural disaster' includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

''(3) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and

''(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) AVAILABILITY OF ASSISTANCE.—The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

''(c) ELIGIBILITY.—To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

''(d) COST SHARE REQUIREMENT.—Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.''.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 407 of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8204. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) DEFINITIONS.—

(1) PLANT.—Subsection (f) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

''(f) PLANT.—

''(1) IN GENERAL.—The terms 'plant' and 'plants' mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

''(2) EXCLUSIONS.—The terms 'plant' and 'plants' exclude—

''(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

''(B) a scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

''(C) any plant that is to remain planted or to be planted or replanted.

''(3) EXCEPTIONS TO APPLICATION OF EXCLUSIONS.—The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—

''(A) in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

''(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.''.

(2) INCLUSION OF SECRETARY OF AGRICULTURE.—Section 2(h) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(h)) is amended by striking ''plants the term means'' and inserting ''plants, the term also means''.

(3) TAKEN AND TAKING.—Subsection (j) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

''(j) TAKEN AND TAKING.—

''(1) TAKEN.—The term 'taken' means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

''(2) TAKING.—The term 'taking' means the act by which fish, wildlife, or plants are taken.''.

(b) PROHIBITED ACTS.—

(1) OFFENSES OTHER THAN MARKING.—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) any plant—

''(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or''; and

(B) in paragraph (3), by striking subparagraph (B) and inserting the following subparagraph:

''(B) to possess any plant—

''(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or''.

(2) PLANT DECLARATIONS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended by adding at the end the following new subsection:

''(f) PLANT DECLARATIONS.—

''(1) IMPORT DECLARATION.—Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product;

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken; and

''(C) in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

''(4) REVIEW.—Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusion provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

''(5) REPORT.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(A) an evaluation of—

''(i) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of this section; and

''(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of this section; and

''(C) an analysis of the effect of subsection (a) and this subsection on—

''(i) the cost of legal plant imports; and

''(ii) the extent and methodology of illegal logging practices and trafficking.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

''(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.''.

(c) CROSS-REFERENCES TO NEW REQUIREMENT.—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended—

(1) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(2) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(3) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or (f) of section 3, except as provided in paragraph (1),''.

(d) CIVIL FORFEITURES.—Section 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3374) is amended by adding at the end the following new subsection:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''.

(e) ADMINISTRATION.—Section 7 of the Lacey Act Amendments of 1981 (16 U.S.C. 3376) is amended—

(1) in subsection (a)(1), by striking ''section 4 and section'' and inserting ''sections 3(f), 4, and''; and

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

''(c) CLARIFICATION OF EXCLUSIONS FROM DEFINITION OF PLANT.—The Secretary of Agriculture and the Secretary of the Interior, after consultation with the appropriate agencies, shall jointly promulgate regulations to define the terms used in section 2(f)(2)(A) for the purposes of enforcement under this Act.''.

(f) TECHNICAL CORRECTION.—Effective as of November 14, 1988, and as if included therein as enacted, section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended—

(1) by inserting ''of the Lacey Act Amendments of 1981'' after ''Section 4''; and

(2) by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.

(a) ENROLLMENT.—Section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(f)(1)) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

''(e) METHODS OF ENROLLMENT.—

''(1) AUTHORIZED METHODS.—Land may be enrolled in the healthy forests reserve program in accordance with—

''(A) a 10-year cost-share agreement;

''(B) a 30-year easement; or

''(C)(i) a permanent easement; or

''(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

''(2) LIMITATION ON USE OF COST-SHARE AGREEMENTS AND EASEMENTS.—

''(A) IN GENERAL.—Of the total amount of funds expended under the program for a fiscal year to acquire easements and enter into cost-share agreements described in paragraph (1)—

''(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

''(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

''(B) REPOOLING.—The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

''(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

''(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

''(B) a 10-year cost-share agreement; or

''(C) any combination of the options described in subparagraphs (A) and (B).''.

(b) FINANCIAL ASSISTANCE.—Section 504(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6574(a)) is amended by striking ''(a) EASEMENTS OF NOT MORE THAN 99 YEARS'' and all that follows through ''502(f)(1)(C)'' and inserting the following:

''(a) PERMANENT EASEMENTS.—In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 502(f)(1)(C)(ii))''.

(c) FUNDING.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

''SEC. 508. FUNDING.

''(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $9,750,000 for each of fiscal years 2009 through 2012 to carry out this title.

''(b) DURATION OF AVAILABILITY.—The funds made available under subsection (a) shall remain available until expended.''.

Subtitle D—Boundary Adjustments and Land Conveyance Provisions

SEC. 8301. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Green Mountain National Forest is modified to include the 13 designated expansion units as generally depicted on the forest maps entitled ''Green Mountain Expansion Area Map I'' and ''Green Mountain Expansion Area Map II'' and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the site specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l–9), the boundaries of the Green Mountain National Forest, as adjusted by this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 8302. LAND CONVEYANCES, CHIHUAHUAN DESERT NATURE PARK, NEW MEXICO, AND GEORGE WASHINGTON NATIONAL FOREST, VIRGINIA.

(a) CHIHUAHUAN DESERT NATURE PARK CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and subsection (b), the Secretary of Agriculture shall convey to the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico (in this section referred to as the ''Nature Park''), by quitclaim deed and for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(b) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Chihuahuan Desert Nature Park Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (c); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(c) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (b)(4)(A), the land may, at the discretion of the Secretary, revert to the United States. If the Secretary chooses to have the land revert to the United States, the Secretary shall—

(1) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(2) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(d) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land to be conveyed under subsection (a) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(e) WATER RIGHTS.—Nothing in subsection (a) authorizes the conveyance of water rights to the Nature Park.

(f) GEORGE WASHINGTON NATIONAL FOREST CONVEYANCE, VIRGINIA.—

(1) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Central Advent Christian Church of Alleghany County, Virginia (in this subsection referred to as the ''recipient''), all right, title, and interest of the United States in and to a parcel of real property in the George Washington National Forest, Alleghany County, Virginia, consisting of not more than 8 acres, including a cemetery encompassing approximately 6 acres designated as an area of special use for the recipient, and depicted on the Forest Service map showing tract G–2032c and dated August 20, 2002, and the Forest Service map showing the area of special use and dated March 14, 2001.

(2) CONDITION OF CONVEYANCE.—The conveyance under this subsection shall be subject to the condition that the recipient accept the real property described in paragraph (1) in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.

(a) DEFINITIONS.—In this section:

(1) BROMLEY.—The term ''Bromley'' means Bromley Mountain Ski Resort, Inc.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Bromley Land Sale or Exchange'' and dated April 7, 2004.

(3) STATE.—The term ''State'' means the State of Vermont.

(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—

(1) IN GENERAL.—The Secretary of Agriculture may, under any terms and conditions that the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of National Forest System land referred to in paragraph (1) are the 5 parcels of land in Bennington County in the State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS.—The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION.—Consideration for the sale or exchange of land described in paragraph (2)—

(A) shall be equal to an amount that is not less than the fair market value of the land sold or exchanged; and

(B) may be in the form of cash, land, or a combination of cash and land.

(5) APPRAISALS.—Any appraisal carried out to facilitate the sale or exchange of land under paragraph (1) shall conform with the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) METHODS OF SALE.—

(A) CONVEYANCE TO BROMLEY.—

(i) IN GENERAL.—Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) CONTRACT DEADLINE.—If Bromley accepts the offer under clause (i), the Secretary and Bromley shall have not more than 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE.—If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(C) REJECTION OF OFFERS.—The Secretary may reject any offer received under this paragraph if the Secretary determines that the offer is not adequate or is not in the public interest.

(D) BROKERS.—In any sale or exchange of land under this subsection, the Secretary may—

(i) use a real estate broker or other third party; and

(ii) pay the real estate broker or third party a commission in an amount comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any Federal land exchanged under this section.

(c) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit the net proceeds from a sale or exchange under this section in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(A) the location and relocation of the Appalachian National Scenic Trail and the Long National Recreation Trail in the State;

(B) the acquisition of land and interests in land by the Secretary for National Forest System purposes within the boundary of the Green Mountain National Forest, including

land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;

(C) the acquisition of wetland or an interest in wetland within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and

(D) the payment of direct administrative costs incurred in carrying out this section.

(3) LIMITATION.—Amounts deposited under paragraph (1) shall not—

(A) be paid or distributed to the State or counties or towns in the State under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

(4) PROHIBITION OF TRANSFER OR REPROGRAMMING.—Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildfire management or any other emergency purposes.

(d) ACQUISITION OF LAND.—The Secretary may acquire, using funds made available under subsection (c) or otherwise made available for acquisition, land or an interest in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

(e) EXEMPTION FROM CERTAIN LAWS.—Subtitle I of title 40, United States Code, shall not apply to any sale or exchange of National Forest System land under this section.

Subtitle E—Miscellaneous Provisions

SEC. 8401. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED PRODUCER PRICE INDEX.—The term ''authorized Producer Price Index'' includes—

(A) the softwood commodity index (code number WPU 0811);

(B) the hardwood commodity index (code number WPU 0812);

(C) the wood chip index (code number PCU 3211133211135); and

(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor and utilized by the Secretary of Agriculture.

(2) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract for the sale of timber on National Forest System land—

(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

(B) for which there is unharvested volume remaining;

(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for one or more of the options described in subsection (b);

(D) that is not a salvage sale;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions that developed after the award of the contract; and

(F) that is not in breach or in default.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) OPTIONS FOR QUALIFYING CONTRACTS.—

(1) CANCELLATION OR RATE REDETERMINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act is at least 50 percent less than the sum of the original bid rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

(A) cancel the qualifying contract if the timber purchaser—

(i) pays 30 percent of the total value of the timber remaining in the qualifying contract based on bid rates;

(ii) completes each contractual obligation (including the removal of downed timber, the completion of road work, and the completion of erosion control work) of the timber purchaser with respect to each unit on which harvest has begun to a logical stopping point, as determined by the Secretary after consultation with the timber purchaser; and

(iii) terminates its rights under the qualifying contract; or

(B) modify the qualifying contract to redetermine the current contract rate of the qualifying contract to equal the sum obtained by adding—

(i) 25 percent of the bid premium on the qualifying contract; and

(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act.

(2) SUBSTITUTION OF INDEX.—

(A) SUBSTITUTION.—Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index specified in the qualifying contract of a timber purchaser if the timber purchaser identifies—

(i) the products the timber purchaser intends to produce from the timber harvested under the qualifying contract; and

(ii) a substitute index from an authorized Producer Price Index that more accurately represents the predominant product identified in clause (i) for which there is an index.

(B) RATE REDETERMINATION FOLLOWING SUBSTITUTION OF INDEX.—If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract to provide for—

(i) an emergency rate redetermination under the terms of the contract; or

(ii) a rate redetermination under paragraph (1)(B).

(C) LIMITATION ON MARKET-RELATED CONTRACT TERM ADDITION; PERIODIC PAYMENTS.—Notwithstanding any other provision of law, if the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract—

(i) to adjust the term in accordance with the market-related contract term addition provision in the qualifying contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the adjustment, but only if the drastic reduction criteria in such section are met for 2 or more consecutive calendar year quarters beginning with the calendar quarter in which the Secretary substitutes the Producer Price Index under subparagraph (A); and

(ii) to adjust the periodic payments required under the contract in accordance with applicable law and policies.

(3) CONTRACTS USING HARDWOOD LUMBER INDEX.—With respect to a qualifying contract using the hardwood commodity index referred to in subsection (a)(1)(B) for which the Secretary does not substitute the Producer Price Index under paragraph (2), the Secretary may, at the sole discretion of the Secretary—

(A) extend the contract term for a 1-year period beginning on the current contract termination date; and

(B) adjust the periodic payments required under the contract in accordance with applicable law and policies.

(c) EXTENSION OF MARKET-RELATED CONTRACT TERM ADDITION TIME LIMIT FOR CERTAIN CONTRACTS.—Notwithstanding any other provision of law, upon the written request of a timber purchaser, the Secretary may, at the sole discretion of the Secretary, modify a timber sale contract (including a qualifying contract) awarded to the purchaser before January 1, 2007, to adjust the term of the contract in accordance with the market-related contract term addition provision in the contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the modification, except that the Secretary may add no more than 4 years to the original contract length.

(d) EFFECT OF OPTIONS.—

(1) NO SURRENDER OF CLAIMS.—Operation of this section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose—

(A) under a qualifying contract before the date on which the Secretary cancels the contract or redetermines the rate under subsection (b)(1), substitutes a Producer Price Index under subsection (b)(2), or modifies the contract under subsection (b)(3); or

(B) under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (c).

(2) RELEASE OF LIABILITY.—In the written request for any option provided under subsections (b) and (c), a timber purchaser shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the cancellation of a qualifying contract of the purchaser or rate redetermination under subsection (b)(1), the substitution of a Producer Price Index under subsection (b)(2), the modification of the contract under subsection (b)(3) or a determination by the Secretary not to provide the cancellation, redetermination, substitution, or modification; or

(B) the modification of the term of a timber sale contract (including a qualifying contract) of the purchaser under subsection (c) or a determination by the Secretary not to provide the modification.

(3) LIMITATION.—Subject to subsection (b)(1)(A), the cancellation of a qualifying contract by the Secretary under subsection (b)(1) shall release the timber purchaser from further obligation under the canceled contract.

SEC. 8402. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term ''Hispanic-serving institution'' has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

(b) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

(c) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY

SEC. 9001. ENERGY.

(a) IN GENERAL.—Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended to read as follows:

"TITLE IX—ENERGY

"SEC. 9001. DEFINITIONS.

''Except as otherwise provided, in this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 9008(d)(1).

''(3) ADVANCED BIOFUEL.—

''(A) IN GENERAL.—The term 'advanced biofuel' means fuel derived from renewable biomass other than corn kernel starch.

''(B) INCLUSIONS.—Subject to subparagraph (A), the term 'advanced biofuel' includes—

''(i) biofuel derived from cellulose, hemicellulose, or lignin;

''(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

''(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;

''(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

''(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

''(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

''(vii) other fuel derived from cellulosic biomass.

''(4) BIOBASED PRODUCT.—The term 'biobased product' means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

''(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

''(B) an intermediate ingredient or feedstock.

''(5) BIOFUEL.—The term 'biofuel' means a fuel derived from renewable biomass.

''(6) BIOMASS CONVERSION FACILITY.—The term 'biomass conversion facility' means a facility that converts or proposes to convert renewable biomass into—

''(A) heat;

''(B) power;

''(C) biobased products; or

''(D) advanced biofuels.

''(7) BIOREFINERY.—The term 'biorefinery' means a facility (including equipment and processes) that—

''(A) converts renewable biomass into biofuels and biobased products; and

''(B) may produce electricity.

''(8) BOARD.—The term 'Board' means the Biomass Research and Development Board established by section 9008(c).

''(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

''(11) INTERMEDIATE INGREDIENT OR FEEDSTOCK.—The term 'intermediate ingredient or feedstock' means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

''(12) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(A) materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that—

''(i) are byproducts of preventive treatments that are removed—

''(I) to reduce hazardous fuels;

''(II) to reduce or contain disease or insect infestation; or

''(III) to restore ecosystem health;

''(ii) would not otherwise be used for higher-value products; and

''(iii) are harvested in accordance with—

''(I) applicable law and land management plans; and

''(II) the requirements for—

''(aa) old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

''(bb) large-tree retention of subsection (f) of that section; or

''(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure); and

''(IV) food waste and yard waste.

''(13) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from—

''(A) a wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric source; or

''(B) hydrogen derived from renewable biomass or water using an energy source described in subparagraph (A).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 9002. BIOBASED MARKETS PROGRAM.

''(a) FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.—

''(1) DEFINITION OF PROCURING AGENCY.—In this subsection, the term 'procuring agency' means—

''(A) any Federal agency that is using Federal funds for procurement; or

''(B) a person that is a party to a contract with any Federal agency, with respect to work performed under such a contract.

''(2) PROCUREMENT PREFERENCE.—

''(A) IN GENERAL.—

''(i) PROCURING AGENCY DUTIES.—Except as provided in clause (ii) and subparagraph (B), after the date specified in applicable guidelines prepared pursuant to paragraph (3), each procuring agency shall—

''(I) establish a procurement program, develop procurement specifications, and procure biobased products identified under the guidelines described in paragraph (3) in accordance with this section; and

''(II) with respect to items described in the guidelines, give a procurement preference to those items that—

''(aa) are composed of the highest percentage of biobased products practicable; or

''(bb) comply with the regulations issued under section 103 of Public Law 100–556 (42 U.S.C. 6914b–1).

''(ii) EXCEPTION.—The requirements of clause (i)(I) to establish a procurement program and develop procurement specifications shall not apply to a person described in paragraph (1)(B).

''(B) FLEXIBILITY.—Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

''(i) are not reasonably available within a reasonable period of time;

''(ii) fail to meet—

''(I) the performance standards set forth in the applicable specifications; or

''(II) the reasonable performance standards of the procuring agencies; or

''(iii) are available only at an unreasonable price.

''(C) MINIMUM REQUIREMENTS.—Each procurement program required under this subsection shall, at a minimum—

''(i) be consistent with applicable provisions of Federal procurement law;

''(ii) ensure that items composed of biobased products will be purchased to the maximum extent practicable;

''(iii) include a component to promote the procurement program;

''(iv) provide for an annual review and monitoring of the effectiveness of the procurement program; and

''(v) adopt 1 of the 2 polices described in subparagraph (D) or (E), or a policy substantially equivalent to either of those policies.

''(D) CASE-BY-CASE POLICY.—

''(i) IN GENERAL.—Subject to subparagraph (B) and except as provided in clause (ii), a procuring agency adopting the case-by-case policy shall award a contract to the vendor offering an item composed of the highest percentage of biobased products practicable.

''(ii) EXCEPTION.—Subject to subparagraph (B), an agency adopting the policy described in clause (i) may make an award to a vendor offering items with less than the maximum biobased products content.

''(E) MINIMUM CONTENT STANDARDS.—Subject to subparagraph (B), a procuring agency adopting the minimum content standards policy shall establish minimum biobased products content specifications for awarding contracts in a manner that ensures that the biobased products content required is consistent with this subsection.

''(F) CERTIFICATION.—After the date specified in any applicable guidelines prepared pursuant to paragraph (3), contracting offices shall require that vendors certify that the biobased products to be used in the performance of the contract will comply with the applicable specifications or other contractual requirements.

''(3) GUIDELINES.—

''(A) IN GENERAL.—The Secretary, after consultation with the Administrator, the Administrator of General Services, and the Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), shall prepare, and from time to time revise, guidelines for the use of procuring agencies in complying with the requirements of this subsection.

''(B) REQUIREMENTS.—The guidelines under this paragraph shall—

''(i) designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single product or manufacturer in the category) that will be subject to the preference described in paragraph (2);

''(ii) designate those intermediate ingredients and feedstocks that are or can be used to produce items that will be subject to the preference described in paragraph (2);

''(iii) automatically designate items composed of intermediate ingredients and feedstocks designated under clause (ii), if the content of the designated intermediate ingredients and feedstocks exceeds 50 percent of the item (unless the Secretary determines a different composition percentage is appropriate);

''(iv) set forth recommended practices with respect to the procurement of biobased products and items containing such materials;

''(v) provide information as to the availability, relative price, performance, and environmental and public health benefits of such materials and items; and

''(vi) take effect on the date established in the guidelines, which may not exceed 1 year after publication.

''(C) INFORMATION PROVIDED.—Information provided pursuant to subparagraph (B)(v) with respect to a material or item shall be considered to be provided for another item made with the same material or item.

''(D) PROHIBITION.—Guidelines issued under this paragraph may not require a manufacturer or vendor of biobased products, as a condition of the purchase of biobased products from the manufacturer or vendor, to provide to procuring agencies more data than would be required to be provided by other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased content of a product.

''(E) QUALIFYING PURCHASES.—The guidelines shall apply with respect to any purchase or acquisition of a procurement item for which—

''(i) the purchase price of the item exceeds $10,000; or

''(ii) the quantity of the items or of functionally-equivalent items purchased or acquired during the preceding fiscal year was at least $10,000.

''(4) ADMINISTRATION.—

''(A) OFFICE OF FEDERAL PROCUREMENT POLICY.—The Office of Federal Procurement Policy, in cooperation with the Secretary, shall—

''(i) coordinate the implementation of this subsection with other policies for Federal procurement;

''(ii) annually collect the information required to be reported under subparagraph (B) and make the information publicly available;

''(iii) take a leading role in informing Federal agencies concerning, and promoting the adoption of and compliance with, procurement requirements for biobased products by Federal agencies; and

''(iv) not less than once every 2 years, submit to Congress a report that—

''(I) describes the progress made in carrying out this subsection; and

''(II) contains a summary of the information reported pursuant to subparagraph (B).

''(B) OTHER AGENCIES.—To assist the Office of Federal Procurement Policy in carrying out subparagraph (A)—

''(i) each procuring agency shall submit each year to the Office of Federal Procurement Policy, to the maximum extent practicable, information concerning—

''(I) actions taken to implement paragraph (2);

''(II) the results of the annual review and monitoring program established under paragraph (2)(C)(iv);

''(III) the number and dollar value of contracts entered into during the year that include the direct procurement of biobased products;

''(IV) the number of service and construction (including renovations) contracts entered into during the year that include language on the use of biobased products; and

''(V) the types and dollar value of biobased products actually used by contractors in carrying out service and construction (including renovations) contracts during the previous year; and

''(ii) the General Services Administration and the Defense Logistics Agency shall submit each year to the Office of Federal Procurement Policy information concerning, to the maximum extent practicable, the types and dollar value of biobased products purchased by procuring agencies.

''(C) PROCUREMENT SUBJECT TO OTHER LAW.—Any procurement by any Federal agency that is subject to regulations of the Administrator under section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962) shall not be subject to the requirements of this section to the extent that the requirements are inconsistent with the regulations.

''(b) LABELING.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator, shall establish a voluntary program under which the Secretary authorizes producers of biobased products to use the label 'USDA Certified Biobased Product'.

''(2) ELIGIBILITY CRITERIA.—

''(A) CRITERIA.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and except as provided in clause (ii), the Secretary, in consultation with the Administrator and representatives from small and large businesses, academia, other Federal agencies, and such other persons as the Secretary considers appropriate, shall issue criteria (as of the date of enactment of that Act) for determining which products may qualify to receive the label under paragraph (1).

''(ii) EXCEPTION.—Clause (i) shall not apply to final criteria that have been issued (as of the date of enactment of that Act) by the Secretary.

''(B) REQUIREMENTS.—Criteria issued under subparagraph (A) shall—

''(i) encourage the purchase of products with the maximum biobased content;

''(ii) provide that the Secretary may designate as biobased for the purposes of the voluntary program established under this subsection finished products that contain significant portions of biobased materials or components; and

''(iii) to the maximum extent practicable, be consistent with the guidelines issued under subsection (a)(3).

''(3) USE OF LABEL.—The Secretary shall ensure that the label referred to in paragraph (1) is used only on products that meet the criteria issued pursuant to paragraph (2).

''(c) RECOGNITION.—The Secretary shall—

''(1) establish a program to recognize Federal agencies and private entities that use a substantial amount of biobased products; and

''(2) encourage Federal agencies to establish incentives programs to recognize Federal employees or contractors that make exceptional contributions to the expanded use of biobased products.

''(d) LIMITATION.—Nothing in this section shall apply to the procurement of motor vehicle fuels, heating oil, or electricity.

''(e) INCLUSION.—Effective beginning on the date that is 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall consider the biobased product designations made under this section in making procurement decisions for the Capitol Complex.

''(f) NATIONAL TESTING CENTER REGISTRY.—The Secretary shall establish a national registry of testing centers for biobased products that will serve biobased product manufacturers.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section.

''(2) CONTENTS.—The report shall include—

''(A) a comprehensive management plan that establishes tasks, milestones, and timelines, organizational roles and responsibilities, and funding allocations for fully implementing this section; and

''(B) information on the status of implementation of—

''(i) item designations (including designation of intermediate ingredients and feedstocks); and

''(ii) the voluntary labeling program established under subsection (b).

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide mandatory funding for biobased products testing and labeling as required to carry out this section—

''(A) $1,000,000 for fiscal year 2008; and

''(B) $2,000,000 for each of fiscal years 2009 through 2012.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9003. BIOREFINERY ASSISTANCE.

''(a) PURPOSE.—The purpose of this section is to assist in the development of new and emerging technologies for the development of advanced biofuels, so as to—

''(1) increase the energy independence of the United States;

''(2) promote resource conservation, public health, and the environment;

''(3) diversify markets for agricultural and forestry products and agriculture waste material; and

''(4) create jobs and enhance the economic development of the rural economy.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an individual, entity, Indian tribe, or unit of State or local government, including a corporation, farm cooperative, farmer cooperative organization, association of agricultural producers, National Laboratory, institution of higher education, rural electric cooperative, public power entity, or consortium of any of those entities.

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means, as determined by the Secretary—

''(A) a technology that is being adopted in a viable commercial-scale operation of a biorefinery that produces an advanced biofuel; and

''(B) a technology not described in subparagraph (A) that has been demonstrated to have technical and economic potential for commercial application in a biorefinery that produces an advanced biofuel.

''(c) ASSISTANCE.—The Secretary shall make available to eligible entities—

''(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

''(2) guarantees for loans made to fund the development, construction, and retrofitting of commercial-scale biorefineries using eligible technology.

''(d) GRANTS.—

''(1) COMPETITIVE BASIS.—The Secretary shall award grants under subsection (c)(1) on a competitive basis.

''(2) SELECTION CRITERIA.—

''(A) IN GENERAL.—In approving grant applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

''(B) FEASIBILITY.—In approving a grant application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

''(C) SCORING SYSTEM.—In determining the priority scoring system, the Secretary shall consider—

''(i) the potential market for the advanced biofuel and the byproducts produced;

''(ii) the level of financial participation by the applicant, including support from non-Federal and private sources;

''(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

''(iv) whether the applicant is proposing to work with producer associations or cooperatives;

''(v) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

''(vi) the potential for rural economic development;

''(vii) whether the area in which the applicant proposes to locate the biorefinery has other similar facilities;

''(viii) whether the project can be replicated; and

''(ix) scalability for commercial use.

''(3) COST SHARING.—

''(A) LIMITS.—The amount of a grant awarded for development and construction of a biorefinery under subsection (c)(1) shall not exceed an amount equal to 30 percent of the cost of the project.

''(B) FORM OF GRANTEE SHARE.—

''(i) IN GENERAL.—The grantee share of the cost of a project may be made in the form of cash or material.

''(ii) LIMITATION.—The amount of the grantee share that is made in the form of material shall not exceed 15 percent of the amount of the grantee share determined under subparagraph (A).

''(e) LOAN GUARANTEES.—

''(1) SELECTION CRITERIA.—

''(A) IN GENERAL.—In approving loan guarantee applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

''(B) FEASIBILITY.—In approving a loan guarantee application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

''(C) SCORING SYSTEM.—In determining the priority scoring system for loan guarantees under subsection (c)(2), the Secretary shall consider—

''(i) whether the applicant has established a market for the advanced biofuel and the byproducts produced;

''(ii) whether the area in which the applicant proposes to place the biorefinery has other similar facilities;

''(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

''(iv) whether the applicant is proposing to work with producer associations or cooperatives;

''(v) the level of financial participation by the applicant, including support from non-Federal and private sources;

''(vi) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

''(vii) whether the applicant can establish that if adopted, the biofuels production technology proposed in the application will not have any significant negative impacts on existing manufacturing plants or other facilities that use similar feedstocks;

''(viii) the potential for rural economic development;

''(ix) the level of local ownership proposed in the application; and

''(x) whether the project can be replicated.

''(2) LIMITATIONS.—

''(A) MAXIMUM AMOUNT OF LOAN GUARANTEED.—The principal amount of a loan guaranteed under subsection (c)(2) may not exceed $250,000,000.

''(B) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a loan guaranteed under subsection (c)(2) shall be in an amount not to exceed 80 percent of the project costs, as determined by the Secretary.

''(ii) OTHER DIRECT FEDERAL FUNDING.—The amount of a loan guaranteed for a project under subsection (c)(2) shall be reduced by the amount of other direct Federal funding that the eligible entity receives for the same project.

''(iii) AUTHORITY TO GUARANTEE THE LOAN.—The Secretary may guarantee up to 90 percent of the principal and interest due on a loan guaranteed under subsection (c)(2).

''(C) LOAN GUARANTEE FUND DISTRIBUTION.—Of the funds made available for loan guarantees for a fiscal year under subsection (h), 50 percent of the funds shall be reserved for obligation during the second half of the fiscal year.

''(f) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

''(g) CONDITION ON PROVISION OF ASSISTANCE.—

''(1) IN GENERAL.—As a condition of receiving a grant or loan guarantee under this section, an eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed, in whole or in part, with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

''(2) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards described in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App) and section 3145 of title 40, United States Code.

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

''(A) $75,000,000 for fiscal year 2009; and

''(B) $245,000,000 for fiscal year 2010.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9004. REPOWERING ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall carry out a program to encourage biorefineries in existence on the date of enactment of the Food, Conservation, and Energy Act of 2008 to replace fossil fuels used to produce heat or power to operate the biorefineries by making payments for—

''(1) the installation of new systems that use renewable biomass; or

''(2) the new production of energy from renewable biomass.

''(b) PAYMENTS.—

''(1) IN GENERAL.—The Secretary may make payments under this section to any biorefinery that meets the requirements of this section for a period determined by the Secretary.

''(2) AMOUNT.—The Secretary shall determine the amount of payments to be made under this section to a biorefinery after considering—

''(A) the quantity of fossil fuels a renewable biomass system is replacing;

''(B) the percentage reduction in fossil fuel used by the biorefinery that will result from the installation of the renewable biomass system; and

''(C) the cost and cost effectiveness of the renewable biomass system.

''(c) ELIGIBILITY.—To be eligible to receive a payment under this section, a biorefinery shall demonstrate to the Secretary that the renewable biomass system of the biorefinery is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

''(d) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section $35,000,000 for fiscal year 2009, to remain available until expended.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

''(a) DEFINITION OF ELIGIBLE PRODUCER.—In this section, the term 'eligible producer' means a producer of advanced biofuels.

''(b) PAYMENTS.—The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

''(c) CONTRACTS.—To receive a payment, an eligible producer shall—

''(1) enter into a contract with the Secretary for production of advanced biofuels; and

''(2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

''(d) BASIS FOR PAYMENTS.—The Secretary shall make payments under this section to eligible producers based on—

''(1) the quantity and duration of production by the eligible producer of an advanced biofuel;

''(2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

''(3) other appropriate factors, as determined by the Secretary.

''(e) EQUITABLE DISTRIBUTION.—The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

''(f) OTHER REQUIREMENTS.—To receive a payment under this section, an eligible producer shall meet any other requirements of

Federal and State law (including regulations) applicable to the production of advanced biofuels.

''(g) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $55,000,000 for fiscal year 2009;

''(B) $55,000,000 for fiscal year 2010;

''(C) $85,000,000 for fiscal year 2011; and

''(D) $105,000,000 for fiscal year 2012.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

''(3) LIMITATION.—Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

''SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

''(b) ELIGIBLE ENTITIES.—To receive a grant under subsection (b), an entity shall—

''(1) be a nonprofit organization or institution of higher education;

''(2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and

''(3) have demonstrated the ability to conduct educational and technical support programs.

''(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

''(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

''SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

''(1) grants for energy audits and renewable energy development assistance; and

''(2) financial assistance for energy efficiency improvements and renewable energy systems.

''(b) ENERGY AUDITS AND RENEWABLE ENERGY DEVELOPMENT ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

''(A) to become more energy efficient; and

''(B) to use renewable energy technologies and resources.

''(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection is—

''(A) a unit of State, tribal, or local government;

''(B) a land-grant college or university or other institution of higher education;

''(C) a rural electric cooperative or public power entity; and

''(D) any other similar entity, as determined by the Secretary.

''(3) SELECTION CRITERIA.—In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

''(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

''(B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

''(C) the number of agricultural producers and rural small businesses to be assisted by the program;

''(D) the potential of the proposed program to produce energy savings and environmental benefits;

''(E) the plan of the eligible entity for performing outreach and providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and

''(F) the ability of the eligible entity to leverage other sources of funding.

''(4) USE OF GRANT FUNDS.—A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

''(A) conducting and promoting energy audits; and

''(B) providing recommendations and information on how—

''(i) to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and

''(ii) to use renewable energy technologies and resources in the operations.

''(5) LIMITATION.—Grant recipients may not use more than 5 percent of a grant for administrative expenses.

''(6) COST SHARING.—A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

''(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

''(1) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

''(A) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

''(B) to make energy efficiency improvements.

''(2) AWARD CONSIDERATIONS.—In determining the amount of a loan guarantee or grant provided under this section, the Secretary shall take into consideration, as applicable—

''(A) the type of renewable energy system to be purchased;

''(B) the estimated quantity of energy to be generated by the renewable energy system;

''(C) the expected environmental benefits of the renewable energy system;

''(D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit;

''(E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity;

''(F) the expected energy efficiency of the renewable energy system; and

''(G) other appropriate factors.

''(3) FEASIBILITY STUDIES.—

''(A) IN GENERAL.—The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

''(B) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

''(C) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received other Federal or State assistance for a feasibility study for the project.

''(4) LIMITS.—

''(A) GRANTS.—The amount of a grant under this subsection shall not exceed 25 percent of the cost of the activity carried out using funds from the grant.

''(B) MAXIMUM AMOUNT OF LOAN GUARANTEES.—The amount of a loan guaranteed under this subsection shall not exceed $25,000,000.

''(C) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN GUARANTEE.—The combined amount of a grant and loan guaranteed under this subsection shall not exceed 75 percent of the cost of the activity funded under this subsection.

''(d) OUTREACH.—The Secretary shall ensure, to the maximum extent practicable, that adequate outreach relating to this section is being conducted at the State and local levels.

''(e) LOWER-COST ACTIVITIES.—

''(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), the Secretary shall use not less than 20 percent of the funds made available under subsection (g) to provide grants of $20,000 or less.

''(2) EXCEPTION.—Effective beginning on June 30 of each fiscal year, paragraph (1) shall not apply to funds made available under subsection (g) for the fiscal year.

''(f) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a report on the implementation of this section, including the outcomes achieved by projects funded under this section.

''(g) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $55,000,000 for fiscal year 2009;

''(B) $60,000,000 for fiscal year 2010;

''(C) $70,000,000 for fiscal year 2011; and

''(D) $70,000,000 for fiscal year 2012.

''(2) AUDIT AND TECHNICAL ASSISTANCE FUNDING.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the funds made available for each fiscal year under paragraph (1), 4 percent shall be available to carry out subsection (b).

''(B) OTHER USE.—Funds not obligated under subparagraph (A) by April 1 of each fiscal year to carry out subsection (b) shall become available to carry out subsection (c).

''(3) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

''(a) DEFINITIONS.—In this section:

''(1) BIOBASED PRODUCT.—The term 'biobased product' means—

''(A) an industrial product (including chemicals, materials, and polymers) produced from biomass; or

''(B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

''(2) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

''(3) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under subsection (e).

''(b) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall coordinate policies and procedures that promote research and development regarding the production of biofuels and biobased products.

''(2) POINTS OF CONTACT.—To coordinate research and development programs and activities relating to biofuels and biobased products that are carried out by their respective departments—

''(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

''(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

''(c) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board to carry out the duties described in paragraph (3).

''(2) MEMBERSHIP.—The Board shall consist of—

''(A) the point of contacts of the Department of Energy and the Department of Agriculture, who shall serve as cochairpersons of the Board;

''(B) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall have a rank that is equivalent to the rank of the points of contact; and

''(C) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the Board).

''(3) DUTIES.—The Board shall—

''(A) coordinate research and development activities relating to biofuels and biobased products—

''(i) between the Department of Agriculture and the Department of Energy; and

''(ii) with other departments and agencies of the Federal Government;

''(B) provide recommendations to the points of contact concerning administration of this title;

''(C) ensure that—

''(i) solicitations are open and competitive with awards made annually; and

''(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

''(D) ensure that the panel of scientific and technical peers assembled under subsection (e) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

''(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

''(5) MEETINGS.—The Board shall meet at least quarterly.

''(d) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Advisory Committee shall consist of—

''(i) an individual affiliated with the biofuels industry;

''(ii) an individual affiliated with the biobased industrial and commercial products industry;

''(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

''(iv) 2 prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

''(v) an individual affiliated with a commodity trade association;

''(vi) 2 individuals affiliated with environmental or conservation organizations;

''(vii) an individual associated with State government who has expertise in biofuels and biobased products;

''(viii) an individual with expertise in energy and environmental analysis;

''(ix) an individual with expertise in the economics of biofuels and biobased products;

''(x) an individual with expertise in agricultural economics;

''(xi) an individual with expertise in plant biology and biomass feedstock development;

''(xii) an individual with expertise in agronomy, crop science, or soil science; and

''(xiii) at the option of the points of contact, other members.

''(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

''(3) DUTIES.—The Advisory Committee shall—

''(A) advise the points of contact with respect to the Initiative; and

''(B) evaluate and make recommendations in writing to the Board regarding whether—

''(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

''(ii) solicitations are open and competitive with awards made annually;

''(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

''(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

''(v) activities under this title are carried out in accordance with this title.

''(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

''(5) MEETINGS.—The Advisory Committee shall meet at least quarterly.

''(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years.

''(e) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of—

''(A) biofuels and biobased products; and

''(B) the methods, practices, and technologies, for the production of biofuels and biobased products.

''(2) OBJECTIVES.—The objectives of the Initiative are to develop—

''(A) technologies and processes necessary for abundant commercial production of biofuels at prices competitive with fossil fuels;

''(B) high-value biobased products—

''(i) to enhance the economic viability of biofuels and power;

''(ii) to serve as substitutes for petroleum-based feedstocks and products; and

''(iii) to enhance the value of coproducts produced using the technologies and processes; and

''(C) a diversity of economically and environmentally sustainable domestic sources of renewable biomass for conversion to biofuels, bioenergy, and biobased products.

''(3) TECHNICAL AREAS.—The Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct the Initiative in the 3 following areas:

''(A) FEEDSTOCKS DEVELOPMENT.—Research, development, and demonstration activities regarding feedstocks and feedstock logistics (including the harvest, handling, transport, preprocessing, and storage) relevant to production of raw materials for conversion to biofuels and biobased products.

''(B) BIOFUELS AND BIOBASED PRODUCTS DEVELOPMENT.—Research, development, and demonstration activities to support—

''(i) the development of diverse cost-effective technologies for the use of cellulosic biomass in the production of biofuels and biobased products; and

''(ii) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that potentially can increase the feasibility of fuel production in a biorefinery.

''(C) BIOFUELS DEVELOPMENT ANALYSIS.—

''(i) STRATEGIC GUIDANCE.—The development of analysis that provides strategic guidance for the application of renewable biomass technologies to improve sustainability and environmental quality, cost effectiveness, security, and rural economic development.

''(ii) ENERGY AND ENVIRONMENTAL IMPACT.—Development of systematic evaluations of the impact of expanded biofuel production on the environment (including forest land) and on the food supply for humans and animals, including the improvement and development of tools for life cycle analysis of current and potential biofuels.

''(iii) ASSESSMENT OF FEDERAL LAND.—Assessments of the potential of Federal land resources to increase the production of feedstocks for biofuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

''(4) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (3), the Secretaries shall support research and development—

''(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices;

''(B) to maximize the environmental, economic, and social benefits of production of

biofuels and derived biobased products on a large scale; and

''(C) to facilitate small-scale production and local and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.

''(5) ELIGIBILITY.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

''(A) an institution of higher education;

''(B) a National Laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

''(6) ADMINISTRATION.—

''(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

''(i) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this subsection;

''(ii) require that grants, contracts, and assistance under this section be awarded based on a scientific peer review by an independent panel of scientific and technical peers;

''(iii) give special consideration to applications that—

''(I) involve a consortia of experts from multiple institutions;

''(II) encourage the integration of disciplines and application of the best technical resources; and

''(III) increase the geographic diversity of demonstration projects; and

''(iv) require that the technical areas described in each of subparagraphs (A), (B), and (C) of paragraph (3) receive not less than 15 percent of funds made available to carry out this section.

''(B) COST SHARE.—

''(i) RESEARCH AND DEVELOPMENT PROJECTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of a research or development project under this section shall be not less than 20 percent.

''(II) REDUCTION.—The Secretary of Agriculture or the Secretary of Energy, as appropriate, may reduce the non-Federal share required under subclause (I) if the appropriate Secretary determines the reduction to be necessary and appropriate.

''(ii) DEMONSTRATION AND COMMERCIAL PROJECTS.—The non-Federal share of the cost of a demonstration or commercial project under this section shall be not less than 50 percent.

''(C) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary of Agriculture and the Secretary of Energy shall ensure that applicable research results and technologies from the Initiative are—

''(i) adapted, made available, and disseminated, as appropriate; and

''(ii) included in the best practices database established under section 1672C(e) of the Food, Agriculture, Conservation, and Trade Act of 1990.

''(f) ADMINISTRATIVE SUPPORT AND FUNDS.—

''(1) IN GENERAL.—The Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

''(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (c)(2)(B), and the other members of the Board appointed under subsection (c)(2)(C), are encouraged to provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

''(3) LIMITATION.—Not more than 4 percent of the amount made available for each fiscal year under subsection (h) may be used to pay the administrative costs of carrying out this section.

''(g) REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

''(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that is consistent with the objectives and requirements of this section;

''(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biofuels and biobased products; and

''(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section, to remain available until expended—

''(A) $20,000,000 for fiscal year 2009;

''(B) $28,000,000 for fiscal year 2010;

''(C) $30,000,000 for fiscal year 2011; and

''(D) $40,000,000 for fiscal year 2012.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9009. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means a community located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A))).

''(2) INITIATIVE.—The term 'Initiative' means the Rural Energy Self-Sufficiency Initiative established under this section.

''(3) INTEGRATED RENEWABLE ENERGY SYSTEM.—The term 'integrated renewable energy system' means a community-wide energy system that—

''(A) reduces conventional energy use; and

''(B) increases the use of energy from renewable sources.

''(b) ESTABLISHMENT.—The Secretary shall establish a Rural Energy Self-Sufficiency Initiative to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

''(c) GRANT ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make grants available under the Initiative to eligible rural communities to carry out an activity described in paragraph (2).

''(2) USE OF GRANT FUNDS.—An eligible rural community may use a grant—

''(A) to conduct an energy assessment that assesses the total energy use of all energy users in the eligible rural community;

''(B) to formulate and analyze ideas for reducing energy usage by the eligible rural community from conventional sources; and

''(C) to develop and install an integrated renewable energy system.

''(3) GRANT SELECTION.—

''(A) APPLICATION.—To be considered for a grant, an eligible rural community shall submit an application to the Secretary that describes the ways in which the community would use the grant to carry out an activity described in paragraph (2).

''(B) PREFERENCE.—The Secretary shall give preference to those applications that propose to carry out an activity in coordination with—

''(i) institutions of higher education or nonprofit foundations of institutions of higher education;

''(ii) Federal, State, or local government agencies;

''(iii) public or private power generation entities; or

''(iv) government entities with responsibility for water or natural resources.

''(4) REPORT.—An eligible rural community receiving a grant under the Initiative shall submit to the Secretary a report on the project of the eligible rural community.

''(5) COST-SHARING.—The amount of a grant under the Initiative shall not exceed 50 percent of the cost of the activities described in the application.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9010. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

''(a) DEFINITIONS.—In this section:

''(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

''(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

''(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

''(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

''(1) IN GENERAL.—

''(A) PURCHASES AND SALES.—For each of the 2008 through 2012 crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

''(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in crop years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(2) NOTICE.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, 2012, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop year following the date of the notice under this section.

''(B) REESTIMATES.—Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

''(3) COMMODITY CREDIT CORPORATION INVENTORY.—

''(A) DISPOSITIONS.—

''(i) BIOENERGY AND GENERALLY.—Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall—

''(I) sell the eligible commodity to bioenergy producers under this section consistent with paragraph (1)(C);

''(II) dispose of the eligible commodity in accordance with section 156(f)(2) of that Act; or

''(III) otherwise dispose of the eligible commodity through the buyback of certificates of quota entry.

''(ii) PRESERVATION OF OTHER AUTHORITIES.—Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 156(f)(1) of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272(f)(1)).

''(B) EMERGENCY SHORTAGES.—Notwithstanding subparagraph (A), if there is an emergency shortage of sugar for human consumption in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event, the Secretary may dispose of an eligible commodity that is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)) through disposition as authorized under section 156(f) of that Act or through the use of any other authority of the Commodity Credit Corporation.

''(4) TRANSFER RULE; STORAGE FEES.—

''(A) GENERAL TRANSFER RULE.—Except with regard to emergency dispositions under paragraph (3)(B) and as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this section take possession of the eligible commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

''(B) PAYMENT OF STORAGE FEES PROHIBITED.—

''(i) IN GENERAL.—The Secretary shall, to the maximum extent practicable, carry out this section in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this section.

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

''(C) OPTION TO PREVENT STORAGE FEES.—

''(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase the eligible commodities to be used to satisfy the contracts entered into with the bioenergy producers.

''(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases the eligible commodities.

''(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, the sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

''(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.

''SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) BCAP.—The term 'BCAP' means the Biomass Crop Assistance Program established under this section.

''(2) BCAP PROJECT AREA.—The term 'BCAP project area' means an area that—

''(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

''(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

''(C) is physically located within an economically practicable distance from the biomass conversion facility.

''(3) CONTRACT ACREAGE.—The term 'contract acreage' means eligible land that is covered by a BCAP contract entered into with the Secretary.

''(4) ELIGIBLE CROP.—

''(A) IN GENERAL.—The term 'eligible crop' means a crop of renewable biomass.

''(B) EXCLUSIONS.—The term 'eligible crop' does not include—

''(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

''(ii) any plant that is invasive or noxious or has the potential to become invasive or noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

''(5) ELIGIBLE LAND.—

''(A) IN GENERAL.—The term 'eligible land' includes agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

''(B) EXCLUSIONS.—The term 'eligible land' does not include—

''(i) Federal- or State-owned land;

''(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008;

''(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

''(iv) land enrolled in the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); or

''(v) land enrolled in the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.).

''(6) ELIGIBLE MATERIAL.—

''(A) IN GENERAL.—The term 'eligible material' means renewable biomass.

''(B) EXCLUSIONS.—The term 'eligible material' does not include—

''(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title;

''(ii) animal waste and byproducts (including fats, oils, greases, and manure);

''(iii) food waste and yard waste; or

''(iv) algae.

''(7) PRODUCER.—The term 'producer' means an owner or operator of contract acreage that is physically located within a BCAP project area.

''(8) PROJECT SPONSOR.—The term 'project sponsor' means—

''(A) a group of producers; or

''(B) a biomass conversion facility.

''(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—

''(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

''(2) assist agricultural and forest land owners and operators with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

''(c) BCAP PROJECT AREA.—

''(1) IN GENERAL.—The Secretary shall provide financial assistance to producers of eligible crops in a BCAP project area.

''(2) SELECTION OF PROJECT AREAS.—

''(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that includes, at a minimum—

''(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;

''(ii) a letter of commitment from a biomass conversion facility that the facility will use the eligible crops intended to be produced in the proposed BCAP project area;

''(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

''(iv) any other appropriate information about the biomass conversion facility or proposed biomass conversion facility that gives the Secretary a reasonable assurance that the plant will be in operation by the time that the eligible crops are ready for harvest.

''(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

''(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for the purposes of the BCAP;

''(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

''(iii) the anticipated economic impact in the proposed BCAP project area;

''(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

''(v) the participation rate by—

''(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

''(II) socially disadvantaged farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)));

''(vi) the impact on soil, water, and related resources;

''(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

''(I) agronomic conditions;

''(II) harvest and postharvest practices; and

''(III) monoculture and polyculture crop mixes;

''(viii) the range of eligible crops among project areas; and

''(ix) any additional information, as determined by the Secretary.

''(3) CONTRACT.—

''(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

''(B) MINIMUM TERMS.—At a minimum, contracts shall include terms that cover—

''(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

''(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

''(iii) the implementation of (as determined by the Secretary)—

''(I) a conservation plan; or

''(II) a forest stewardship plan or an equivalent plan; and

''(iv) any additional requirements the Secretary considers appropriate.

''(C) DURATION.—A contract under this subsection shall have a term of up to—

''(i) 5 years for annual and perennial crops; or

''(ii) 15 years for woody biomass.

''(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

''(5) PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

''(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—The amount of an establishment payment under this subsection shall be up to 75 percent of the costs of establishing an eligible perennial crop covered by the contract, including—

''(i) the cost of seeds and stock for perennials;

''(ii) the cost of planting the perennial crop, as determined by the Secretary; and

''(iii) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

''(C) AMOUNT OF ANNUAL PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

''(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

''(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;

''(II) an eligible crop is delivered to the biomass conversion facility;

''(III) the producer receives a payment under subsection (d);

''(IV) the producer violates a term of the contract; or

''(V) there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

''(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

''(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

''(B) a person with the right to collect or harvest eligible material.

''(2) PAYMENTS.—

''(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

''(i) collection;

''(ii) harvest;

''(iii) storage; and

''(iv) transportation to a biomass conversion facility.

''(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of $1 for each $1 per ton provided by the biomass conversion facility, in an amount equal to not more than $45 per ton for a period of 2 years.

''(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

''(e) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

''(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

"SEC. 9012. FOREST BIOMASS FOR ENERGY.

''(a) IN GENERAL.—The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

''(b) ELIGIBLE ENTITIES.—Entities eligible to compete under the program under this section include—

''(1) the Forest Service (acting through Research and Development);

''(2) other Federal agencies;

''(3) State and local governments;

''(4) Indian tribes;

''(5) land-grant colleges and universities; and

''(6) private entities.

''(c) PRIORITY FOR PROJECT SELECTION.—In carrying out this section, the Secretary shall give priority to projects that—

''(1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

''(2) develop processes that integrate production of energy from forest biomass into biorefineries or other existing manufacturing streams;

''(3) develop new transportation fuels from forest biomass; and

''(4) improve the growth and yield of trees intended for renewable energy production.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMUNITY WOOD ENERGY PLAN.—The term 'community wood energy plan' means an assessment of—

''(A) available feedstocks necessary to supply a community wood energy system; and

''(B) the long-term feasibility of supplying and operating a community wood energy system.

''(2) COMMUNITY WOOD ENERGY SYSTEM.—

''(A) IN GENERAL.—The term 'community wood energy system' means an energy system that—

''(i) primarily services public facilities owned or operated by State or local governments, including schools, town halls, libraries, and other public buildings; and

''(ii) uses woody biomass as the primary fuel.

''(B) INCLUSIONS.—The term 'community wood energy system' includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the 'Community Wood Energy Program' to provide—

''(A) grants of up to $50,000 to State and local governments (or designees) to develop community wood energy plans; and

''(B) competitive grants to State and local governments to acquire or upgrade community wood energy systems.

''(2) CONSIDERATIONS.—In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

''(A) the energy efficiency of the proposed system;

''(B) the cost effectiveness of the proposed system; and

''(C) other conservation and environmental criteria that the Secretary considers appropriate.

''(3) USE OF PLAN.—A State or local government applying to receive a competitive grant described in paragraph (1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan.

''(c) LIMITATION.—A community wood energy system acquired with grant funds provided under subsection (b)(1)(B) shall not exceed an output of—

''(1) 50,000,000 Btu per hour for heating; and

''(2) 2 megawatts for electric power production.

''(d) MATCHING FUNDS.—A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.''.

(b) CONFORMING AMENDMENT.—The Biomass Research and Development Act of 2000 (7 U.S.C. 8601 et seq.) is repealed.

SEC. 9002. BIOFUELS INFRASTRUCTURE STUDY.

(a) IN GENERAL.—The Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation (referred to in this section as the ''Secretaries''), shall jointly conduct a study that includes—

(1) an assessment of the infrastructure needs for expanding the domestic production, transport, and distribution of biofuels given current and likely future market trends;

(2) recommendations for infrastructure needs and development approaches, taking into account cost and other associated factors; and

(3) a report that includes—

(A) a summary of infrastructure needs;

(B) an analysis of alternative development approaches to meeting the needs described in subparagraph (A), including cost, siting, and other regulatory issues; and

(C) recommendations for specific infrastructure development actions to be taken.

(b) SCOPE OF STUDY.—

(1) IN GENERAL.—In conducting the study described in subsection (a), the Secretaries shall address—

(A) current and likely future market trends for biofuels through calendar year 2025;

(B) current and future availability of feedstocks;

(C) water resource needs, including water requirements for biorefineries;

(D) shipping and storage needs for biomass feedstock and biofuels, including the adequacy of rural roads; and

(E) modes of transportation and delivery for biofuels (including shipment by rail, truck, pipeline or barge) and associated infrastructure issues.

(2) CONSIDERATIONS.—In addressing the issues described in paragraph (1), the Secretaries shall consider—

(A) the effects of increased tank truck, rail, and barge transport on existing infrastructure and safety;

(B) the feasibility of shipping biofuels through pipelines in existence as the date of enactment of this Act;

(C) the development of new biofuels pipelines, including siting, financing, timing, and other economic issues;

(D) the implications of various biofuel blend levels on infrastructure needs;

(E) the implications of various approaches to infrastructure development on resource use and conservation;

(F) regional differences in biofuels infrastructure needs; and

(G) other infrastructure issues, as determined by the Secretaries.

(c) IMPLEMENTATION.—In carrying out this section, the Secretaries —

(1) shall—

(A) consult with individuals and entities with interest or expertise in the areas described in subsection (b);

(B) to the extent available, use the information developed and results of the related studies authorized under sections 243 and 245 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1540, 1546)); and

(C) submit to Congress the report required under subsection (a)(3), including—

(i) in the Senate—

(I) the Committee on Agriculture, Nutrition, and Forestry ;

(II) the Committee on Commerce, Science, and Transportation;

(III) the Committee on Energy and Natural Resources; and

(IV) the Committee on Environment and Public Works; and

(ii) in the House of Representatives—

(I) the Committee on Agriculture;

(II) the Committee on Energy and Commerce;

(III) the Committee on Transportation and Infrastructure; and

(IV) the Committee on Science and Technology; and

(2) may issue a solicitation for a competition to select a contractor to support the Secretaries.

SEC. 9003. RENEWABLE FERTILIZER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of receipt of appropriations to carry out this section, the Secretary shall—

(1) conduct a study to assess the current state of knowledge regarding the potential for the production of fertilizer from renewable energy sources in rural areas, including—

(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

(B) the most promising processes and technologies for renewable fertilizer production;

(C) the potential cost-competitiveness of renewable fertilizer; and

(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

SEC. 10001. DEFINITIONS.

In this title:

(1) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

(2) STATE DEPARTMENT OF AGRICULTURE.—The term ''State department of agriculture'' means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

Subtitle A—Horticulture Marketing and Information

SEC. 10101. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary shall arrange to have performed an independent evaluation of the purchasing processes (including the budgetary, statutory, and regulatory authority underlying the processes) used by the Department of Agriculture to implement the requirement that funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be principally devoted to perishable agricultural commodities.

(b) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

SEC. 10102. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting ''clementines,'' after ''nectarines,''.

SEC. 10103. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a)) is amended—

(1) by striking ''In 1998'' and inserting the following:

''(1) IN GENERAL.—In 1998''; and

(2) by adding at the end the following:

''(2) INCLUSION OF SPECIALTY CROPS.—Effective beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as that term is defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)).''.

SEC. 10104. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking ''4 regions'' and inserting ''3 regions'';

(2) in subparagraph (D), by striking ''35,000,000 pounds'' and inserting ''50,000,000 pounds''; and

(3) by striking subparagraph (E) and inserting the following:

''(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limit of members on the Council provided in that paragraph, the Secretary shall appoint additional members to the council from a region that attains additional pounds of production as follows:

''(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by 1 additional member.

''(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

''(iii) If the annual production of a region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.''.

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) to develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms;''.

SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.

(a) INITIATIVE AUTHORIZED.—The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education program in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10106. FARMERS' MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting ''and to promote direct producer-to-consumer marketing'' before the period at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''agri-tourism activities,'' after ''programs,''; and

(B) in subparagraph (B)—

(i) by inserting ''agri-tourism activities,'' after ''programs,'' and

(ii) by striking ''infrastructure'' and inserting ''marketing opportunities'';

(3) in subsection (c)(1), by inserting ''or a producer network or association'' after ''cooperative''; and

(4) by striking subsection (e) and inserting the following:

''(e) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(A) $3,000,000 for fiscal year 2008;

''(B) $5,000,000 for each of fiscal years 2009 through 2010; and

''(C) $10,000,000 for each of fiscal years 2011 and 2012.

''(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.

''(3) INTERDEPARTMENTAL COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

''(4) LIMITATION.—Funds described in paragraph (2)—

''(A) may not be used for the ongoing cost of carrying out any project; and

''(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.''.

SEC. 10107. SPECIALTY CROPS MARKET NEWS ALLOCATION.

(a) IN GENERAL.—The Secretary shall—

(1) carry out market news activities to provide timely price and shipment information of specialty crops in the United States; and

(2) use funds made available under subsection (b) to increase the reporting levels for specialty crops in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news services, there is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10108. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND STANDARDS AND OTHER PURPOSES.

(a) IN GENERAL.—The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards and for other purposes under that Act.

(b) EXPEDITED PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An organization of domestic avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) PUBLICATION OF PROPOSAL.—Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall initiate procedures described in subsection (a) to determine whether the proposed order should proceed.

(c) EFFECTIVE DATE.—Any order issued under this section shall become effective not later than 15 months after the date on which the Secretary initiates procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SEC. 10109. SPECIALTY CROP BLOCK GRANTS.

(a) DEFINITION OF SPECIALTY CROP.—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting ''horticulture and'' before ''nursery''.

(b) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking ''and the Commonwealth of Puerto Rico'' and inserting ''the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

(c) SPECIALTY CROP BLOCK GRANTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended—

(1) in subsection (a)—

(A) by striking ''Subject to the appropriation of funds to carry out this section'' and inserting ''Using the funds made available under subsection (j)''; and

(B) by striking ''2009'' and inserting ''2012'';

(2) in subsection (b), by striking ''appropriated pursuant to the authorization of appropriations in subsection (i)'' and inserting ''made available under subsection (j)'';

(3) by striking subsection (c) and inserting the following:

''(c) MINIMUM GRANT AMOUNT.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least equal to the higher of—

''(1) $100,000; or

''(2) ⅓ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.''; and

(4) by striking subsection (i) and inserting the following:

''(i) REALLOCATION.—

''(1) IN GENERAL.—The Secretary shall reallocate to other States in accordance with paragraph (2) any amounts made available for a fiscal year under this section that are not obligated or expended by a date during that fiscal year determined by the Secretary.

''(2) PRO RATA ALLOCATION.—The Secretary shall allocate funds described in paragraph (1) pro rata to the remaining States that applied during the specified grant application period.

''(3) USE OF REALLOCATED FUNDS.—Funds allocated to a State under this subsection shall be used by the State only to carry out projects that were previously approved in the State plan of the State.

''(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(1) $10,000,000 for fiscal year 2008;

''(2) $49,000,000 for fiscal year 2009; and

''(3) $55,000,000 for each of fiscal years 2010 through 2012.''.

Subtitle B—Pest and Disease Management

SEC. 10201. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

(a) IN GENERAL.—Subtitle A of the Plant Protection Act (7 U.S.C. 7711 et seq.) is amended by adding at the end the following:

''SEC. 420. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

''(a) DEFINITIONS.—In this section:

''(1) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term 'early plant pest detection and surveillance' means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

''(A) the plant pests become established; or

''(B) the plant pest infestations become too large and costly to eradicate or control.

''(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

''(3) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

''(b) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

''(1) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with—

''(A) the National Plant Board; and

''(B) other interested parties.

''(3) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

''(4) APPLICATION.—

''(A) IN GENERAL.—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require.

''(B) NOTIFICATION.—The Secretary shall notify applicants of—

''(i) the requirements to be imposed on a State department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement;

''(ii) the criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments; and

''(iii) the means of identifying pathways of pest introductions.

''(5) USE OF FUNDS.—

''(A) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this subsection shall use the funds to carry out early plant pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a plant pest.

''(B) SUBAGREEMENTS.—Nothing in this subsection prevents a State department of agriculture from using funds received under paragraph (4) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

''(C) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

''(D) ABILITY TO PROVIDE FUNDS.—The Secretary shall not take the ability to provide non-Federal costs to carry out a cooperative agreement entered into under subparagraph (A) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

''(6) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

''(A) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests or diseases, taking into consideration—

''(i) the number of international ports of entry in the State;

''(ii) the volume of international passenger and cargo entry into the State;

''(iii) the geographic location of the State and if the location or types of agricultural commodities produced in the State are conducive to agricultural pest and disease establishment due to the climate, crop diversity, or natural resources (including unique plant species) of the State; and

''(iv) whether the Secretary has determined that an agricultural pest or disease in the State is a Federal concern ; and

''(B) the early plant pest detection and surveillance activities supported with the funds will likely—

''(i) prevent the introduction and establishment of plant pests; and

''(ii) provide a comprehensive approach to compliment Federal detection efforts.

''(7) REPORTING REQUIREMENT.—Not later than 90 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this section, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

''(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a threat identification and mitigation program to determine and address threats to the domestic production of crops.

''(2) REQUIREMENTS.—In conducting the program established under paragraph (1), the Secretary shall—

''(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

''(B) collaborate with the National Plant Board; and

''(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States.

''(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the action plans described in paragraph (2), including an accounting of funds expended on the action plans.

''(d) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

''(1) audit-based certification systems, such as best management practices—

''(A) to address plant pests; and

''(B) to mitigate the risk of plant pests in the movement of plants and plant products; and

''(2) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

''(A) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

''(B) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

''(C) to reduce the risk of and mitigate those plant pests and diseases.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(1) $12,000,000 for fiscal year 2009;

''(2) $45,000,000 for fiscal year 2010;

''(3) $50,000,000 for fiscal year 2011; and

''(4) $50,000,000 for fiscal year 2012 and each fiscal year thereafter.''.

(b) CONGRESSIONAL DISAPPROVAL.—Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

SEC. 10202. NATIONAL CLEAN PLANT NETWORK.

(a) IN GENERAL.—The Secretary shall establish a program to be known as the ''National Clean Plant Network'' (referred to in this section as the ''Program'').

(b) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

(1) produce clean propagative plant material; and

(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

(1) a State for a certified plant program of the State; and

(2) private nurseries and producers.

(d) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

(1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

SEC. 10203. PLANT PROTECTION.

(a) REVIEW OF PAYMENT OF COMPENSATION.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended in the second sentence by striking ''of longer than 60 days''.

(b) SECRETARIAL DISCRETION.—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking ''of longer than 60 days''.

(c) SUBPOENA AUTHORITY.—Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

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

''(a) AUTHORITY TO ISSUE.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.'';

(2) in subsection (b), by striking ''documentary''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''testimony of any witness and the production of documentary evidence'' and inserting ''testimony of any witness, the production of evidence, or the inspection of premises''; and

(B) in the second sentence, by striking ''question or to produce documentary evidence'' and inserting ''question, produce evidence, or permit the inspection of premises''.

(d) WILLFUL VIOLATIONS.—Section 424(b)(1)(A) of the Plant Protection Act (7 U.S.C. 7734(b)(1)(A)) is amended by striking ''and $500,000 for all violations adjudicated in a single proceeding'' and inserting ''$500,000 for all violations adjudicated in a single proceeding if the violations do not include a willful violation, and $1,000,000 for all violations adjudicated in a single proceeding if the violations include a willful violation''.

SEC. 10204. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) take action on each issue identified in the document entitled ''Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework'', dated October 4, 2007; and

(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement distances;

(8) standards for quality management systems and effective research; and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) CONSIDERATION.—In carrying out subsection (a), the Secretary shall consider—

(1) establishing—

(A) a system of risk-based categories to classify each regulated article;

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) standards for isolation and containment distances; and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans; and

(G) to submit reports as the Secretary considers to be appropriate.

SEC. 10205. PEST AND DISEASE REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term ''authorized equipment'' means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term ''authorized equipment'' includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term ''Fund'' means the Pest and Disease Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Pest and Disease Revolving Loan Fund'', consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 10206. COOPERATIVE AGREEMENTS RELATING TO PLANT PEST AND DISEASE PREVENTION ACTIVITIES.

Section 431 of the Plant Protection Act (7 U.S.C. 7751) is amended by adding at the end the following:

''(f) TRANSFER OF COOPERATIVE AGREEMENT FUND.—

''(1) IN GENERAL.—A State may provide to a unit of local government in the State described in paragraph (2) any cost-sharing assistance or financing mechanism provided to the State under a cooperative agreement entered into under this Act between the Secretary and the State relating to the eradication, prevention, control, or suppression of plant pests.

''(2) REQUIREMENTS.—To be eligible for assistance or financing under paragraph (1), a unit of local government shall be—

''(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

''(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—

''(i) the Department of Agriculture; or

''(ii) the State department of agriculture that has jurisdiction over the unit of local government.''.

Subtitle C—Organic Agriculture

SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking ''$5,000,000 for fiscal year 2002'' and inserting ''$22,000,000 for fiscal year 2008'';

(2) in subsection (b)(2), by striking ''$500'' and inserting ''$750''; and

(3) by adding at the end the following:

''(c) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.''.

SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

''SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

''(a) IN GENERAL.—The Secretary shall collect and report data on the production and marketing of organic agricultural products.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall, at a minimum—

''(1) collect and distribute comprehensive reporting of prices relating to organically produced agricultural products;

''(2) conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns); and

''(3) develop surveys and report statistical analysis on organically produced agricultural products.

''(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(1) describes the progress that has been made in implementing this section; and

''(2) identifies any additional production and marketing data needs.

''(d) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.

''(2) ADDITIONAL FUNDING.—In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.''.

SEC. 10303. NATIONAL ORGANIC PROGRAM.

Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are''; and

(2) by adding at the end the following:

''(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this title, there are authorized to be appropriated—

''(1) $5,000,000 for fiscal year 2008;

''(2) $6,500,000 for fiscal year 2009;

''(3) $8,000,000 for fiscal year 2010;

''(4) $9,500,000 for fiscal year 2011;

''(5) $11,000,000 for fiscal year 2012; and

''(6) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.''.

Subtitle D—Miscellaneous

SEC. 10401. NATIONAL HONEY BOARD.

Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended by adding at the end the following:

''(12) REFERENDUM REQUIREMENT.—

''(A) DEFINITION OF EXISTING HONEY BOARD.—The term 'existing Honey Board' means the Honey Board in effect on the date of enactment of this paragraph.

''(B) CONDUCT OF REFERENDA.—Notwithstanding any other provision of law, subject to subparagraph (C), the order providing for the establishment and operation of the existing Honey Board shall continue in force, until the Secretary first conducts, at the earliest practicable date, but not later than 180 days after the date of enactment of this paragraph, referenda on orders to establish a honey packer-importer board or a United States honey producer board.

''(C) REQUIREMENTS.—In conducting referenda under subparagraph (B), and in exercising fiduciary responsibilities in any

transition to any 1 or more successor boards, the Secretary shall—

''(i) conduct a referendum of eligible United States honey producers for the establishment of a marketing board solely for United States honey producers;

''(ii) conduct a referendum of eligible packers, importers, and handlers of honey for the establishment of a marketing board for packers, importers, and handlers of honey;

''(iii) notwithstanding the timing of the referenda required under clauses (i) and (ii) or of the establishment of any 1 or more successor boards pursuant to those referenda, ensure that the rights and interests of honey producers, importers, packers, and handlers of honey are equitably protected in any disposition of the assets, facilities, intellectual property, and programs of the existing Honey Board and in the transition to any 1 or more new successor marketing boards;

''(iv) ensure that the existing Honey Board continues in operation until such time as the Secretary determines that—

''(I) any 1 or more successor boards, if approved, are operational; and

''(II) the interests of producers, importers, packers, and handlers of honey can be equitably protected during any remaining period in which a referendum on a successor board or the establishment of such a board is pending; and

''(v) discontinue collection of assessments under the order establishing the existing Honey Board on the date the Secretary requires that collections commence pursuant to an order approved in a referendum by eligible producers or processors and importers of honey.

''(D) HONEY BOARD REFERENDUM.—If 1 or more orders are approved pursuant to paragraph (C)—

''(i) the Secretary shall not be required to conduct a continuation referendum on the order in existence on the date of enactment of this paragraph; and

''(ii) that order shall be terminated pursuant to the provisions of the order.''.

SEC. 10402. IDENTIFICATION OF HONEY.

(a) IN GENERAL.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—

(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and

(2) by adding at the end the following:

''(6) IDENTIFICATION OF HONEY.—

''(A) IN GENERAL.—The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture is hereby prohibited under this Act unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the 1 or more names of the 1 or more countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning.

''(B) VIOLATION.—A violation of the requirements of subparagraph (A) may be deemed by the Secretary to be sufficient cause for debarment from the benefits of this Act only with respect to honey.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 10403. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) GRANTS AUTHORIZED.—The Secretary may make grants under this section to an eligible entity described in subsection (b)—

(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of, or any combination of:

(1) State and local governments.

(2) Grower cooperatives.

(3) National, State, or regional organizations of producers, shippers, or carriers.

(4) Other entities as determined to be appropriate by the Secretary.

(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 10404. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years.

(b) PAYMENT RATE.—The payment rate for a payment under this section shall be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years.

(c) PAYMENT QUANTITY.—The payment quantity for asparagus for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 2003 crop of asparagus produced by producers on the farm.

(d) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make available $15,000,000 of the funds of the Commodity Credit Corporation to carry out a program to provide market loss payments to producers of asparagus under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1), the Secretary shall use—

(A) $7,500,000 to make payments to producers of asparagus for the fresh market; and

(B) $7,500,000 to make payments to producers of asparagus for the processed or frozen market.

TITLE XI—LIVESTOCK

SEC. 11001. LIVESTOCK MANDATORY REPORTING.

(a) WEB SITE IMPROVEMENTS AND USER EDUCATION.—

(1) IN GENERAL.—Section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)) is amended to read as follows:

''(g) ELECTRONIC REPORTING AND PUBLISHING.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

''(2) IMPROVEMENTS AND EDUCATION.—

''(A) ENHANCED ELECTRONIC PUBLISHING.—The Secretary shall develop and implement an enhanced system of electronic publishing to disseminate information collected pursuant to this subtitle. Such system shall—

''(i) present information in a format that can be readily understood by producers, packers, and other market participants;

''(ii) adhere to the publication deadlines in this subtitle;

''(iii) present information in charts and graphs, as appropriate;

''(iv) present comparative information for prior reporting periods, as the Secretary considers appropriate; and

''(v) be updated as soon as practicable after information is reported to the Secretary.

''(B) EDUCATION.—The Secretary shall carry out a market news education program to educate the public and persons in the livestock and meat industries about—

''(i) usage of the system developed under subparagraph (A); and

''(ii) interpreting and understanding information collected and disseminated through such system.''.

(2) APPLICABILITY.—

(A) ENHANCED REPORTING.—The Secretary of Agriculture shall develop and implement the system required under paragraph (2)(A) of section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)), as amended by paragraph (1), not later than one year after the date on which the Secretary determines sufficient funds have been appropriated pursuant to subsection (c).

(B) CURRENT SYSTEM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall continue to use the information format for disseminating information under subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) in effect on the date of the enactment of this Act at least until the date that is two years after the date on which the Secretary makes the determination referred to in subparagraph (A).

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study on the effects of requiring packer processing plants to report to the Secretary information on wholesale pork cuts (including price and volume information), including—

(A) the positive or negative economic effects on producers and consumers; and

(B) the effects of a confidentiality requirement on mandatory reporting.

(2) INFORMATION.—During the period preceding the submission of the report under paragraph (3), the Secretary may collect, and each packer processing plant shall provide, such information as is necessary to enable the Secretary to conduct the study required under paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study conducted under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 11002. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v), by striking ''and'';

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) meat produced from goats;

''(viii) chicken, in whole and in part;

''(ix) ginseng;

''(x) pecans; and

''(xi) macadamia nuts.'';

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

''(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, CHICKEN, AND GOAT MEAT.—

''(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef,

lamb, pork, chicken, or goat meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

''(i) exclusively born, raised, and slaughtered in the United States;

''(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

''(iii) present in the United States on or before July 15, 2008, and once present in the United States, remained continuously in the United States.

''(B) MULTIPLE COUNTRIES OF ORIGIN.—

''(i) IN GENERAL.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is—

''(I) not exclusively born, raised, and slaughtered in the United States,

''(II) born, raised, or slaughtered in the United States, and

''(III) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

''(ii) RELATION TO GENERAL REQUIREMENT.—Nothing in this subparagraph alters the mandatory requirement to inform consumers of the country of origin of covered commodities under paragraph (1).

''(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as—

''(i) the country from which the animal was imported; and

''(ii) the United States.

''(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is not born, raised, or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

''(E) GROUND BEEF, PORK, LAMB, CHICKEN, AND GOAT.—The notice of country of origin for ground beef, ground pork, ground lamb, ground chicken, or ground goat shall include—

''(i) a list of all countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat; or

''(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat.

''(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

''(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

''(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

''(ii) in the case of wild fish, is—

''(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

''(II) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States.

''(B) DESIGNATION OF WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

''(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES, GINSENG, PEANUTS, PECANS, AND MACADAMIA NUTS.—

''(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

''(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin.''; and

(B) by striking subsection (d) and inserting the following:

''(d) AUDIT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

''(2) RECORD REQUIREMENTS.—

''(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

''(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person.''; and

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) as subsection (a);

(C) in subsection (a) (as so redesignated), by striking ''retailer'' and inserting ''retailer or person engaged in the business of supplying a covered commodity to a retailer''; and

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

''(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

''(1) not made a good faith effort to comply with section 282, and

''(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.''.

SEC. 11003. AGRICULTURAL FAIR PRACTICES ACT OF 1967 DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking ''When used in this Act—'' and inserting ''In this Act:'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking ''clause (1), (2), or (3) of this paragraph'' and inserting ''clause (i), (ii), or (iii)'';

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking ''The term 'association of producers' means'' and inserting the following:

''(2) ASSOCIATION OF PRODUCERS.—

''(A) IN GENERAL.—The term 'association of producers' means''; and

(B) by adding at the end the following:

''(B) INCLUSION.—The term 'association of producers' includes an organization whose membership is exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of producers of agricultural products.''; and

(7) in paragraph (3) (as so redesignated)—

(A) by striking ''The term'' and inserting the following:

''(3) HANDLER.—

''(A) IN GENERAL.—The term''; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

''(B) EXCLUSION.—The term 'handler' does not include a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.''.

SEC. 11004. ANNUAL REPORT.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 416 (7 U.S.C. 229) as section 417; and

(2) by inserting after section 415 (7 U.S.C. 228d) the following:

''SEC. 416. ANNUAL REPORT.

''(a) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

''(1) states, for the preceding year, separately for livestock and poultry and separately by enforcement area category (financial, trade practice, or competitive acts and practices), with respect to investigations into possible violations of this Act—

''(A) the number of investigations opened;

''(B) the number of investigations that were closed or settled without a referral to the General Counsel of the Department of Agriculture;

''(C) for investigations described in subparagraph (B), the length of time from initiation of the investigation to when the investigation was closed or settled without the filing of an enforcement complaint;

''(D) the number of investigations that resulted in referral to the General Counsel of the Department of Agriculture for further action, the number of such referrals resolved without administrative enforcement action, and the number of enforcement actions filed by the General Counsel;

''(E) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from the referral to the filing of the administrative action;

''(F) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from filing to resolution of the administrative enforcement action;

''(G) the number of investigations that resulted in referral to the Department of Justice for further action, and the number of civil enforcement actions filed by the Department of Justice on behalf of the Secretary pursuant to such a referral;

''(H) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the referral to the filing of the enforcement action;

''(I) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the filing of the enforcement action to resolution; and

''(J) the average civil penalty imposed in administrative or civil enforcement actions for violations of this Act, and the total amount of civil penalties imposed in all such enforcement actions; and

''(2) includes any other additional information the Secretary considers important to include in the annual report.

''(b) FORMAT OF INFORMATION PROVIDED.—For subparagraphs (C), (E), (F), and (H) of subsection (a)(1), the Secretary may, if appropriate due to the number of complaints for a given category, provide summary statistics (including range, maximum, minimum, mean, and average times) and graphical representations.''.

(b) SUNSET.—Effective September 30, 2012, section 416 of the Packers and Stockyards Act, 1921, as added by subsection (a)(2), is repealed.

SEC. 11005. PRODUCTION CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 198 et seq.) is amended by adding at the end the following:

''SEC. 208. PRODUCTION CONTRACTS.

''(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—A poultry grower or swine production contract grower may cancel a poultry growing arrangement or swine production contract by mailing a cancellation notice to the live poultry dealer or swine contractor not later than the later of—

''(A) the date that is 3 business days after the date on which the poultry growing arrangement or swine production contract is executed; or

''(B) any cancellation date specified in the poultry growing arrangement or swine production contract.

''(2) DISCLOSURE.—A poultry growing arrangement or swine production contract shall clearly disclose—

''(A) the right of the poultry grower or swine production contract grower to cancel the poultry growing arrangement or swine production contract;

''(B) the method by which the poultry grower or swine production contract grower may cancel the poultry growing arrangement or swine production contract; and

''(C) the deadline for canceling the poultry growing arrangement or swine production contract.

''(b) REQUIRED DISCLOSURE OF ADDITIONAL CAPITAL INVESTMENTS IN PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—A poultry growing arrangement or swine production contract shall contain on the first page a statement identified as 'Additional Capital Investments Disclosure Statement', which shall conspicuously state that additional large capital investments may be required of the poultry grower or swine production contract grower during the term of the poultry growing arrangement or swine production contract.

''(2) APPLICATION.—Paragraph (1) shall apply to any poultry growing arrangement or swine production contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this section.

''SEC. 209. CHOICE OF LAW AND VENUE.

''(a) LOCATION OF FORUM.—The forum for resolving any dispute among the parties to a poultry growing arrangement or swine production or marketing contract that arises out of the arrangement or contract shall be located in the Federal judicial district in which the principle part of the performance takes place under the arrangement or contract.

''(b) CHOICE OF LAW.—A poultry growing arrangement or swine production or marketing contract may specify which State's law is to apply to issues governed by State law in any dispute arising out of the arrangement or contract, except to the extent that doing so is prohibited by the law of the State in which the principal part of the performance takes place under the arrangement or contract.

''SEC. 210. ARBITRATION.

''(a) IN GENERAL.—Any livestock or poultry contract that contains a provision requiring the use of arbitration to resolve any controversy that may arise under the contract shall contain a provision that allows a producer or grower, prior to entering the contract to decline to be bound by the arbitration provision.

''(b) DISCLOSURE.—Any livestock or poultry contract that contains a provision requiring the use of arbitration shall contain terms that conspicuously disclose the right of the contract producer or grower, prior to entering the contract, to decline the requirement to use arbitration to resolve any controversy that may arise under the livestock or poultry contract.

''(c) DISPUTE RESOLUTION.—Any contract producer or grower that declines a requirement of arbitration pursuant to subsection (b) has the right, to nonetheless seek to resolve any controversy that may arise under the livestock or poultry contract, if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(d) APPLICATION.—Subsections (a) (b) and (c) shall apply to any contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of the Food, Conservation, and Energy Act of 2008 .

''(e) UNLAWFUL PRACTICE.—Any action by or on behalf of a packer, swine contractor, or live poultry dealer that violates this section (including any action that has the intent or effect of limiting the ability of a producer or grower to freely make a choice described in subsection (b)) is an unlawful practice under this Act.

''(f) REGULATIONS.—The Secretary shall promulgate regulations to—

''(1) carry out this section; and

''(2) establish criteria that the Secretary will consider in determining whether the arbitration process provided in a contract provides a meaningful opportunity for the grower or producer to participate fully in the arbitration process.''.

SEC. 11006. REGULATIONS.

As soon as practicable, but not later than 2 years after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations with respect to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) to establish criteria that the Secretary will consider in determining—

(1) whether an undue or unreasonable preference or advantage has occurred in violation of such Act;

(2) whether a live poultry dealer has provided reasonable notice to poultry growers of any suspension of the delivery of birds under a poultry growing arrangement;

(3) when a requirement of additional capital investments over the life of a poultry growing arrangement or swine production contract constitutes a violation of such Act; and

(4) if a live poultry dealer or swine contractor has provided a reasonable period of time for a poultry grower or a swine production contract grower to remedy a breach of contract that could lead to termination of the poultry growing arrangement or swine production contract.

SEC. 11007. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire livestock industry;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) the establishment and continued support of a swine surveillance system will assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act.

SEC. 11008. SENSE OF CONGRESS REGARDING THE CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the Secretary of Agriculture should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surveillance program to rapidly detect any cattle fever tick incursions; and

(C) research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

SEC. 11009. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

(b) REPEAL OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.—

(1) IN GENERAL.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by striking subsection (j).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on May 1, 2007.

SEC. 11010. TRICHINAE CERTIFICATION PROGRAM.

(a) VOLUNTARY TRICHINAE CERTIFICATION.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Agriculture shall establish a voluntary trichinae certification program. Such program shall include the facilitation of the export of pork products and certification services related to such products.

(2) REGULATIONS.—The Secretary shall issue final regulations to implement the program under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(3) REPORT.—If final regulations are not published in accordance with paragraph (2) within 90 days of the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(A) an explanation of why the final regulations have not been issued in accordance with paragraph (2); and

(B) the date on which the Secretary expects to issue such final regulations.

(b) FUNDING.—Subject to the availability of appropriations under subsection (d)(1)(A) of section 10405 of the Animal Health Protection Act (7 U.S.C. 8304), as added by subsection (c), the Secretary shall use not less than $6,200,000 of the funds made available under such subsection to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10405 of the Animal Health Protection Act (7 U.S.C. 8304) is amended by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated—

''(A) $1,500,000 for each of fiscal years 2008 through 2012 to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and

''(B) such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

''(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.''.

SEC. 11011. LOW PATHOGENIC DISEASES.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended—

(1) in section 10407(d)(2)(C) (7 U.S.C. 8306(d)(2)(C)), by striking ''of longer than 60 days'';

(2) in section 10409(b) (7 U.S.C. 8308(b))—

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

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

''(2) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary shall compensate industry participants and State agencies that cooperate with the Secretary in carrying out operations and measures under subsection (a) for 100 percent of eligible costs relating to cooperative programs involving Federal, State, and industry participants to control diseases of low pathogenicity in accordance with regulations issued by the Secretary.''; and

(C) in paragraph (3) (as so redesignated), by striking ''of longer than 60 days''; and

(3) in section 10417(b)(3) (7 U.S.C. 8316(b)(3)), by striking ''of longer than 60 days''.

SEC. 11012. ANIMAL PROTECTION.

(a) WILLFUL VIOLATIONS.—Section 10414(b)(1)(A) of the Animal Health Protection Act (7 U.S.C. 8316(b)(1)(A)) is amended by striking clause (iii) and inserting the following:

''(iii) for all violations adjudicated in a single proceeding—

''(I) $500,000 if the violations do not include a willful violation; or

''(II) $1,000,000 if the violations include 1 or more willful violations.''.

(b) SUBPOENA AUTHORITY.—Section 10415(a)(2) of the Animal Health Protection Act (7 U.S.C. 8314) is amended

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.'';

(2) in subparagraph (B), by striking ''documentary''; and

(3) in subparagraph (C)—

(A) in clause (i), by striking ''testimony of any witness and the production of documentary evidence'' and inserting ''testimony of any witness, the production of evidence, or the inspection of premises''; and

(B) in clause (ii), by striking ''question or to produce documentary evidence'' and inserting ''question, produce evidence, or permit the inspection of premises''.

SEC. 11013. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) IN GENERAL.—The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a project under a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) COOPERATIVE AGREEMENTS BETWEEN ELIGIBLE ENTITIES AND THE SECRETARY.—

(1) DUTIES.—As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management practices relating to activities to be carried out under such project.

(2) NON-FEDERAL SHARE.—The Secretary shall determine the non-Federal share of the cost of carrying out a project under the national aquatic health plan on a case-by-case basis for each such project. Such non-Federal share may be provided in cash or in-kind.

(c) APPLICABILITY OF OTHER LAWS.—In carrying out this section, the Secretary may make use of the authorities under the Animal Health Protection Act (7 U.S.C. 8301 et seq.), including the authority to carry out operations and measures to detect, control, and eradicate pests and diseases and the authority to pay claims arising out of the destruction of any animal, article, or means of conveyance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

(e) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, a political subdivision of a State, Indian tribe, or other appropriate entity, as determined by the Secretary of Agriculture.

SEC. 11014. STUDY ON BIOENERGY OPERATIONS.

(a) STUDY.—The Secretary of Agriculture shall conduct a study to evaluate the role of animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on consumers and on agricultural operations (by size) resulting from limitations being placed on the utilization of animal manure as fertilizer; and

(3) an evaluation of the effects on agriculture production contributable to the increased competition for animal manure use due to bioenergy production, including as a feedstock or a replacement for fossil fuels.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the results of the study conducted under subsection (a).

SEC. 11015. INTERSTATE SHIPMENT OF MEAT AND POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(a) MEAT AND MEAT PRODUCTS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

''TITLE V—INSPECTIONS BY FEDERAL AND STATE AGENCIES

''SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

''(a) DEFINITIONS.—

''(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 301(b).

''(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

''(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

''(A) the State inspection program of the State in which the establishment is located; and

''(B) this Act, including rules and regulations issued under this Act.

''(4) MEAT ITEM.—The term 'meat item' means—

''(A) a portion of meat; and

''(B) a meat food product.

''(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship carcasses, portions of carcasses, and meat items in interstate commerce.

''(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship carcasses, portions of carcasses, and meat items in interstate commerce, and place on each carcass, portion of a carcass, and meat item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

''(A) the carcass, portion of carcass, or meat item qualifies for the mark, stamp, tag, or label of inspection under the requirements of this Act;

''(B) the establishment is an eligible establishment; and

''(C) inspection services for the establishment are provided by designated personnel.

''(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

''(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

''(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or meat items that are inspected by the Secretary in accordance with this Act;

''(C)(i) is a Federal establishment;

''(ii) was a Federal establishment that was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

''(iii) was a State establishment as of the date of the enactment of this section that—

''(I) as of the date of the enactment of this section, employed more than 25 employees; and

''(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

''(D) is in violation of this Act;

''(E) is located in a State that does not have a State inspection program; or

''(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

''(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

''(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

''(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

''(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

''(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (j).

''(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

''(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

''(A) to provide oversight and enforcement of this title; and

''(B) to oversee the training and inspection activities of designated personnel of the State agency.

''(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

''(3) DUTIES OF STATE COORDINATOR.—

''(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

''(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

''(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

''(i) immediately notify the Secretary of the violation; and

''(ii) deselect the selected establishment or suspend inspection at the selected establishment.

''(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

''(e) AUDITS.—

''(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (j), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

''(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

''(A) the effectiveness of the implementation of this section; and

''(B) the number of selected establishments selected by the Secretary to ship carcasses, portions of carcasses, or meat items under this section.

''(f) TECHNICAL ASSISTANCE DIVISION.—

''(1) ESTABLISHMENT.—Not later than 180 days after the effective date described in subsection (j), the Secretary shall establish in the Food Safety and Inspection Service of the Department of Agriculture a technical assistance division to coordinate the initiatives of any other appropriate agency of the Department of Agriculture to provide—

''(A) outreach, education, and training to very small or certain small establishments (as defined by the Secretary); and

''(B) grants to appropriate State agencies to provide outreach, technical assistance, education, and training to very small or certain small establishments (as defined by the Secretary).

''(2) PERSONNEL.—The technical assistance division shall be comprised of individuals that, as determined by the Secretary—

''(A) are of a quantity sufficient to carry out the duties of the technical assistance division; and

''(B) possess appropriate qualifications and expertise relating to the duties of the technical assistance division.

''(g) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by title III to transition to selected establishments.

''(h) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

''(i) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products under this Act.

''(j) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

''(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).''.

(b) POULTRY AND POULTRY PRODUCTS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 31. INTERSTATE SHIPMENT OF POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

''(a) DEFINITIONS.—

''(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 5(a)(1).

''(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

''(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

''(A) the State inspection program of the State in which the establishment is located; and

''(B) this Act, including rules and regulations issued under this Act.

''(4) POULTRY ITEM.—The term 'poultry item' means—

''(A) a portion of poultry; and

''(B) a poultry product.

''(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship poultry items in interstate commerce.

''(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship poultry items in interstate commerce, and place on each poultry item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

''(A) the poultry item qualifies for the Federal mark, stamp, tag, or label of inspection under the requirements of this Act;

''(B) the establishment is an eligible establishment; and

''(C) inspection services for the establishment are provided by designated personnel.

''(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

''(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

''(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or poultry items that are inspected by the Secretary in accordance with this Act;

''(C)(i) is a Federal establishment;

''(ii) was a Federal establishment as of the date of the enactment of this section, and was reorganized on a later date under the same name or a different name or person by

the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

''(iii) was a State establishment as of the date of the enactment of this section that—

''(I) as of the date of the enactment of this section, employed more than 25 employees; and

''(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

''(D) is in violation of this Act;

''(E) is located in a State that does not have a State inspection program; or

''(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

''(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

''(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

''(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

''(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

''(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (i).

''(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

''(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

''(A) to provide oversight and enforcement of this section; and

''(B) to oversee the training and inspection activities of designated personnel of the State agency.

''(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

''(3) DUTIES OF STATE COORDINATOR.—

''(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

''(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

''(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

''(i) immediately notify the Secretary of the violation; and

''(ii) deselect the selected establishment or suspend inspection at the selected establishment.

''(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

''(e) AUDITS.—

''(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (i), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

''(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

''(A) the effectiveness of the implementation of this section; and

''(B) the number of selected establishments selected by the Secretary to ship poultry items under this section.

''(f) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by this Act to transition to selected establishments.

''(g) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

''(h) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of poultry and poultry products under this Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

''(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).''.

SEC. 11016. INSPECTION AND GRADING.

(a) GRADING.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

''(n) GRADING PROGRAM.—To establish within the Department of Agriculture a voluntary fee based grading program for—

''(1) catfish (as defined by the Secretary under paragraph (2) of section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w))); and

''(2) any additional species of farm-raised fish or farm-raised shellfish—

''(A) for which the Secretary receives a petition requesting such voluntary fee based grading; and

''(B) that the Secretary considers appropriate.''.

(b) INSPECTION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) in section 1(w) (21 U.S.C. 601(w))—

(i) by striking ''and'' at the end of paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (3); and

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

''(2) catfish, as defined by the Secretary; and'';

(B) by striking section 6 (21 U.S.C. 606) and inserting the following new section:

''SEC. 6. (a) IN GENERAL.—For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.

''(b) CATFISH.—In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment.''; and

(C) by adding at the end of title I the following new section:

''SEC. 25. Notwithstanding any other provision of this Act, the requirements of sections 3, 4, 5, 10(b), and 23 shall not apply to catfish.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by paragraph (1) shall not apply until the date on which the Secretary of Agriculture issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.

(B) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1).

(3) BUDGET REQUEST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress an estimate of the costs of implementing the amendments made by paragraph (1), including the estimated—

(A) staff years;

(B) number of establishments;

(C) volume expected to be produced at such establishments; and

(D) any other information used in estimating the costs of implementing such amendments.

SEC. 11017. FOOD SAFETY IMPROVEMENT.

(a) FEDERAL MEAT INSPECTION ACT.—Title I of the Federal Meat Inspection Act is further amended by inserting after section 11 (21 U.S.C. 611) the following:

"SEC. 12. NOTIFICATION.

''Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

"SEC. 13. PLANS AND REASSESSMENTS.

''The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

''(1) prepare and maintain current procedures for the recall of all meat or meat food products produced and shipped by the establishment;

''(2) document each reassessment of the process control plans of the establishment; and

''(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.''.

(b) POULTRY PRODUCTS INSPECTION ACT.—Section 10 of the Poultry Products Inspection Act (21 U.S.C. 459) is amended—

(1) by striking the section heading and all that follows through ''**SEC. 10**. No establishment'' and inserting the following:

"SEC. 10. COMPLIANCE BY ALL ESTABLISHMENTS.

''(a) IN GENERAL.—No establishment''; and

(2) by adding at the end the following:

''(b) NOTIFICATION.—Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the poultry or poultry product.

''(c) PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

''(1) prepare and maintain current procedures for the recall of all poultry or poultry products produced and shipped by the establishment;

''(2) document each reassessment of the process control plans of the establishment; and

''(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.''.

TITLE XII—CROP INSURANCE AND DISASTER ASSISTANCE PROGRAMS

Subtitle A—Crop Insurance and Agricultural Disaster Assistance

SEC. 12001. DEFINITION OF ORGANIC CROP.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) ORGANIC CROP.—The term 'organic crop' means an agricultural commodity that is organically produced consistent with section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).''.

SEC. 12002. GENERAL POWERS.

(a) IN GENERAL.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) in the first sentence of subsection (d), by striking ''The Corporation'' and inserting ''Subject to section 508(j)(2)(A), the Corporation''; and

(2) by striking subsection (n).

(b) CONFORMING AMENDMENTS.—

(1) Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively.

(2) Section 521 of the Federal Crop Insurance Act (7 U.S.C. 1521) is amended by striking the last sentence.

SEC. 12003. REDUCTION IN LOSS RATIO.

(a) PROJECTED LOSS RATIO.—Subsection (n)(2) of section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) (as redesignated by section 12002(b)(1)) is amended—

(1) in the paragraph heading, by striking ''AS OF OCTOBER 1, 1998'';

(2) by striking '', on and after October 1, 1998,''; and

(3) by striking ''1.075'' and inserting ''1.0''.

(b) PREMIUMS REQUIRED.—Section 508(d)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(1)) is amended by striking ''not greater than 1.1'' and all that follows and inserting ''not greater than—

''(A) 1.1 through September 30, 1998;

''(B) 1.075 for the period beginning October 1, 1998, and ending on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008; and

''(C) 1.0 on and after the date of enactment of that Act.''.

SEC. 12004. PREMIUMS ADJUSTMENTS.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

''(9) PREMIUM ADJUSTMENTS.—

''(A) PROHIBITION.—Except as provided in subparagraph (B), no person shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, either as an inducement to procure insurance or after insurance has been procured, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy or any other valuable consideration or inducement not specified in the policy.

''(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to—

''(i) a payment authorized under subsection (b)(5)(B);

''(ii) a performance-based discount authorized under subsection (d)(3); or

''(iii) a patronage dividend, or similar payment, that is paid—

''(I) by an entity that was approved by the Corporation to make such payments for the 2005, 2006, or 2007 reinsurance year, in accordance with subsection (b)(5)(B) as in effect on the day before the date of enactment of this paragraph; and

''(II) in a manner consistent with the payment plan approved in accordance with that subsection for the entity by the Corporation for the applicable reinsurance year.''.

SEC. 12005. CONTROLLED BUSINESS INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 12004) is amended by adding at the end the following:

''(10) COMMISSIONS.—

''(A) DEFINITION OF IMMEDIATE FAMILY.—In this paragraph, the term 'immediate family' means an individual's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, the spouse of the foregoing, and the individual's spouse.

''(B) PROHIBITION.—No individual (including a subagent) may receive directly, or indirectly through an entity, any compensation (including any commission, profit sharing, bonus, or any other direct or indirect benefit) for the sale or service of a policy or plan of insurance offered under this title if—

''(i) the individual has a substantial beneficial interest, or a member of the individual's immediate family has a substantial beneficial interest, in the policy or plan of insurance; and

''(ii) the total compensation to be paid to the individual with respect to the sale or service of the policies or plans of insurance that meet the condition described in clause (i) exceeds 30 percent or the percentage specified in State law, whichever is less, of the total of all compensation received directly or indirectly by the individual for the sale or service of all policies and plans of insurance offered under this title for the reinsurance year.

''(C) REPORTING.—Not later than 90 days after the annual settlement date of the reinsurance year, any individual that received directly or indirectly any compensation for the service or sale of any policy or plan of insurance offered under this title in the prior reinsurance year shall certify to applicable approved insurance providers that the compensation that the individual received was in compliance with this paragraph.

''(D) SANCTIONS.—The procedural requirements and sanctions prescribed in section 515(h) shall apply to the prosecution of a violation of this paragraph.

''(E) APPLICABILITY.—

''(i) IN GENERAL.—Sanctions for violations under this paragraph shall only apply to the individuals or entities directly responsible for the certification required under subparagraph (C) or the failure to comply with the requirements of this paragraph.

''(ii) PROHIBITION.—No sanctions shall apply with respect to the policy or plans of insurance upon which compensation is received, including the reinsurance for those policies or plans.''.

SEC. 12006. ADMINISTRATIVE FEE.

(a) IN GENERAL.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in the amount of $300 per crop per county.''; and

(2) in subparagraph (B)—

(A) by striking ''**PAYMENT ON BEHALF OF PRODUCERS**'' and inserting ''**PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS**'';

(B) in clause (i)—

(i) by striking ''or other payment''; and

(ii) by striking ''with catastrophic risk protection or additional coverage'' and inserting ''through the payment of catastrophic risk protection administrative fees'';

(C) by striking clauses (ii) and (vi);

(D) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively;

(E) in clause (iii) (as so redesignated), by striking ''A policy or plan of insurance'' and inserting ''Catastrophic risk protection coverage''; and

(F) in clause (iv) (as so redesignated)—

(i) by striking ''or other arrangement under this subparagraph''; and

(ii) by striking ''additional''.

(b) REPEAL.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1508 note; Public Law 105–277) is repealed.

SEC. 12007. TIME FOR PAYMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(C), by striking ''the date that premium'' and inserting ''the same date on which the premium'';

(2) in subsection (c)(10), by adding at the end the following:

''(C) TIME FOR PAYMENT.—Subsection (b)(5)(C) shall apply with respect to the collection date for the administrative fee.''; and

(3) in subsection (d), by adding at the end the following:

''(4) BILLING DATE FOR PREMIUMS.—Effective beginning with the 2012 reinsurance year, the Corporation shall establish August 15 as the billing date for premiums.''.

SEC. 12008. CATASTROPHIC COVERAGE REIMBURSEMENT RATE.

Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking ''8 percent'' and inserting ''6 percent''.

SEC. 12009. GRAIN SORGHUM PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended by adding at the end the following:

''(D) GRAIN SORGHUM PRICE ELECTION.—

''(i) IN GENERAL.—The Corporation, in conjunction with the Secretary (referred to in this subparagraph as the 'Corporation'), shall—

''(I) not later than 60 days after the date of enactment of this subparagraph, make available all methods and data, including data from the Economic Research Service, used by the Corporation to develop the expected market prices for grain sorghum under the production and revenue-based plans of insurance of the Corporation; and

''(II) request applicable data from the grain sorghum industry.

''(ii) EXPERT REVIEWERS.—

''(I) IN GENERAL.—Not later than 120 days after the date of enactment of this subparagraph, the Corporation shall contract individually with 5 expert reviewers described in subclause (II) to develop and recommend a methodology for determining an expected market price for sorghum for both the production and revenue-based plans of insurance to more accurately reflect the actual price at harvest.

''(II) REQUIREMENTS.—The expert reviewers under subclause (I) shall be comprised of agricultural economists with experience in grain sorghum and corn markets, of whom—

''(aa) 2 shall be agricultural economists of institutions of higher education;

''(bb) 2 shall be economists from within the Department; and

''(cc) 1 shall be an economist nominated by the grain sorghum industry.

''(iii) RECOMMENDATIONS.—

''(I) IN GENERAL.—Not later than 90 days after the date of contracting with the expert reviewers under clause (ii), the expert reviewers shall submit, and the Corporation shall make available to the public, the recommendations of the expert reviewers.

''(II) CONSIDERATION.—The Corporation shall consider the recommendations under subclause (I) when determining the appropriate pricing methodology to determine the expected market price for grain sorghum under both the production and revenue-based plans of insurance.

''(III) PUBLICATION.—Not later than 60 days after the date on which the Corporation receives the recommendations of the expert reviewers, the Corporation shall publish the proposed pricing methodology for both the production and revenue-based plans of insurance for notice and comment and, during the comment period, conduct at least 1 public meeting to discuss the proposed pricing methodologies.

''(iv) APPROPRIATE PRICING METHODOLOGY.—

''(I) IN GENERAL.—Not later than 180 days after the close of the comment period in clause (iii)(III), but effective not later than the 2010 crop year, the Corporation shall implement a pricing methodology for grain sorghum under the production and revenue-based plans of insurance that is transparent and replicable.

''(II) INTERIM METHODOLOGY.—Until the date on which the new pricing methodology is implemented, the Corporation may continue to use the pricing methodology that the Corporation determines best establishes the expected market price.

''(III) AVAILABILITY.—On an annual basis, the Corporation shall make available the pricing methodology and data used to determine the expected market prices for grain sorghum under the production and revenue-based plans of insurance, including any changes to the methodology used to determine the expected market prices for grain sorghum from the previous year.''.

SEC. 12010. PREMIUM REDUCTION AUTHORITY.

Subsection 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) in paragraph (2), by striking ''paragraph (4)'' and inserting ''paragraph (3)'';

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 12011. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12010) is amended by adding at the end the following:

''(5) ENTERPRISE AND WHOLE FARM UNITS.—

''(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).

''(B) AMOUNT.—The percentage of the premium paid by the Corporation to a policyholder for a policy with an enterprise or whole farm unit under this paragraph shall, to the maximum extent practicable, provide the same dollar amount of premium subsidy per acre that would otherwise have been paid by the Corporation under paragraph (2) if the policyholder had purchased a basic or optional unit for the crop for the crop year.

''(C) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed 80 percent of the total premium for the enterprise or whole farm unit policy.''.

SEC. 12012. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12011) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (6), and (7)''; and

(2) by adding at the end the following:

''(6) PREMIUM SUBSIDY FOR AREA REVENUE PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

''(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(B) In the case of additional area coverage equal to or greater than 75 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 49 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(D) In the case of additional area coverage equal to or greater than 90 percent of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 44 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(7) PREMIUM SUBSIDY FOR AREA YIELD PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a loss of yield or prevented planting in an area, the amount of the premium paid by the Corporation shall be as follows:

''(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 80 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(B) In the case of additional area coverage equal to or greater than 80 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.''.

SEC. 12013. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting ''on behalf of the Corporation'' after ''approved provider''.

SEC. 12014. SETTLEMENT OF CROP INSURANCE CLAIMS ON FARM-STORED PRODUCTION.

(a) IN GENERAL.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

''(5) SETTLEMENT OF CLAIMS ON FARM-STORED PRODUCTION.—A producer with farm-stored production may, at the option of the producer, delay settlement of a crop insurance claim relating to the farm-stored production for up to 4 months after the last date on which claims may be submitted under the policy of insurance.''.

(b) STUDY ON THE EFFICACY OF PACK FACTORS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the efficacy and accuracy of the application of pack factors regarding the measurement of farm-stored production for purposes of providing policies or plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) CONSIDERATIONS.—The study shall consider—

(A) structural shape and size;

(B) time in storage;

(C) the impact of facility aeration systems; and

(D) any other factors the Secretary considers appropriate.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes the findings of the study and any related policy recommendations.

SEC. 12015. TIME FOR REIMBURSEMENT.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

''(D) TIME FOR REIMBURSEMENT.—Effective beginning with the 2012 reinsurance year, the Corporation shall reimburse approved insurance providers and agents for the allowable administrative and operating costs of the providers and agents as soon as practicable after October 1 (but not later than October 31) after the reinsurance year for which reimbursements are earned.''.

SEC. 12016. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 12015) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—In the case of a policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 2008 reinsurance year, for each of the 2009 and subsequent reinsurance years, the reimbursement rate for administrative and operating costs shall be 2.3 percentage points below the rates in effect as of the date of enactment of the Food, Conservation, and Energy Act of 2008 for all crop insurance policies used to define loss ratio, except that only ½ of the reduction shall apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance widely available as of the date of enactment of this subparagraph shall be 12 percent of the premium used to define loss ratio for that reinsurance year.''.

SEC. 12017. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105–185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106–224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) to be effective for the 2011 reinsurance year beginning July 1, 2010; and

''(ii) once during each period of 5 reinsurance years thereafter.

''(B) EXCEPTIONS.—

''(i) ADVERSE CIRCUMSTANCES.—Subject to clause (ii), subparagraph (A) shall not apply in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(ii) EFFECT OF FEDERAL LAW CHANGES.—If Federal law is enacted after the date of enactment of this paragraph that requires revisions in the financial terms of the Standard Reinsurance Agreement, and changes in the Agreement are made on a mandatory basis by the Corporation, the changes shall not be considered to be a renegotiation of the Agreement for purposes of subparagraph (A).

''(C) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.

''(D) CONSULTATION.—The approved insurance providers may confer with each other and collectively with the Corporation during any renegotiation under subparagraph (A).

''(E) 2011 REINSURANCE YEAR.—

''(i) IN GENERAL.—As part of the Standard Reinsurance Agreement renegotiation authorized under subparagraph (A)(i), the Corporation shall consider alternative methods to determine reimbursement rates for administrative and operating costs.

''(ii) ALTERNATIVE METHODS.—Alternatives considered under clause (i) shall include—

''(I) methods that—

''(aa) are graduated and base reimbursement rates in a State on changes in premiums in that State;

''(bb) are graduated and base reimbursement rates in a State on the loss ratio for crop insurance for that State; and

''(cc) are graduated and base reimbursement rates on individual policies on the level of total premium for each policy; and

''(II) any other method that takes into account current financial conditions of the program and ensures continued availability of the program to producers on a nationwide basis.''.

SEC. 12018. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 12017) is amended by adding at the end the following:

''(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

''(A) for the 2011 reinsurance year, October 1, 2012; and

''(B) for each reinsurance year thereafter, October 1 of the following calendar year.''.

SEC. 12019. MALTING BARLEY.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following:

''(5) SPECIAL PROVISIONS FOR MALTING BARLEY.—The Corporation shall promulgate special provisions under this subsection specific to malting barley, taking into consideration any changes in quality factors, as required by applicable market conditions.''.

SEC. 12020. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

''(o) CROP PRODUCTION ON NATIVE SOD.—

''(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

''(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(B) that has never been tilled for the production of an annual crop as of the date of enactment of this subsection.

''(2) INELIGIBILITY FOR BENEFITS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

''(i) this title; and

''(ii) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(B) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

''(3) APPLICATION.—Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

''(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(ii) that has never been tilled for the production of an annual crop as of the date of enactment of this paragraph.

''(B) INELIGIBILITY FOR BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (C), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this paragraph shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

''(I) this section; and

''(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(ii) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from clause (i).

''(C) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie

Pothole National Priority Area at the election of the Governor of the respective State.''.

SEC. 12021. INFORMATION MANAGEMENT.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(a) in subsection (j)(3), by adding before the period at the end the following: '', which shall be subject to competition on a periodic basis, as determined by the Secretary''; and

(b) by striking subsection (k) and inserting the following:

''(k) FUNDING.—

''(1) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2011.

''(2) DATA MINING.—To carry out subsection (j)(2), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $4,000,000 for fiscal year 2009 and each subsequent fiscal year.''.

SEC. 12022. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) RESEARCH AND DEVELOPMENT PAYMENT.—

''(A) IN GENERAL.—The Corporation shall provide a payment to an applicant for research and development costs in accordance with this subsection.

''(B) REIMBURSEMENT.—An applicant who submits a policy under section 508(h) shall be eligible for the reimbursement of reasonable research and development costs directly related to the policy if the policy is approved by the Board for sale to producers.

''(2) ADVANCE PAYMENTS.—

''(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Board may approve the request of an applicant for advance payment of a portion of reasonable research and development costs prior to submission and approval of the policy by the Board under section 508(h).

''(B) PROCEDURES.—The Board shall establish procedures for approving advance payment of reasonable research and development costs to applicants.

''(C) CONCEPT PROPOSAL.—As a condition of eligibility for advance payments, an applicant shall submit a concept proposal for the policy that the applicant plans to submit to the Board under section 508(h), consistent with procedures established by the Board for submissions under subparagraph (B), including—

''(i) a summary of the qualifications of the applicant, including any prior concept proposals and submissions to the Board under section 508(h) and, if applicable, any work conducted under this section;

''(ii) a projection of total research and development costs that the applicant expects to incur;

''(iii) a description of the need for the policy, the marketability of and expected demand for the policy among affected producers, and the potential impact of the policy on producers and the crop insurance delivery system;

''(iv) a summary of data sources available to demonstrate that the policy can reasonably be developed and actuarially appropriate rates established; and

''(v) an identification of the risks the proposed policy will cover and an explanation of how the identified risks are insurable under this title.

''(D) REVIEW.—

''(i) EXPERTS.—If the requirements of subparagraph (B) and (C) are met, the Board may submit a concept proposal described in subparagraph (C) to not less than 2 independent expert reviewers, whose services are appropriate for the type of concept proposal submitted, to assess the likelihood that the proposed policy being developed will result in a viable and marketable policy, as determined by the Board.

''(ii) TIMING.—The time frames described in subparagraphs (C) and (D) of section 508(h)(4) shall apply to the review of concept proposals under this subparagraph.

''(E) APPROVAL.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of such payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

''(i) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

''(ii) in the sole opinion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

''(I) in a significantly improved form;

''(II) to a crop or region not traditionally served by the Federal crop insurance program; or

''(III) in a form that addresses a recognized flaw or problem in the program;

''(iii) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

''(iv) the proposed budget and timetable are reasonable; and

''(v) the concept proposal meets any other requirements that the Board determines appropriate.

''(F) SUBMISSION OF POLICY.—If the Board approves an advanced payment under subparagraph (E), the Board shall establish a date by which the applicant shall present a submission in compliance with section 508(h) (including the procedures implemented under that section) to the Board for approval.

''(G) FINAL PAYMENT.—

''(i) APPROVED POLICIES.—If a policy is submitted under subparagraph (F) and approved by the Board under section 508(h) and the procedures established by the Board (including procedures established under subparagraph (B)), the applicant shall be eligible for a payment of reasonable research and development costs in the same manner as policies reimbursed under paragraph (1)(B), less any payments made pursuant to subparagraph (E).

''(ii) POLICIES NOT APPROVED.—If a policy is submitted under subparagraph (F) and is not approved by the Board under section 508(h), the Corporation shall—

''(I) not seek a refund of any payments made in accordance with this paragraph; and

''(II) not make any further research and development cost payments associated with the submission of the policy under this paragraph.

''(H) POLICY NOT SUBMITTED.—If an applicant receives an advance payment and fails to fulfill the obligation of the applicant to the Board by not submitting a completed submission without just cause and in accordance with the procedures established under subparagraph (B)), including notice and reasonable opportunity to respond, as determined by the Board, the applicant shall return to the Board the amount of the advance plus interest.

''(I) REPEATED SUBMISSIONS.—The Board may prohibit advance payments to applicants who have submitted—

''(i) a concept proposal or submission that did not result in a marketable product; or

''(ii) a concept proposal or submission of poor quality.

''(J) CONTINUED ELIGIBILITY.—A determination that an applicant is not eligible for advance payments under this paragraph shall not prevent an applicant from reimbursement under paragraph (1)(B).''.

(b) CONFORMING AMENDMENTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (3), by striking ''or (2)''; and

(2) in paragraph (4)(A), by striking ''and (2)''.''

SEC. 12023. CONTRACTS FOR ADDITIONAL POLICIES AND STUDIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (17); and

(2) by inserting after paragraph (9) the following:

''(10) CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) CONTRACTS REQUIRED.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall enter into 1 or more contracts for the development of improvements in Federal crop insurance policies covering crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(B) REVIEW OF UNDERWRITING RISK AND LOSS EXPERIENCE.—

''(i) REVIEW REQUIRED.—

''(I) IN GENERAL.—A contract under subparagraph (A) shall include a review of the underwriting, risk, and loss experience of organic crops covered by the Corporation, as compared with the same crops produced in the same counties and during the same crop years using nonorganic methods.

''(II) REQUIREMENTS.—The review shall—

''(aa) to the maximum extent practicable, be designed to allow the Corporation to determine whether significant, consistent, or systemic variations in loss history exist between organic and nonorganic production;

''(bb) include the widest available range of data collected by the Secretary and other outside sources of information; and

''(cc) not be limited to loss history under existing crop insurance policies.

''(ii) EFFECT ON PREMIUM SURCHARGE.—Unless the review under this subparagraph documents the existence of significant, consistent, and systemic variations in loss history between organic and nonorganic crops, either collectively or on an individual crop basis, the Corporation shall eliminate or reduce the premium surcharge that the Corporation charges for coverage for organic crops, as determined in accordance with the results.

''(iii) ANNUAL UPDATES.—Beginning with the 2009 crop year, the review under this subparagraph shall be updated on an annual basis as data is accumulated by the Secretary and other sources, so that the Corporation may make determinations regarding adjustments to the surcharge in a timely manner as quickly as evolving practices and data trends allow.

''(C) ADDITIONAL PRICE ELECTION.—

''(i) IN GENERAL.—A contract under subparagraph (A) shall include the development of a procedure, including any associated changes in policy terms or materials required for implementation of the procedure, to offer producers of organic crops an additional price election that reflects actual prices received by organic producers for crops from the field (including appropriate

retail and wholesale prices), as established using data collected and maintained by the Secretary or from other sources.

''(ii) TIMING.—The development of the procedure shall be completed in a timely manner to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2010 crop year.

''(iii) EXPANSION.—The procedure shall be expanded as quickly as practicable as additional data on prices of organic crops collected by the Secretary and other sources of information becomes available, with a goal of applying this procedure to all organic crops not later than the fifth full crop year that begins after the date of enactment of Food, Conservation, and Energy Act of 2008.

''(D) REPORTING REQUIREMENTS.—

''(i) IN GENERAL.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

''(I) the numbers and varieties of organic crops insured;

''(II) the development of new insurance approaches; and

''(III) the progress of implementing the initiatives required under this paragraph, including the rate at which additional price elections are adopted for organic crops.

''(ii) RECOMMENDATIONS.—The report shall include such recommendations as the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.

''(11) ENERGY CROP INSURANCE POLICY.—

''(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

''(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

''(ii) is not typically used for food, feed, or fiber.

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

''(iii) provide protection for production or revenue losses, or both.

''(12) AQUACULTURE INSURANCE POLICY.—

''(A) DEFINITION OF AQUACULTURE.—In this subsection:

''(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

''(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

''(B) AUTHORITY.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall offer to enter into 3 or more contracts with qualified entities to carry out research and development regarding a policy to insure the production of aquacultural species in aquaculture operations.

''(ii) BIVALVE SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of bivalve species, including—

''(I) American oysters (crassostrea virginica);

''(II) hard clams (mercenaria mercenaria);

''(III) Pacific oysters (crassostrea gigas);

''(IV) Manila clams (tapes phillipinnarium); or

''(V) blue mussels (mytilus edulis).

''(iii) FRESHWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of freshwater species, including—

''(I) catfish (icataluridae);

''(II) rainbow trout (oncorhynchus mykiss);

''(III) largemouth bass (micropterus salmoides);

''(IV) striped bass (morone saxatilis);

''(V) bream (abramis brama);

''(VI) shrimp (penaeus); or

''(VII) tilapia (oreochromis niloticus).

''(iv) SALTWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of saltwater species, including—

''(I) Atlantic salmon (salmo salar); or

''(II) shrimp (penaeus).

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of policies and plans of insurance for the production of aquacultural species in aquaculture operations, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of production of aquacultural species in aquaculture operations into existing policies covering adjusted gross revenue; and

''(iii) provide protection for production or revenue losses, or both.

''(13) POULTRY INSURANCE POLICY.—

''(A) DEFINITION OF POULTRY.—In this paragraph, the term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure commercial poultry production.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of poultry, including policies and plans of insurance that provide protection for production or revenue losses, or both, while the poultry is in production.

''(14) APIARY POLICIES.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development regarding insurance policies that cover loss of bees.

''(15) ADJUSTED GROSS REVENUE POLICIES FOR BEGINNING PRODUCERS.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development into needed modifications of adjusted gross revenue insurance policies, consistent with principles of actuarial sufficiency, to permit coverage for beginning producers with no previous production history, including permitting those producers to have production and premium rates based on information with similar farming operations.

''(16) SKIPROW CROPPING PRACTICES.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

''(B) RESEARCH.—Research described in subparagraph (A) shall—

''(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

''(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

''(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

''(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.''.

SEC. 12024. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking ''$10,000,000'' and all that follows through the end of the paragraph and inserting ''$7,500,000 for fiscal year 2008 and each subsequent fiscal year'';

(2) in paragraph (2)(A), by striking ''$20,000,000 for'' and all that follows through ''year 2004'' and inserting ''$12,500,000 for fiscal year 2008''; and

(3) in paragraph (3), by striking ''the Corporation may use'' and all that follows through the end of the paragraph and inserting ''the Corporation may use—

''(A) not more than $5,000,000 for each fiscal year to improve program integrity, including by—

''(i) increasing compliance-related training;

''(ii) improving analysis tools and technology regarding compliance;

''(iii) use of information technology, as determined by the Corporation; and

''(iv) identifying and using innovative compliance strategies; and

''(B) any excess amounts to carry out other activities authorized under this section.''.

SEC. 12025. PILOT PROGRAMS.

(a) IN GENERAL.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

''(f) CAMELINA PILOT PROGRAM.—

''(1) IN GENERAL.—The Corporation shall establish a pilot program under which producers or processors of camelina may propose for approval by the Board policies or plans of insurance for camelina, in accordance with section 508(h).

''(2) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under paragraph (1) if, as determined by the Board, the policy or plan of insurance—

''(A) protects the interests of producers;

''(B) is actuarially sound; and

''(C) meets the requirements of this title.

''(3) TIMEFRAME.—The Corporation shall commence the camelina insurance pilot program as soon as practicable after the date of enactment of this subsection.

''(g) SESAME INSURANCE PILOT PROGRAM.—

''(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a pilot program under which a producer of nondehiscent sesame under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

''(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the sesame insurance pilot program shall—

''(A) be offered through reinsurance arrangements with private insurance companies;

''(B) be actuarially sound; and

''(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

''(3) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

''(4) DURATION.—The Corporation shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this subsection.

''(h) GRASS SEED INSURANCE PILOT PROGRAM.—

''(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a grass seed pilot program under which a producer of Kentucky bluegrass or perennial rye grass under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

''(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the grass seed insurance pilot program shall—

''(A) be offered through reinsurance arrangements with private insurance companies;

''(B) be actuarially sound; and

''(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

''(3) LOCATION.—The grass seed insurance pilot program shall be carried out only in each of the States of Minnesota and North Dakota.

''(4) DURATION.—The Corporation shall commence the grass seed insurance pilot program as soon as practicable after the date of the enactment of this subsection.''.

(b) CONFORMING AMENDMENT.—Section 196(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)(B)) is amended by adding ''camelina,'' after ''sea oats,''.

SEC. 12026. RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS OR RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management strategies, education, and outreach specifically targeted at—

''(A) beginning farmers or ranchers;

''(B) legal immigrant farmers or ranchers that are attempting to become established producers in the United States;

''(C) socially disadvantaged farmers or ranchers;

''(D) farmers or ranchers that—

''(i) are preparing to retire; and

''(ii) are using transition strategies to help new farmers or ranchers get started; and

''(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.''.

SEC. 12027. COVERAGE FOR AQUACULTURE UNDER NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)(2)) is amended—

(1) by striking ''On making'' and inserting the following:

''(A) IN GENERAL.—On making'';

(2) by adding at the end the following:

''(B) AQUACULTURE PRODUCERS.—On making a determination described in subsection (a)(3) for aquaculture producers, the Secretary shall provide assistance under this section to aquaculture producers from all losses related to drought.''.

SEC. 12028. INCREASE IN SERVICE FEES FOR NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(k)(1)) is amended—

(1) in subparagraph (A), by striking ''$100'' and inserting ''$250''; and

(2) in subparagraph (B)—

(A) by striking ''$300'' and inserting ''$750''; and

(B) by striking ''$900'' and inserting ''$1,875''.

SEC. 12029. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

Section 9001(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 211) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) SWEET POTATOES.—

''(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the quantity of production under the crop disaster assistance program established under this section.

''(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.''.

SEC. 12030. DECLINING YIELD REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing details about activities and administrative options of the Federal Crop Insurance Corporation and Risk Management Agency that address issues relating to—

(1) declining yields on the actual production histories of producers; and

(2) declining and variable yields for perennial crops, including pecans.

SEC. 12031. DEFINITION OF BASIC UNIT.

The Secretary shall not modify the definition of ''basic unit'' in accordance with the proposed regulations entitled ''Common Crop Insurance Regulations'' (72 Fed. Reg. 28895; relating to common crop insurance regulations) or any successor regulation.

SEC. 12032. CROP INSURANCE MEDIATION.

Section 275 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995) is amended—

(1) by striking ''If an officer'' and inserting the following:

''(a) IN GENERAL.—If an officer'';

(2) by striking ''With respect to'' and inserting the following:

''(b) FARM SERVICE AGENCY.—With respect to'';

(3) by striking ''If a mediation''; and inserting the following:

''(c) MEDIATION.—If a mediation''; and

(4) in subsection (c) (as so designated)—

(A) by striking ''participant shall be offered'' and inserting ''participant shall—

''(1) be offered''; and

(B) by striking the period at the end and inserting the following: ''; and

''(2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.''.

SEC. 12033. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''Subtitle B—Supplemental Agricultural Disaster Assistance

''SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under subtitle A or the noninsured crop disaster assistance program, respectively.

''(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B), the actual production history for the eligible producer without regard to any yields established under that section;

''(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B), the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B); and

''(C) in all other cases, the actual production history of the eligible producer on a farm.

''(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

''(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

''(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

''(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

''(5) DISASTER COUNTY.—

''(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

''(B) INCLUSION.—The term 'disaster county' includes—

''(i) a county contiguous to a county described in subparagraph (A); and

''(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

''(6) ELIGIBLE PRODUCER ON A FARM.—

''(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

''(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

''(i) a citizen of the United States;

''(ii) a resident alien;

''(iii) a partnership of citizens of the United States; or

''(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

''(7) FARM.—

''(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

''(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

''(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

''(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

''(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under subtitle A.

''(10) LIVESTOCK.—The term 'livestock' includes—

''(A) cattle (including dairy cattle);

''(B) bison;

''(C) poultry;

''(D) sheep;

''(E) swine;

''(F) horses; and

''(G) other livestock, as determined by the Secretary.

''(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

''(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

''(16) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

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

''(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974.

''(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

''(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

''(2) AMOUNT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

''(i) the disaster assistance program guarantee, as described in paragraph (3); and

''(ii) the total farm revenue for a farm, as described in paragraph (4).

''(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

''(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

''(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

''(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

''(aa) the adjusted actual production history yield; or

''(bb) the counter-cyclical program payment yield for each crop; and

''(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

''(III) the payment yield for the commodity that is equal to the higher of—

''(aa) the adjusted noninsured crop assistance program yield guarantee; or

''(bb) the counter-cyclical program payment yield for each crop.

''(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

''(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

''(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

''(4) FARM REVENUE.—

''(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

''(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

''(I) the actual crop acreage harvested by an eligible producer on a farm;

''(II) the estimated actual yield of the crop production; and

''(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

''(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

''(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

''(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

''(v) the amount of payments for prevented planting on a farm;

''(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

''(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

''(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

''(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

''(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

''(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

''(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

''(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

''(A) the product obtained by multiplying—

''(i) the greatest of—

''(I) the adjusted actual production history yield of the eligible producer on a farm; and

''(II) the counter-cyclical program payment yield;

''(ii) the acreage planted or prevented from being planted for each crop; and

''(iii) 100 percent of the insurance price guarantee; and

''(B) the product obtained by multiplying—

''(i) 100 percent of the adjusted noninsured crop assistance program yield; and

''(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

''(c) LIVESTOCK INDEMNITY PAYMENTS.—

''(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

''(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

''(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED LIVESTOCK.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

''(I) owned;

''(II) leased;

''(III) purchased;

''(IV) entered into a contract to purchase;

''(V) is a contract grower; or

''(VI) sold or otherwise disposed of due to qualifying drought conditions during—

''(aa) the current production year; or

''(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

''(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

''(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

''(C) ELIGIBLE LIVESTOCK PRODUCER.—

''(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

''(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

''(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

''(III) certifies grazing loss; and

''(IV) meets all other eligibility requirements established under this subsection.

''(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

''(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

''(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

''(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

''(A) a drought condition, as described in paragraph (3); or

''(B) fire, as described in paragraph (4).

''(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

''(A) ELIGIBLE LOSSES.—

''(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

''(I) is native or improved pastureland with permanent vegetative cover; or

''(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

''(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

''(B) MONTHLY PAYMENT RATE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

''(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

''(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

''(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

''(C) MONTHLY FEED COST.—

''(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

''(I) 30 days;

''(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

''(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

''(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

''(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

''(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

''(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

''(I) the higher of—

''(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

''(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

''(II) 56.

''(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

''(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

''(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

''(ii) DROUGHT INTENSITY.—

''(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

''(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

''(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

''(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

''(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

''(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

''(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

''(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

''(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

''(C) PAYMENT DURATION.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible

to receive assistance under this paragraph for the period—

''(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

''(II) ending on the last day of the Federal lease of the eligible livestock producer.

''(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

''(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

''(i) obtained a policy or plan of insurance under subtitle A for the grazing land incurring the losses for which assistance is being requested; or

''(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

''(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

''(i) waive subparagraph (A); and

''(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(D) EQUITABLE RELIEF.—

''(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

''(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

''(6) NO DUPLICATIVE PAYMENTS.—

''(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

''(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

''(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

''(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

''(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

''(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

''(f) TREE ASSISTANCE PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

''(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

''(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

''(D) TREE.—The term 'tree' includes a tree, bush, and vine.

''(2) ELIGIBILITY.—

''(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

''(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

''(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

''(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

''(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

''(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

''(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

''(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

''(4) LIMITATIONS ON ASSISTANCE.—

''(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

''(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

''(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

''(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle); or

''(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

''(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

''(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

''(A) waive paragraph (1); and

''(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(5) EQUITABLE RELIEF.—

''(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

''(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

''(h) PAYMENT LIMITATIONS.—

''(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

''(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) or any successor provision shall apply with respect to assistance provided under this section.

''(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

''(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

''(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under subtitle A and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

''(k) APPLICATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any provision of subtitle A, subtitle A shall not apply to this subtitle.

''(2) CROSS REFERENCES.—Paragraph (1) shall not apply to a specific reference in this subtitle to a provision of subtitle A.''.

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 531 of the Federal Crop Insurance Act (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Federal Crop Insurance Act (7 U.S.C. 1501) is amended by striking the section heading and enumerator and inserting the following:

''Subtitle A—Federal Crop Insurance Act

''SEC. 501. SHORT TITLE AND APPLICATION OF OTHER PROVISIONS.''.

(2) Subtitle A of the Federal Crop Insurance Act (as designated under paragraph (1)) is amended—

(A) by striking ''This title'' each place it appears and inserting ''This subtitle''; and

(B) by striking ''this title'' each place it appears and inserting ''this subtitle''.

SEC. 12034. FISHERIES DISASTER ASSISTANCE.

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall transfer to the Secretary of Commerce $170,000,000 for fiscal year 2008 for the National Marine Fisheries Service to distribute to commercial and recreational members of the fishing communities affected by the salmon fishery failure in the States of California, Oregon, and Washington designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) on May 1, 2008, in accordance with that section.

Subtitle B—Small Business Disaster Loan Program

SEC. 12051. SHORT TITLE.

This subtitle may be cited as the ''Small Business Disaster Response and Loan Improvements Act of 2008''.

SEC. 12052. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(3) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(4) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act) and ending on the date on which such declaration terminates;

(5) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(6) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632); and

(7) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 12061. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after ''small business concern'' the following: '', private nonprofit organization,''; and

(B) by inserting after ''the concern'' the following: '', the organization,''; and

(2) in subparagraph (D) by inserting after ''small business concerns'' the following: '', private nonprofit organizations,''.

(b) CONFORMING AMENDMENT.—Section 7(c)(5)(C) of the Small Business Act (15 U.S.C. 636(c)(5)(C)) is amended by inserting after ''business'' the following: '', private nonprofit organization,''.

SEC. 12062. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 44; and

(2) by inserting after section 36 the following:

''SEC. 37. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

''(a) COORDINATION REQUIRED.—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

''(b) REGULATIONS REQUIRED.—The Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

''(c) COMPLETION; REVISION.—The initial regulations shall be completed not later than 270 days after the date of the enactment of the Small Business Disaster Response and Loan Improvements Act of 2008. Thereafter, the regulations shall be revised on an annual basis.

''(d) REPORT.—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 43.''.

SEC. 12063. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3), the following:

''(4) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster declared under this subsection or major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

''(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

''(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

''(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

''(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

''(5) PUBLIC AWARENESS OF DISASTERS.—If a disaster is declared under this subsection or the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

''(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as

the Federal source of disaster loans for homeowners and renters.''.

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(s) MAJOR DISASTER.—In this Act, the term 'major disaster' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).''.

(2) TECHNICAL CORRECTION.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)''.

SEC. 12064. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 12065. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a major disaster)''.

SEC. 12066. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 12067. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

The Small Business Act is amended by inserting after section 37, as added by this Act, the following:

''SEC. 38. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.

''(a) SYSTEM REQUIRED.—The Administrator shall develop, implement, or maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

''(1) The method of communication.

''(2) The date of communication.

''(3) The identity of the personnel.

''(4) A summary of the subject matter of the communication.

''(b) FOLLOW-UP REQUIRED.—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

''(1) When the Administration determines that additional information or documentation is required to process the application.

''(2) When the Administration determines whether to approve or deny the loan.

''(3) When the primary contact person managing the loan application has changed.''.

SEC. 12068. INCREASED DEFERMENT PERIOD.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (e), as so redesignated, the following:

''(f) ADDITIONAL REQUIREMENTS FOR 7(b) LOANS.—

''(1) INCREASED DEFERMENT AUTHORIZED.—

''(A) IN GENERAL.—In making loans under subsection (b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

''(B) PERIOD.—The period of a deferment under subparagraph (A) may not exceed 4 years.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

SEC. 12069. DISASTER PROCESSING REDUNDANCY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 38, as added by this Act, the following:

''SEC. 39. DISASTER PROCESSING REDUNDANCY.

''(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 12070. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (f), as added by this Act, the following:

''(g) NET EARNINGS CLAUSES PROHIBITED FOR 7(b) LOANS.—In making loans under subsection (b), the Administrator shall not require the borrower to pay any non-amortized amount for the first five years after repayment begins.''.

SEC. 12071. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) ice storms and blizzards.''.

SEC. 12072. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to use and integrate District Office personnel of the Administration in the response to a major disaster, including information on the use of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) BIENNIAL DISASTER SIMULATION EXERCISE.—

(1) EXERCISE REQUIRED.—The Administrator shall conduct a disaster simulation exercise at least once every 2 fiscal years. The exercise shall include the participation of, at a minimum, not less than 50 percent of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

(2) REPORT.—The Administrator shall include a report on the disaster simulation exercises conducted under paragraph (1) each time the Administration submits a report required under section 43 of the Small Business Act, as added by this Act.

SEC. 12073. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The disaster planning function of the Administration shall be assigned to an individual appointed by the Administrator who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) has proven management ability;

(3) has substantial knowledge in the field of disaster readiness and emergency response; and

(4) has demonstrated significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The individual assigned the disaster planning function of the Administration shall report directly and solely to the Administrator and shall be responsible for—

(1) creating, maintaining, and implementing the comprehensive disaster response plan of the Administration described in section 12072;

(2) ensuring there are in-service and preservice training procedures for the disaster response staff of the Administration;

(3) coordinating and directing the training exercises of the Administration relating to disasters, including disaster simulation exercises and disaster exercises coordinated with other government departments and agencies; and

(4) other responsibilities relevant to disaster planning and readiness, as determined by the Administrator.

(c) COORDINATION.—In carrying out the responsibilities described in subsection (b), the individual assigned the disaster planning function of the Administration shall coordinate with—

(1) the Office of Disaster Assistance of the Administration;

(2) the Administrator of the Federal Emergency Management Agency; and

(3) other Federal, State, and local disaster planning offices, as necessary.

(d) RESOURCES.—The Administrator shall ensure that the individual assigned the disaster planning function of the Administration has adequate resources to carry out the duties under this section.

(e) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an individual the disaster planning function of the Administration;

(2) information detailing the background and expertise of the individual assigned; and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 12074. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

''(7) DISASTER ASSISTANCE EMPLOYEES.—

''(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

''(i) in the Office of the Disaster Assistance is not fewer than 800; and

''(ii) in the Disaster Cadre of the Administration is not fewer than 1,000.

''(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

''(i) detailing staffing levels on that date;

''(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

''(iii) containing such additional information, as determined appropriate by the Administrator.''.

SEC. 12075. COMPREHENSIVE DISASTER RESPONSE PLAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended inserting after section 39, as added by this Act, the following:

''SEC. 40. COMPREHENSIVE DISASTER RESPONSE PLAN.

''(a) PLAN REQUIRED.—The Administrator shall develop, implement, or maintain a comprehensive written disaster response plan. The plan shall include the following:

''(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

''(2) For each disaster described under paragraph (1)—

''(A) an assessment of the disaster;

''(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

''(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

''(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

''(b) COMPLETION; REVISION.—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under section 7(b)(9).

''(c) KNOWLEDGE REQUIRED.—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

''(d) REPORT.—The Administrator shall include a report on the plan whenever the Administration submits the report required by section 43.''.

SEC. 12076. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

The Small Business Act is amended by inserting after section 40, as added by this Act, the following:

''SEC. 41. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

''(a) PLANS REQUIRED.—The Administrator shall develop long-term plans to secure sufficient office space to accommodate an expanded workforce in times of disaster.

''(b) REPORT.—The Administrator shall include a report on the plans developed under subsection (a) each time the Administration submits a report required under section 43.''.

SEC. 12077. APPLICANTS THAT HAVE BECOME A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after ''constitutes'' the following: '', or have become due to changed economic circumstances,''.

SEC. 12078. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

''(8) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration''; and

(2) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 12079. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

(c) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out this section only with amounts appropriated in advance specifically to carry out this section.

PART II—DISASTER LENDING

SEC. 12081. ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) DECLARATION OF ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.—

''(A) IN GENERAL.—If the President declares a major disaster, the Administrator may declare eligibility for additional disaster assistance in accordance with this paragraph.

''(B) THRESHOLD.—A major disaster for which the Administrator declares eligibility for additional disaster assistance under this paragraph shall—

''(i) have resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

''(ii) be comparable to the description of a catastrophic incident in the National Response Plan of the Administration, or any successor thereto, unless there is no successor to such plan, in which case this clause shall have no force or effect; and

''(iii) be of such size and scope that—

''(I) the disaster assistance programs under the other paragraphs under this subsection are incapable of providing adequate and timely assistance to individuals or business concerns located within the disaster area; or

''(II) a significant number of business concerns outside the disaster area have suffered disaster-related substantial economic injury as a result of the incident.''.

SEC. 12082. ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.

Paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by section 12081, is amended by adding at the end the following:

''(C) ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.—

''(i) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under this paragraph, the Administrator may make such loans under this subparagraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to eligible small business concerns located anywhere in the United States.

''(ii) PROCESSING TIME.—

''(I) IN GENERAL.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 15 days, the Administrator shall give priority to the processing of such applications submitted by eligible small business concerns located inside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

''(II) SUSPENSION OF APPLICATIONS FROM OUTSIDE DISASTER AREA.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 30 days, the Administrator shall suspend the processing of such applications submitted by eligible small business concerns located outside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

''(iii) LOAN TERMS.—A loan under this subparagraph shall be made on the same terms as a loan under paragraph (2).

''(D) DEFINITIONS.—In this paragraph—

''(i) the term 'disaster area' means the area for which the applicable major disaster was declared;

''(ii) the term 'disaster-related substantial economic injury' means economic harm to a business concern that results in the inability of the business concern to—

''(I) meet its obligations as it matures;

''(II) meet its ordinary and necessary operating expenses; or

''(III) market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern because the business concern relies on materials from the disaster area or sells or markets in the disaster area; and

''(iii) the term 'eligible small business concern' means a small business concern—

''(I) that has suffered disaster-related substantial economic injury as a result of the applicable major disaster; and

''(II)(aa) for which not less than 25 percent of the market share of that small business concern is from business transacted in the disaster area;

''(bb) for which not less than 25 percent of an input into a production process of that small business concern is from the disaster area; or

''(cc) that relies on a provider located in the disaster area for a service that is not readily available elsewhere.''.

SEC. 12083. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (b) the following:

''(c) PRIVATE DISASTER LOANS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'disaster area' means any area for which the President declared a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9), during the period of that major disaster declaration;

''(B) the term 'eligible individual' means an individual who is eligible for disaster assistance under subsection (b)(1) relating to a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9);

''(C) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined under this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958;

''(D) the term 'preferred lender' means a lender participating in the Preferred Lender Program;

''(E) the term 'Preferred Lender Program' has the meaning given that term in subsection (a)(2)(C)(ii); and

''(F) the term 'qualified private lender' means any privately-owned bank or other lending institution that—

''(i) is not a preferred lender; and

''(ii) the Administrator determines meets the criteria established under paragraph (10).

''(2) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Private Disaster Assistance program, under which the Administration may guarantee timely payment of principal and interest, as scheduled, on any loan made to an eligible small business concern located in a disaster area and to an eligible individual.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNT.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

''(6) TERMS AND CONDITIONS.—A loan guaranteed under this subsection shall be made under the same terms and conditions as a loan under subsection (b).

''(7) LENDERS.—

''(A) IN GENERAL.—A loan guaranteed under this subsection made to—

''(i) a qualified individual may be made by a preferred lender; and

''(ii) a qualified small business concern may be made by a qualified private lender or by a preferred lender that also makes loans to qualified individuals.

''(B) COMPLIANCE.—If the Administrator determines that a preferred lender knowingly failed to comply with the underwriting standards for loans guaranteed under this subsection or violated the terms of the standard operating procedure agreement between that preferred lender and the Administration, the Administrator shall do 1 or more of the following:

''(i) Exclude the preferred lender from participating in the program under this subsection.

''(ii) Exclude the preferred lender from participating in the Preferred Lender Program for a period of not more than 5 years.

''(8) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender or preferred lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender or preferred lender and the Administrator.

''(9) DOCUMENTATION.—A qualified private lender or preferred lender may use its own loan documentation for a loan guaranteed by the Administrator under this subsection, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (10).

''(10) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(11) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES AND OTHER TERMS AND CONDITIONS.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator to meet the loan terms and conditions specified in paragraph (6).

''(12) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender or preferred lender to purchase any loan guaranteed under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any major disaster declared on or after the date of enactment of this Act.

SEC. 12084. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 41, as added by this Act, the following:

''SEC. 42. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

''(a) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

''(b) ELIGIBILITY REQUIREMENT.—To receive a loan guaranteed under subsection (a), the applicant shall also apply for, and meet basic eligibility standards for, a loan under subsection (b) or (c) of section 7.

''(c) USE OF PROCEEDS.—A person who receives a loan under subsection (b) or (c) of section 7 shall use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

''(d) LOAN TERMS.—

''(1) NO PREPAYMENT PENALTY.—There shall be no prepayment penalty on a loan guaranteed under subsection (a).

''(2) REPAYMENT.—A person who receives a loan guaranteed under subsection (a) and who is disapproved for a loan under subsection (b) or (c) of section 7, as the case may be, shall repay the loan guaranteed under subsection (a) not later than the date established by the Administrator, which may not be earlier than 10 years after the date on which the loan guaranteed under subsection is disbursed.

''(e) APPROVAL OR DISAPPROVAL.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.''.

SEC. 12085. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITION.—In this section, the term ''program'' means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program under which the Administration may, on an expedited basis, guarantee timely payment of principal and interest, as scheduled on any loan made to an eligible small business concern under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the applicable major disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan guaranteed by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 300 basis points above the interest rate established by the Board of Governors of the Federal Reserve System that 1 bank charges another for reserves that are lent on an overnight basis on the date the loan is made;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 12086. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to refinance Gulf Coast disaster loans (in this section referred to as the ''program'').

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. A deferment under the program shall end not later than 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program

shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—If the Administrator provides an option to defer repayment under the program, the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term ''Gulf Coast disaster loan'' means a loan—

(1) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(2) in response to Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005; and

(3) to a small business concern located in a county or parish designated by the Administrator as a disaster area by reason of a hurricane described in paragraph (2) under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

PART III—MISCELLANEOUS

SEC. 12091. REPORTS ON DISASTER ASSISTANCE.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) WEEKLY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each week during a disaster update period, the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) PERIODS WHEN ADDITIONAL DISASTER ASSISTANCE IS MADE AVAILABLE.—

(1) IN GENERAL.—During any period for which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 632(b)), as amended by this Act, the Administrator shall, on a monthly basis, submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration with respect to the applicable major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall specify—

(A) the number of applications for disaster assistance distributed;

(B) the number of applications for disaster assistance received;

(C) the average time for the Administration to approve or disapprove an application for disaster assistance;

(D) the amount of disaster loans approved;

(E) the average time for initial disbursement of disaster loan proceeds; and

(F) the amount of disaster loan proceeds disbursed.

(d) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(e) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(f) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated

Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

(g) REPORTS ON DISASTER ASSISTANCE.—The Small Business Act is amended by inserting after section 42, as added by this Act, the following:

"SEC. 43. ANNUAL REPORTS ON DISASTER ASSISTANCE.

''Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

''(1) specify the number of Administration personnel involved in such operations;

''(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

''(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

''(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.''.

TITLE XIII—COMMODITY FUTURES

SEC. 13001. SHORT TITLE.

This title may be cited as the ''CFTC Reauthorization Act of 2008''.

Subtitle A—General Provisions

SEC. 13101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

''(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

''(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

''(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

''(aa) a financial institution;

''(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

''(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

''(cc)(AA) a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, is not a person described in item (bb) of this subclause, and maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph; or

''(BB) an affiliated person of a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, and is not a person described in item (bb) of this subclause, if the affiliated person maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is not a person described in such item (bb), and the futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of the affiliated person;

''(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

''(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

''(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))); or

''(gg) a retail foreign exchange dealer that maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is registered in such capacity with the Commission, subject to such terms and conditions as the Commission shall prescribe, and is a member of a futures association registered under section 17.

''(ii) The dollar amount that applies for purposes of this clause is—

''(I) $10,000,000, beginning 120 days after the date of the enactment of this clause;

''(II) $15,000,000, beginning 240 days after such date of enactment; and

''(III) $20,000,000, beginning 360 days after such date of enactment.

''(iii) Notwithstanding items (cc) and (gg) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or retail foreign exchange dealer, or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II) of this subparagraph.

''(iv)(I) Notwithstanding items (cc) and (gg) of clause (i)(II), a person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

''(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

''(bb) exercise discretionary trading authority or obtain written authorization to exercise discretionary trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II); or

''(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(III) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

''(IV) Subclause (III) of this clause shall not apply to—

''(aa) any person described in any of item (aa) through (ff) of clause (i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(v) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with agreements, contracts, or transactions described in clause (i) which are offered, or entered into, by a person described in item (cc) or (gg) of clause (i)(II).

''(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

''(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

''(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(II) Subclause (I) of this clause shall not apply to—

''(aa) a security that is not a security futures product; or

''(bb) a contract of sale that—

''(AA) results in actual delivery within 2 days; or

''(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

''(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent

that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(bb) any such person's associated persons.

''(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of or to accomplish any of the purposes of this Act in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph if the agreements, contracts, or transactions are offered, or entered into, by a person that is not described in item (aa) through (ff) of subparagraph (B)(i)(II).

''(iii)(I) A person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

''(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

''(bb) exercise discretionary trading authority or obtain written authorization to exercise written trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

''(IV) Subclause (III) of this clause shall not apply to—

''(aa) any person described in item (aa) through (ff) of subparagraph (B)(i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

''(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

''(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.''.

(b) EFFECTIVE DATE.—The following provisions of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or at such other time as the Commodity Futures Trading Commission shall determine:

(1) Subparagraphs (B)(i)(II)(gg), (B)(iv), and (C)(iii) of section 2(c)(2).

(2) The provisions of section 2(c)(2)(B)(i)(II)(cc) that set forth adjusted net capital requirements, and the provisions of such section that require a futures commission merchant to be primarily or substantially engaged in certain business activities.

SEC. 13102. ANTI-FRAUD AUTHORITY OVER PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. Section 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking all through the end of subsection (a) and inserting the following:

''SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

''(a) UNLAWFUL ACTIONS.—It shall be unlawful—

''(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

''(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

''(A) to cheat or defraud or attempt to cheat or defraud the other person;

''(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

''(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

''(D)(i) to bucket an order if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

''(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

''(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.''.

SEC. 13103. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in clause (3) of the 10th sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: '', or (B) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d) of this section, or section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to the person for each such violation,''.

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of such Act (7 U.S.C. 13a) is amended—

(1) in the first sentence, by inserting before the period at the end the following: '', or, in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty of not more than $1,000,000 for each such violation''; and

(2) in the second sentence, by inserting before the period at the end the following: '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(a)(2)''.

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of such Act (7 U.S.C. 13a–1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(d) CIVIL PENALTIES.—

''(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(B) in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(d) VIOLATIONS GENERALLY.—Section 9(a) of such Act (7 U.S.C. 13(a)) is amended in the matter preceding paragraph (1)—

(1) by striking ''(or $500,000 in the case of a person who is an individual)''; and

(2) by striking ''five years'' and inserting ''10 years''.

SEC. 13104. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

''(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2008 through 2013.''.

SEC. 13105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended—

(1) by inserting ''or certified by a registered entity pursuant to section 5c(c)(1)'' after ''approved by the Commission'' ; and

(2) by striking ''section 9(c)'' and inserting ''section 9(a)(5)''.

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking ''compiled'' and inserting ''complied''.

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o–1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93–446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a–2(a)(1), (d)(1)) are each amended by striking ''5b(d)(2)'' and inserting ''5b(c)(2)''.

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a–2(f), 21(r)) are each amended by striking ''4d(3)'' and inserting ''4d(c)''.

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking ''commenced'' in the 2nd place it appears; and

(2) by inserting ''commenced'' after ''in a judicial proceeding''.

(h) Section 9 of such Act (7 U.S.C. 13) is amended—

(1) in subsection (f)(1), by striking the period and inserting ''; or''; and

(2) by redesignating subsection (f) as subsection (e).

(i) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking ''5b(b)(1)(E)'' and inserting ''5b(c)(2)(H)''.

(j) Section 1a(33)(A) of such Act (7 U.S.C. 1a(33)(A)) is amended by striking ''transactions'' and all that follows and inserting ''transactions—

''(i) by accepting bids or offers made by other participants that are open to multiple partipants in the facility or system; or

''(ii) through the interaction of multiple bids or multiple offers within a system with a pre-determined non-discretionary automated trade matching and execution algorithm.''.

(k) Section 14(d) of such Act (7 U.S.C. 18(d)) is amended—

(1) by inserting ''(1)'' before ''If''; and

(2) by adding after and below the end the following:

''(2) A reparation award shall be directly enforceable in district court as if it were a judgment pursuant to section 1963 of title 28, United States Code. This paragraph shall operate retroactively from the effective date of its enactment, and shall apply to all reparation awards for which a proceeding described in paragraph (1) is commenced within 3 years of the date of the Commission's order.''.

SEC. 13106. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2009, risk-based portfolio margining for security options and security futures products (as defined in section 1a(32) of the Commodity Exchange Act); and

(2) by June 30, 2009, the trading of futures on certain security indexes by resolving issues related to foreign security indexes.

Subtitle B—Significant Price Discovery Contracts on Exempt Commercial Markets

SEC. 13201. SIGNIFICANT PRICE DISCOVERY CONTRACTS.

(a) DEFINITIONS.—Section la of the Commodity Exchange Act (7 U.S.C. la) is amended—

(1) by redesignating paragraph (33) as paragraph (34); and

(2) by inserting after paragraph (32) the following:

''(33) SIGNIFICANT PRICE DISCOVERY CONTRACT.—The term 'significant price discovery contract' means an agreement, contract, or transaction subject to section 2(h)(7).''.

(b) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h) of such Act (7 U.S.C. 2(h)) is amended by adding at the end the following:

''(7) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

''(A) IN GENERAL.—An agreement, contract, or transaction conducted in reliance on the exemption in paragraph (3) shall be subject to the provisions of subparagraphs (B) through (D), under such rules and regulations as the Commission shall promulgate, provided that the Commission determines, in its discretion, that the agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B).

''(B) SIGNIFICANT PRICE DISCOVERY DETERMINATION.—In making a determination whether an agreement, contract, or transaction performs a significant price discovery function, the Commission shall consider, as appropriate:

''(i) PRICE LINKAGE.—The extent to which the agreement, contract, or transaction uses or otherwise relies on a daily or final settlement price, or other major price parameter, of a contract or contracts listed for trading on or subject to the rules of a designated contract market or a derivatives transaction execution facility, or a significant price discovery contract traded on an electronic trading facility, to value a position, transfer or convert a position, cash or financially settle a position, or close out a position.

''(ii) ARBITRAGE.—The extent to which the price for the agreement, contract, or transaction is sufficiently related to the price of a contract or contracts listed for trading on or subject to the rules of a designated contract market or derivatives transaction execution facility, or a significant price discovery contract or contracts trading on or subject to the rules of an electronic trading facility, so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the contracts on a frequent and recurring basis.

''(iii) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a commodity are directly based on, or are determined by referencing, the prices generated by agreements, contracts, or transactions being traded or executed on the electronic trading facility.

''(iv) MATERIAL LIQUIDITY.—The extent to which the volume of agreements, contracts, or transactions in the commodity being traded on the electronic trading facility is sufficient to have a material effect on other agreements, contracts, or transactions listed for trading on or subject to the rules of a designated contract market, a derivatives transaction execution facility, or an electronic trading facility operating in reliance on the exemption in paragraph (3).

''(v) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule as relevant to determine whether an agreement, contract, or transaction serves a significant price discovery function.

''(C) CORE PRINCIPLES APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

''(i) IN GENERAL.—An electronic trading facility on which significant price discovery contracts are traded or executed shall, with respect to those contracts, comply with the core principles specified in this subparagraph.

''(ii) CORE PRINCIPLES.—The electronic trading facility shall have reasonable discretion (including discretion to account for differences between cleared and uncleared significant price discovery contracts) in establishing the manner in which it complies with the following core principles:

''(I) CONTRACTS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The electronic trading facility shall list only significant price discovery contracts that are not readily susceptible to manipulation.

''(II) MONITORING OF TRADING.—The electronic trading facility shall monitor trading in significant price discovery contracts to prevent market manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(III) ABILITY TO OBTAIN INFORMATION.—The electronic trading facility shall—

''(aa) establish and enforce rules that will allow the electronic trading facility to obtain any necessary information to perform any of the functions described in this subparagraph;

''(bb) provide the information to the Commission upon request; and

''(cc) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(IV) POSITION LIMITATIONS OR ACCOUNTABILITY.—The electronic trading facility shall adopt, where necessary and appropriate, position limitations or position accountability for speculators in significant price discovery contracts, taking into account positions in other agreements, contracts, and transactions that are treated by a derivatives clearing organization, whether registered or not registered, as fungible with such significant price discovery contracts to reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month.

''(V) EMERGENCY AUTHORITY.—The electronic trading facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority—

''(aa) to liquidate open positions in a significant price discovery contract; and

''(bb) to suspend or curtail trading in a significant price discovery contract.

''(VI) DAILY PUBLICATION OF TRADING INFORMATION.—The electronic trading facility

shall make public daily information on price, trading volume, and other trading data to the extent appropriate for significant price discovery contracts.

''(VII) COMPLIANCE WITH RULES.—The electronic trading facility shall monitor and enforce compliance with any rules of the electronic trading facility applicable to significant price discovery contracts, including the terms and conditions of the contracts and any limitations on access to the electronic trading facility with respect to the contracts.

''(VIII) CONFLICT OF INTEREST.—The electronic trading facility, with respect to significant price discovery contracts, shall—

''(aa) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(bb) establish a process for resolving the conflicts of interest.

''(IX) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the electronic trading facility, with respect to significant price discovery contracts, shall endeavor to avoid—

''(aa) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

''(bb) imposing any material anticompetitive burden on trading on the electronic trading facility.

''(D) IMPLEMENTATION.—

''(i) CLEARING.—The Commission shall take into consideration differences between cleared and uncleared significant price discovery contracts when reviewing the implementation of the core principles by an electronic trading facility.

''(ii) REVIEW.—As part of the Commission's continual monitoring and surveillance activities, the Commission shall, not less frequently than annually, evaluate, as appropriate, all the agreements, contracts, or transactions conducted on an electronic trading facility in reliance on the exemption provided in paragraph (3) to determine whether they serve a significant price discovery function as described in subparagraph (B) of this paragraph.''.

SEC. 13202. LARGE TRADER REPORTING.

(a) REPORTING AND RECORDKEEPING.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by inserting '', and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract'' after ''elsewhere''.

(b) REPORTS OF POSITIONS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) by inserting '', or any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract'' after ''subject to the rules of any contract market or derivatives transaction execution facility''; and

(2) in the matter following paragraph (2), by inserting ''or electronic trading facility'' after ''subject to the rules of any other board of trade''.

SEC. 13203. CONFORMING AMENDMENTS.

(a) Section 1a(12)(A)(x) of the Commodity Exchange Act (7 U.S.C. 1a(12)(A)(x)) is amended by inserting ''(other than an electronic trading facility with respect to a significant price discovery contract)'' after ''registered entity''.

(b) Section 1a(29) of such Act (7 U.S.C. 1a(29)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility on which the contract is executed or traded.''.

(c) Section 2(a)(1)(A) of such Act (7 U.S.C. 2(a)(1)(A)) is amended by inserting after ''future delivery'' the following: ''(including significant price discovery contracts)''.

(d) Section 2(h)(3) of such Act (7 U.S.C. 2(h)(3)) is amended by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (7)''.

(e) Section 2(h)(4) of such Act (7 U.S.C. 2(h)(4)) is amended—

(1) in subparagraph (B), by inserting ''and, for a significant price discovery contract, requiring large trader reporting,'' after ''proscribing fraud'';

(2) by striking ''and'' at the end of subparagraph (C); and

(3) by striking subparagraph (D) and inserting the following:

''(D) such rules, regulations, and orders as the Commission may issue to ensure timely compliance with any of the provisions of this Act applicable to a significant price discovery contract traded on or executed on any electronic trading facility; and

''(E) such other provisions of this Act as are applicable by their terms to significant price discovery contracts or to registered entities or electronic trading facilities with respect to significant price discovery contracts.''.

(f) Section 2(h)(5)(B)(iii)(I) of such Act (7 U.S.C. 2(h)(5)(B)(iii)(I)) is amended by inserting ''or to make the determination described in subparagraph (B) of paragraph (7)'' after ''paragraph (4)''.

(g) Section 4a of such Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting '', or on electronic trading facilities with respect to a significant price discovery contract'' after ''derivatives transaction execution facilities''; and

(B) in the second sentence, by inserting '', or on an electronic trading facility with respect to a significant price discovery contract,'' after ''derivatives transaction execution facility''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or electronic trading facility with respect to a significant price discovery contract'' after ''facility or facilities''; and

(B) in paragraph (2), by inserting ''or electronic trading facility with respect to a significant price discovery contract'' after ''derivatives transaction execution facility''; and

(3) in subsection (e)—

(A) in the first sentence—

(i) by inserting ''or by any electronic trading facility'' after ''registered by the Commission'';

(ii) by inserting ''or on an electronic trading facility'' after ''derivatives transaction execution facility'' the second place it appears; and

(iii) by inserting ''or electronic trading facility'' before ''or such board of trade'' each place it appears; and

(B) in the second sentence, by inserting ''or electronic trading facility with respect to a significant price discovery contract'' after ''registered by the Commission''.

(h) Section 5a(d) of such Act (7 U.S.C. 7a(d)(1)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

(2) by inserting after paragraph (3) the following:

''(4) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the derivatives transaction execution facility shall adopt position limits or position accountability for speculators, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(i) Section 5c(a) of such Act (7 U.S.C. 7a–2(a)) is amended in paragraph (1) by inserting '', and section 2(h)(7) with respect to significant price discovery contracts,'' after '', and 5b(d)(2)''.

(j) Section 5c(b) of such Act (7 U.S.C. 7a–2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A contract market, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract may comply with any applicable core principle through delegation of any relevant function to a registered futures association or a registered entity that is not an electronic trading facility.'';

(2) in paragraph (2), by striking ''contract market or derivatives transaction execution facility'' and inserting ''contract market, derivatives transaction execution facility, or electronic trading facility''; and

(3) in paragraph (3), by striking ''contract market or derivatives transaction execution facility'' each place it appears and inserting ''contract market, derivatives transaction execution facility, or electronic trading facility''.

(k) Section 5c(d)(1) of such Act (7 U.S.C. 7a–2(d)(1)) is amended by inserting ''or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility,'' after ''5b(d)(2)''.

(l) Section 5e of such Act (7 U.S.C. 7b) is amended by inserting '', or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,'' after ''revocation of designation as a registered entity''.

(m) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended by striking the first sentence and all that follows through ''hearing on the record: Provided,'' and inserting the following:

''The Commission is authorized to suspend for a period not to exceed 6 months or to revoke the designation or registration of any contract market or derivatives transaction execution facility, or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract, on a showing that the contract market or derivatives transaction execution facility is not enforcing or has not enforced its rules of government, made a condition of its designation or registration as set forth in sections 5 through 5b or section 5f, or that the contract market or derivatives transaction execution facility or electronic trading facility, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Commission thereunder. Such suspension or revocation shall only be made after a notice to the officers of the contract market or derivatives transaction execution facility or electronic trading facility affected and upon a hearing on the record: Provided,''.

(n) Section 22(b)(1) of such Act (7 U.S.C. 25(b)(1)) is amended by inserting ''section 2(h)(7) or'' before ''sections 5''.

SEC. 13204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in this section, this subtitle shall become effective on the date of enactment of this Act.

(b) SIGNIFICANT PRICE DISCOVERY STANDARDS RULEMAKING.—

(1) The Commodity Futures Trading Commission shall—

(A) not later than 180 days after the date of the enactment of this Act, issue a proposed rule regarding the implementation of section 2(h)(7) of the Commodity Exchange Act; and

(B) not later than 270 days after the date of enactment of this Act, issue a final rule regarding the implementation.

(2) In its rulemaking pursuant to paragraph (1) of this subsection, the Commission shall include the standards, terms, and conditions under which an electronic trading facility will have the responsibility to notify the Commission that an agreement, contract, or transaction conducted in reliance on the exemption provided in section 2(h)(3) of the Commodity Exchange Act may perform a price discovery function.

(c) SIGNIFICANT PRICE DISCOVERY DETERMINATIONS.—With respect to any electronic trading facility operating on the effective date of the final rule issued pursuant to subsection (b)(1), the Commission shall complete a review of the agreements, contracts, and transactions of the facility not later than 180 days after that effective date to determine whether any such agreement, contract, or transaction performs a significant price discovery function.

TITLE XIV—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 14001. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—

(1) in the first sentence—

(A) by striking ''Agricultural Stabilization and Conservation Service, Soil Conservation Service, and Farmers Home Administration offices'' and inserting ''Farm Service Agency and Natural Resources Conservation Service''; and

(B) by inserting ''where there has been a need demonstrated'' after ''include''; and

(2) by striking the second sentence.

SEC. 14002. FORECLOSURE.

(a) IN GENERAL.—Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended:

(1) by inserting ''(a)'' after ''SEC. 331A.''; and

(2) by adding at the end the following:

''(b) MORATORIUM.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, effective beginning on the date of the enactment of this subsection, there shall be in effect a moratorium, with respect to farmer program loans made under subtitle A, B, or C, on all acceleration and foreclosure proceedings instituted by the Department of Agriculture against any farmer or rancher who—

''(A) has pending against the Department a claim of program discrimination that is accepted by the Department as valid; or

''(B) files a claim of program discrimination that is accepted by the Department as valid.

''(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all farmer program loans made under subtitle A, B, or C for which loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

''(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer or rancher on the earlier of—

''(A) the date the Secretary resolves the claim; or

''(B) if the farmer or rancher appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

''(4) FAILURE TO PREVAIL.—If a farmer or rancher does not prevail on a claim of discrimination described in paragraph (1), the farmer or rancher shall be liable for any interest and offsets that accrued during the period that loan acceleration or foreclosure proceedings have been suspended under paragraph (1).''.

(b) FORECLOSURE REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Agriculture (referred to in this subsection as the ''Inspector General'') shall determine whether decisions of the Department to implement foreclosure proceedings with respect to farmer program loans made under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) to socially disadvantaged farmers or ranchers during the 5-year period preceding the date of the enactment of this Act were consistent and in conformity with the applicable laws (including regulations) governing loan foreclosures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the determination of the Inspector General under paragraph (1).

SEC. 14003. RECEIPT FOR SERVICE OR DENIAL OF SERVICE FROM CERTAIN DEPARTMENT OF AGRICULTURE AGENCIES.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by adding at the end the following new subsection:

''(e) RECEIPT FOR SERVICE OR DENIAL OF SERVICE.—In any case in which a current or prospective producer or landowner, in person or in writing, requests from the Farm Service Agency, the Natural Resources Conservation Service, or an agency of the Rural Development Mission Area any benefit or service offered by the Department to agricultural producers or landowners and, at the time of the request, also requests a receipt, the Secretary shall issue, on the date of the request, a receipt to the producer or landowner that contains—

''(1) the date, place, and subject of the request; and

''(2) the action taken, not taken, or recommended to the producer or landowner.''.

SEC. 14004. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIREMENTS.—Paragraph (2) of section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)) is amended to read as follows:

''(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used exclusively—

''(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

''(B) to assist the Secretary in—

''(i) reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner; and

''(ii) improving the participation of those farmers and ranchers in Department programs, as reported under section 2501A.''.

(2) GRANTS AND CONTRACTS UNDER PROGRAM.—Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(A) in subparagraph (A), by striking ''entity to provide information'' and inserting ''entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach''; and

(B) by adding at the end the following new subparagraph:

''(D) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make publicly available, an annual report that includes a list of the following:

''(i) The recipients of funds made available under the program.

''(ii) The activities undertaken and services provided.

''(iii) The number of current and prospective socially disadvantaged farmers or ranchers served and outcomes of such service.

''(iv) The problems and barriers identified by entities in trying to increase participation by current and prospective socially disadvantaged farmers or ranchers.''.

(3) FUNDING AND LIMITATION ON USE OF FUNDS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(i) $15,000,000 for fiscal year 2009; and

''(ii) $20,000,000 for each of fiscal years 2010 through 2012.''.

(B) by adding at the end the following new subparagraph:

''(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under subparagraph (A) for a fiscal year may be used for expenses related to administering the program under this section.''.

(b) ELIGIBLE ENTITY DEFINED.—Section 2501(e)(5)(A)(ii) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(5)(A)(ii)) is amended by striking ''work with socially disadvantaged farmers or ranchers during the 2-year period'' and inserting ''work with, and on behalf of, socially disadvantaged farmers or ranchers during the 3-year period''.

SEC. 14005. ACCURATE DOCUMENTATION IN THE CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by adding at the end the following:

''(h) ACCURATE DOCUMENTATION.—The Secretary shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers or ranchers in agricultural production.''.

SEC. 14006. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following new subsections:

''(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

''(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation

rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

''(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

''(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

''(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

''(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

''(A) the entire United States;

''(B) each State; and

''(C) each county in each State.

''(4) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

''(d) LIMITATIONS ON USE OF DATA.—

''(1) PRIVACY PROTECTIONS.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

''(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

''(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.''.

SEC. 14007. OVERSIGHT AND COMPLIANCE.

The Secretary, acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1), as amended by section 14006, in the conduct of oversight and evaluation of civil rights compliance.

SEC. 14008. MINORITY FARMER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the ''Advisory Committee on Minority Farmers'' (in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall provide advice to the Secretary on—

(1) the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);

(2) methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and

(3) civil rights activities within the Department as such activities relate to participants in such programs.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of not more than 15 members, who shall be appointed by the Secretary, and shall include—

(A) not less than four socially disadvantaged farmers or ranchers (as defined in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

(B) not less than two representatives of nonprofit organizations with a history of working with minority farmers and ranchers;

(C) not less than two civil rights professionals;

(D) not less than two representatives of institutions of higher education with demonstrated experience working with minority farmers and ranchers; and

(E) such other persons as the Secretary considers appropriate.

(2) EX-OFFICIO MEMBERS.—The Secretary may appoint such employees of the Department of Agriculture as the Secretary considers appropriate to serve as ex-officio members of the Committee.

SEC. 14009. NATIONAL APPEALS DIVISION.

Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) is amended—

(1) by striking ''On the return'' and inserting the following:

''(a) IN GENERAL.—On the return''; and

(2) by adding at the end the following:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

''(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

''(B) the status of implementation of each final determination; and

''(C) if the final determination has not been implemented—

''(i) the reason that the final determination has not been implemented; and

''(ii) the projected date of implementation of the final determination.

''(2) UPDATES.—Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).''.

SEC. 14010. REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS, AND ACTIONS.

Each year, the Secretary shall—

(1) prepare a report that describes, for each agency of the Department of Agriculture—

(A) the number of civil rights complaints filed that relate to the agency, including whether a complaint is a program complaint or an employment complaint;

(B) the length of time the agency took to process each civil rights complaint;

(C) the number of proceedings brought against the agency, including the number of complaints described in paragraph (1) that were resolved with a finding of discrimination; and

(D) the number and type of personnel actions taken by the agency following resolution of civil rights complaints;

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

(3) make the report available to the public by posting the report on the website of the Department.

SEC. 14011. SENSE OF CONGRESS RELATING TO CLAIMS BROUGHT BY SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

It is the sense of Congress that all pending claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)), including Native American, Hispanic, and female farmers or ranchers, based on racial, ethnic, or gender discrimination in farm program participation should be resolved in an expeditious and just manner.

SEC. 14012. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree'' means the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(3) PIGFORD CLAIM.—The term ''Pigford claim'' means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(4) PIGFORD CLAIMANT.—The term ''Pigford claimant'' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (h)) shall be made exclusively from funds made available under subsection (i).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed $100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—

(A) IN GENERAL.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant's county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(B) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the race of the applicant;

(ii) the date of application;

(iii) the date of the loan or benefit decision, as appropriate;

(iv) the location of the office making the loan or benefit decision, as appropriate;

(v) all data relevant to the decisionmaking process for the loan or benefit, as appropriate; and

(vi) all data relevant to the servicing of the loan or benefit, as appropriate.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person who applied for a loan from the Department.

(3) REPORTING DEADLINE.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (b); and

(ii) devote such resources of the Department as are necessary to make providing the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the deadline is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—

(1) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(l) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(2) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a benefit program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(i) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of $3,000, without regard to the number of such claims on which the claimant prevails.

(g) ACTUAL DAMAGES.—A claimant who files a claim under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

(1) the borrower is a Pigford claimant; and

(2) makes a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(i) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) $100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter until the funds made available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (f).

(2) DEPLETION OF FUNDS REPORT.—In addition to the reports required under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(k) TERMINATION OF AUTHORITY.—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

SEC. 14013. OFFICE OF ADVOCACY AND OUTREACH.

(a) IN GENERAL.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226A (7 U.S.C. 6933) the following:

"SEC. 226B. OFFICE OF ADVOCACY AND OUTREACH.

''(a) DEFINITIONS.—In this section:

''(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(2) OFFICE.—The term 'Office' means the Office of Advocacy and Outreach established under this section.

''(3) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

''(b) ESTABLISHMENT AND PURPOSE.—

''(1) IN GENERAL.—The Secretary shall establish within the executive operations of the Department an office to be known as the 'Office of Advocacy and Outreach'—

''(A) to improve access to programs of the Department; and

''(B) to improve the viability and profitability of—

''(i) small farms and ranches;

''(ii) beginning farmers or ranchers; and

''(iii) socially disadvantaged farmers or ranchers.

''(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Secretary from among the competitive service.

''(c) DUTIES.—The duties of the Office shall be to ensure small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers access to, and equitable participation in, programs and services of the Department by—

''(1) establishing and monitoring the goals and objectives of the Department to increase participation in programs of the Department by small, beginning, or socially disadvantaged farmers or ranchers;

''(2) assessing the effectiveness of Department outreach programs;

''(3) developing and implementing a plan to coordinate outreach activities and services provided by the Department;

''(4) providing input to the agencies and offices on programmatic and policy decisions;

''(5) measuring outcomes of the programs and activities of the Department on small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers programs;

''(6) recommending new initiatives and programs to the Secretary; and

''(7) carrying out any other related duties that the Secretary determines to be appropriate.

''(d) SOCIALLY DISADVANTAGED FARMERS GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Socially Disadvantaged Farmers Group.

''(2) OUTREACH AND ASSISTANCE.—The Socially Disadvantaged Farmers Group—

''(A) shall carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

''(B) in the case of activities described in section 2501(a) of that Act, may conduct such activities through other agencies and offices of the Department.

''(3) SOCIALLY DISADVANTAGED FARMERS AND FARMWORKERS.—The Socially Disadvantaged Farmers Group shall oversee the operations of—

''(A) the Advisory Committee on Minority Farmers established under section 14009 of the Food, Conservation, and Energy Act of 2008; and

''(B) the position of Farmworker Coordinator established under subsection (f).

''(4) OTHER DUTIES.—

''(A) IN GENERAL.—The Socially Disadvantaged Farmers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

''(B) OFFICE OF OUTREACH AND DIVERSITY.—The Office of Advocacy and Outreach shall carry out the functions and duties of the Office of Outreach and Diversity carried out by the Assistant Secretary for Civil Rights as such functions and duties existed immediately before the date of the enactment of this section.

''(e) SMALL FARMS AND BEGINNING FARMERS AND RANCHERS GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

''(2) DUTIES.—

''(A) OVERSEE OFFICES.—The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 9700-1 (August 3, 2006).

''(B) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—The Small Farms and Beginning Farmers and Ranchers Group shall consult with the National Institute for Food and Agriculture on the administration of the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

''(C) ADVISORY COMMITTEE FOR BEGINNING FARMERS AND RANCHERS.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102–554).

''(D) OTHER DUTIES.—The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by small farms and ranches and beginning farmers or ranchers, as determined by the Secretary.

''(f) FARMWORKER COORDINATOR.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the position of Farmworker Coordinator (referred to in this subsection as the 'Coordinator').

''(2) DUTIES.—The Secretary shall delegate to the Coordinator responsibility for the following:

''(A) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

''(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

''(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies.

''(D) Consulting within the Office and with other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

''(E) Consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

''(F) Assisting farmworkers in becoming agricultural producers or landowners.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2012.''.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)), as amended by section 7511(b), is further amended—

(1) in paragraph (5), by striking ''; or'' and inserting ''.'';

(2) in paragraph (6), by striking the period and inserting ''; or''; and

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

''(7) the authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226B.''.

Subtitle B—Agricultural Security

SEC. 14101. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Security Improvement Act of 2008''.

SEC. 14102. DEFINITIONS.

In this subtitle:

(1) AGENT.—The term ''agent'' means a nuclear, biological, chemical, or radiological substance that causes agricultural disease or the adulteration of products regulated by the Secretary of Agriculture under any provision of law.

(2) AGRICULTURAL BIOSECURITY.—The term ''agricultural biosecurity'' means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health as it relates to the adulteration of products regulated by the Secretary of Agriculture under any provision of law that is caused by exposure to an agent; or

(C) the environment as it relates to agriculture facilities, farmland, and air and water within the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—The term ''agricultural countermeasure''—

(A) means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States; and

(B) does not include a product, practice, or technology used solely in response to a human medical incident or public health emergency not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term ''agricultural disease'' has the meaning given the term by the Secretary.

(5) AGRICULTURAL DISEASE EMERGENCY.—The term ''agricultural disease emergency'' means an incident of agricultural disease that requires prompt action to prevent significant damage to people, plants, or animals.

(6) AGROTERRORIST ACT.—The term ''agroterrorist act'' means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed or appears to be committed with the intent to—

(i) intimidate or coerce a civilian population; or

(ii) disrupt the agricultural industry in order to influence the policy of a government by intimidation or coercion.

(7) ANIMAL.—The term ''animal'' has the meaning given the term in section 10403 of the Animal Health Protection Act of 2002 (7 U.S.C. 8302).

(8) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(9) DEVELOPMENT.—The term ''development'' means—

(A) research leading to the identification of products or technologies intended for use as agricultural countermeasures to protect animal health;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of in vitro and in vivo studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to an applicable agency; or

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of a license or other form of Federal Government approval.

(10) PLANT.—The term ''plant'' has the meaning given the term in section 411 of the Plant Protection Act of 2000 (7 U.S.C. 7702).

(11) QUALIFIED AGRICULTURAL COUNTERMEASURE.—The term ''qualified agricultural countermeasure'' means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat.

CHAPTER 1—AGRICULTURAL SECURITY

SEC. 14111. OFFICE OF HOMELAND SECURITY.

(a) ESTABLISHMENT.—There is established within the Department the Office of Homeland Security (in this section referred to as the ''Office'').

(b) DIRECTOR.—The Office shall be headed by a Director of Homeland Security, who shall be appointed by the Secretary.

(c) RESPONSIBILITIES.—The Director of Homeland Security shall—

(1) coordinate all homeland security activities of the Department, including integration and coordination of interagency emergency response plans for—

(A) agricultural disease emergencies;

(B) agroterrorist acts; and

(C) other threats to agricultural biosecurity;

(2) act as the primary liaison on behalf of the Department with other Federal departments and agencies on the coordination of efforts and interagency activities pertaining to agricultural biosecurity; and

(3) advise the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.

SEC. 14112. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall establish a communication center within the Department to—

(1) collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity; and

(2) coordinate activities described in paragraph (1) among agencies and offices within the Department.

(b) RELATION TO EXISTING DHS COMMUNICATION SYSTEMS.—

(1) CONSISTENCY AND COORDINATION.—The communication center established under subsection (a) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with the Department of Homeland Security and other communication systems of appropriate Federal departments and agencies.

(2) AVOIDING REDUNDANCIES.—Paragraph (1) shall not be construed to impede, conflict with, or duplicate the communications activities performed by the Secretary of Homeland Security under any provision of law.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14113. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) GRANT ASSISTANCE.—The Secretary shall establish a competitive grant program to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) GRANT AND LOAN ASSISTANCE.—The Secretary shall establish a competitive grant and low-interest loan assistance program to assist States in assessing agricultural disease response capability.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.

CHAPTER 2—OTHER PROVISIONS

SEC. 14121. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) GRANT PROGRAM.—

(1) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to encourage basic and applied research and the development of qualified agricultural countermeasures.

(2) WAIVER IN EMERGENCIES.—The Secretary may waive the requirement under paragraph (1) that a grant be provided on a competitive basis if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) waiving the requirement would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 14122. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

(a) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to promote the development of teaching programs in agriculture, veterinary medicine, and disciplines closely allied to the food and agriculture system to increase the number of trained individuals with an expertise in agricultural biosecurity.

(b) ELIGIBILITY.—The Secretary may award a grant under this section only to an entity that is—

(1) an accredited school of veterinary medicine; or

(2) a department of an institution of higher education with a primary focus on—

(A) comparative medicine;

(B) veterinary science; or

(C) agricultural biosecurity.

(c) PREFERENCE.—The Secretary shall give preference in awarding grants based on the ability of an applicant—

(1) to increase the number of veterinarians or individuals with advanced degrees in food and agriculture disciplines who are trained in agricultural biosecurity practice areas;

(2) to increase research capacity in areas of agricultural biosecurity; or

(3) to fill critical agricultural biosecurity shortage situations outside of the Federal Government.

(d) USE OF FUNDS..—

(1) IN GENERAL.—Amounts received under this section shall be used by a grantee to pay—

(A) costs associated with the acquisition of equipment and other capital costs relating to the expansion of food, agriculture, and veterinary medicine teaching programs in agricultural biosecurity;

(B) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization; or

(C) other capacity and infrastructure program costs that the Secretary considers appropriate.

(2) LIMITATION.—Funds received under this section may not be used for the construction, renovation, or rehabilitation of a building or facility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

Subtitle C—Other Miscellaneous Provisions

SEC. 14201. COTTON CLASSIFICATION SERVICES.

Section 3a of the Act of March 3, 1927 (7 U.S.C. 473a), is amended to read as follows:

"SEC. 3a. COTTON CLASSIFICATION SERVICES.

''(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall—

''(1) make cotton classification services available to producers of cotton; and

''(2) provide for the collection of classification fees from participating producers or agents that voluntarily agree to collect and remit the fees on behalf of producers.

''(b) FEES.—

''(1) USE OF FEES.—Classification fees collected under subsection (a)(2) and the proceeds from the sales of samples submitted under this section shall, to the maximum extent practicable, be used to pay the cost of the services provided under this section, including administrative and supervisory costs.

''(2) ANNOUNCEMENT OF FEES.—The Secretary shall announce a uniform classification fee and any applicable surcharge for classification services not later than June 1 of the year in which the fee applies.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In establishing the amount of fees under this section, the Secretary shall consult with representatives of the United States cotton industry.

''(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations with representatives of the United States cotton industry under this section.

''(d) CREDITING OF FEES.—Any fees collected under this section and under section 3d, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall—

''(1) be credited to the current appropriation account that incurs the cost of services provided under this section and section 3d; and

''(2) remain available without fiscal year limitation to pay the expenses of the Secretary in providing those services.

''(e) INVESTMENT OF FUNDS.—Funds described in subsection (d) may be invested—

''(1) by the Secretary in insured or fully collateralized, interest-bearing accounts; or

''(2) at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

''(f) LEASE AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may enter into long-term lease agreements that exceed 5 years or may take title to property (including through purchase agreements) for the purpose of obtaining offices to be used for the classification of cotton in accordance with this Act, if the Secretary determines that action would best effectuate the purposes of this Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To the extent that financing is not available from fees and the proceeds from the sales of samples, there are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 14202. DESIGNATION OF STATES FOR COTTON RESEARCH AND PROMOTION.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended—

(1) by striking ''(f) The term'' and inserting the following:

''(f) COTTON-PRODUCING STATE.—

''(1) IN GENERAL.—The term'';

(2) by striking ''more, and the term'' and all that follows through the end of the subsection and inserting the following: ''more.

''(2) INCLUSIONS.—The term 'cotton-producing State' includes—

''(A) any combination of States described in paragraph (1); and

''(B) effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida.''.

SEC. 14203. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a producer of agricultural commodities;

(B) a cooperative association, a majority of the members of which produce or process agricultural commodities; or

(C) a person in the trade or business of—

(i) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term ''nurse tank'' shall be considered to be a cargo tank (within the meaning of section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act).

(b) GRANT AUTHORITY.—The Secretary may make a grant to an eligible entity to enable the eligible entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a physical lock or a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an eligible entity shall be the product obtained by multiplying—

(1) an amount not less than $40 and not more than $60, as determined by the Secretary; and

(2) the number of fertilizer nurse tanks of the eligible entity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $15,000,000 for the period of fiscal years 2008 through 2012.

SEC. 14204. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an entity described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a)).

(b) GRANTS.—

(1) IN GENERAL.—To assist agricultural employers and farmworkers by improving the supply, stability, safety, and training of the agricultural labor force, the Secretary may provide grants to eligible entities for use in providing services to assist farmworkers who are citizens or otherwise legally present in the United States in securing, retaining, upgrading, or returning from agricultural jobs.

(2) ELIGIBLE SERVICES.—The services referred to in paragraph (1) include—

(A) agricultural labor skills development;

(B) the provision of agricultural labor market information;

(C) transportation;

(D) short-term housing while in transit to an agricultural worksite;

(E) workplace literacy and assistance with English as a second language;

(F) health and safety instruction, including ways of safeguarding the food supply of the United States; and

(G) such other services as the Secretary determines to be appropriate.

(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the funds made available to carry out this section for a fiscal year may be used to pay for administrative expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14205. AMENDMENT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended—

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

''(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—''; and

(2) by striking paragraph (2) and inserting the following:

''(2) Nothing in this title shall apply to the disclosure by the financial institution of information contained in the financial records of any customer to any Government authority that certifies, disburses, or collects payments, where the disclosure of such information is necessary to, and such information is used solely for the purpose of—

''(A) verification of the identity of any person or proper routing and delivery of funds in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

''(B) the investigation or recovery of an improper Federal payment or collection of funds or an improperly negotiated Treasury check.

''(3) Notwithstanding any other provision of law, a request authorized by paragraph (1) or (2) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing information contained in the financial records of the customer to the Government authority requesting the information, and the financial institution and its agents shall be barred from redisclosure of such information. Any Government authority receiving information pursuant to paragraph

(1) or (2) may not disclose or use the information, except for the purposes set forth in such paragraph.''.

SEC. 14206. REPORT ON STORED QUANTITIES OF PROPANE.

(a) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the ''Secretary'') shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the effect of interim or final regulations issued by the Secretary pursuant to section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109–295), with respect to possession of quantities of propane that meet or exceed the screening threshold quantity for propane established in the final rule under that section.

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of—

(A) the number of facilities that completed a top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(B) the number of agricultural facilities that completed the top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(C) the number of propane facilities initially determined to be high risk by the Secretary;

(D) the number of propane facilities—

(i) required to complete a security vulnerability assessment or a site security plan; or

(ii) that submit to the Secretary an alternative security program;

(E) the number of propane facilities that file an appeal of a finding under the final rule described in paragraph (1); and

(F) to the extent available, the average cost of—

(i) completing a top screen consequence assessment requirement;

(ii) completing a security vulnerability assessment; and

(iii) completing and implementing a site security plan; and

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

(b) EDUCATIONAL OUTREACH.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall conduct educational outreach activities for rural facilities that may be required to complete a top screen consequence assessment due to possession of propane in a quantity that meets or exceeds the listed screening threshold quantity for propane.

SEC. 14207. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', if any animal in the venture was moved in interstate or foreign commerce''; and

(B) in the heading of paragraph (2), by striking ''STATE'' and inserting ''STATE'';

(2) in subsection (b)—

(A) by striking ''(b) It shall be'' and inserting the following:

''(b) BUYING, SELLING, DELIVERING, POSSESSING, TRAINING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHTING VENTURE.—It shall be''; and

(B) by striking ''transport, deliver'' and all that follows through ''participate'' and inserting ''possess, train, transport, deliver, or receive any animal for purposes of having the animal participate'';

(3) in subsection (c)—

(A) by striking ''(c) It shall be'' and inserting the following:

''(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING OR FURTHERING ANIMAL FIGHTING VENTURE.—It shall be''; and

(B) by inserting ''advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture,'' after ''for purposes of'';

(4) in subsection (d), by striking ''(d) Notwithstanding'' and inserting the following:

''(d) VIOLATION OF STATE LAW.—Notwithstanding'';

(5) in subsection (e), by striking ''(e) It shall be'' and inserting the following:

''(e) BUYING, SELLING, DELIVERING, OR TRANSPORTING SHARP INSTRUMENTS FOR USE IN ANIMAL FIGHTING VENTURE.—It shall be'';

(6) in subsection (f)—

(A) by striking ''(f) The Secretary'' and inserting the following:

''(f) INVESTIGATION OF VIOLATIONS BY SECRETARY; ASSISTANCE BY OTHER FEDERAL AGENCIES; ISSUANCE OF SEARCH WARRANT; FORFEITURE; COSTS RECOVERABLE IN FORFEITURE OR CIVIL ACTION.—The Secretary''; and

(B) in the last sentence—

(i) by striking ''by the United States'';

(ii) by inserting ''(1)'' after ''owner of the animals''; and

(iii) by striking ''proceeding or in'' and inserting ''proceeding, or (2) in'';

(7) in subsection (g)—

(A) by striking ''(g) For purposes of'' and inserting the following:

''(g) DEFINITIONS.—In'';

(B) in paragraph (1), by striking ''any event'' and all that follows through ''entertainment'' and inserting ''any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment,'';

(C) by striking paragraph (2);

(D) in paragraph (5)—

(i) by striking ''dog or other''; and

(ii) by striking ''; and'' and inserting a period; and

(E) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(8) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(9) in subsection (i) (as so redesignated), by striking ''(i)(1) The provisions'' and inserting the following:

''(i) CONFLICT WITH STATE LAW.—

''(1) IN GENERAL.—The provisions'';

(10) in subsection (j) (as so redesignated), by striking ''(j) The criminal'' and inserting the following:

''(j) CRIMINAL PENALTIES.—The criminal''; and

(11) in subsection (g)(6), by striking ''(6) the conduct'' and inserting the following:

''(h) RELATIONSHIP TO OTHER PROVISIONS.—The conduct''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

SEC. 14208. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.

(a) REPORT.—

(1) REQUIREMENT.—Not later than September 30 of each year, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on conferences sponsored or held by the Department of Agriculture or attended by employees of the Department of Agriculture.

(2) CONTENTS.—Each report under paragraph (1) shall contain—

(A) for each conference sponsored or held by the Department or attended by employees of the Department—

(i) the name of the conference;

(ii) the location of the conference;

(iii) the number of Department of Agriculture employees attending the conference; and

(iv) the costs (including travel expenses) relating to such conference; and

(B) for each conference sponsored or held by the Department of Agriculture for which the Department awarded a procurement contract, a description of the contracting procedures related to such conference.

(3) EXCLUSIONS.—The requirement in paragraph (1) shall not apply to any conference—

(A) for which the cost to the Federal Government was less than $10,000; or

(B) outside of the United States that is attended by the Secretary or the Secretary's designee as an official representative of the United States government.

(b) AVAILABILITY OF REPORT.—Each report submitted in accordance with subsection (a) shall be posted in a searchable format on a Department of Agriculture website that is available to the public.

(c) DEFINITION OF CONFERENCE.—In this section, the term ''conference''—

(1) means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants from at least one agency of the Department of Agriculture;

(C) is held in whole or in part at a facility outside of an agency of the Department of Agriculture; and

(D) involves costs associated with travel and lodging for some participants; and

(2) does not include any training program that is continuing education or a curriculum-based educational program, provided that such training program is held independent of a conference of a non-governmental organization.

SEC. 14209. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS.

(a) PAYMENT OF EXPENSES.—Section 17(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136o(d)) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

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

''(2) DEPARTMENT OF STATE EXPENSES.—Any expenses incurred by an employee of the Environmental Protection Agency who participates in any international technical, economic, or policy review board, committee, or other official body that is meeting in relation to an international treaty shall be paid by the Department of State.''.

(b) CONTAINER RECYCLING.—Section 19(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136q(a)) is amended by adding at the end the following new paragraph:

''(4) CONTAINER RECYCLING.—The Secretary may promulgate a regulation for the return and recycling of disposable pesticide containers used for the distribution or sale of registered pesticide products in interstate commerce. Any such regulation requiring recycling of disposable pesticide containers shall not apply to antimicrobial pesticides (as defined in section 2) or other pesticide products intended for non-agricultural uses.''.

SEC. 14210. IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—The Animal Welfare Act is amended by adding after section 17 (7 U.S.C. 2147) the following:

''SEC. 18. IMPORTATION OF LIVE DOGS.

''(a) DEFINITIONS.—In this section:

''(1) IMPORTER.—The term 'importer' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

''(2) RESALE.—The term 'resale' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

''(A) is in good health;

''(B) has received all necessary vaccinations; and

''(C) is at least 6 months of age, if imported for resale.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

''(i) research purposes; or

''(ii) veterinary treatment.

''(B) LAWFUL IMPORTATION INTO HAWAII.—Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

''(c) IMPLEMENTATION AND REGULATIONS.—The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

''(d) ENFORCEMENT.—An importer that fails to comply with this section shall—

''(1) be subject to penalties under section 19; and

''(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 14211. PERMANENT DEBARMENT FROM PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS FOR FRAUD.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture shall permanently debar an individual, organization, corporation, or other entity convicted of a felony for knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

(b) EXCEPTIONS.—

(1) SECRETARY DETERMINATION.—The Secretary may reduce a debarment under subsection (a) to a period of not less than 10 years if the Secretary considers it appropriate.

(2) FOOD ASSISTANCE.—A debarment under subsection (a) shall not apply with respect to participation in domestic food assistance programs (as defined by the Secretary).

SEC. 14212. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

(a) TEMPORARY PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) LIMITATION ON CLOSURE; NOTICE.—

(1) LIMITATION.—After the period referred to in subsection (a)(1), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) NOTICE.—After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

SEC. 14213. USDA GRADUATE SCHOOL.

(a) IN GENERAL.—Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended—

(1) in the heading, to read as follows:

''SEC. 921. DEPARTMENT OF AGRICULTURE EDUCATIONAL, TRAINING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES.''; and

(2) by striking subsection (b) and inserting the following new subsection:

''(b) OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—

''(1) CEASE OPERATIONS.—Not later than October 1, 2009, the Secretary of Agriculture shall cease to maintain or operate a nonappropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees, non-profit organizations, other entities, and members of the general public.

''(2) TRANSITION.—

''(A) IN GENERAL.—The Secretary of Agriculture is authorized to use funds available to the Department of Agriculture and such resources of the Department as the Secretary considers appropriate (including the assignment of such employees of the Department as the Secretary considers appropriate) to assist the General Administrative Board of the Graduate School in the conversion of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, including such privatization activities not otherwise inconsistent with law or regulation.

''(B) TERMINATION OF AUTHORITY.—The authority under paragraph (1) shall terminate on the earlier of—

''(i) the completion of the transition of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, as determined by the Secretary; or

''(ii) September 30, 2009.''.

(b) PROCUREMENT PROCEDURES.—Notwithstanding the amendments made by subsection (a), effective on the date of the enactment of this Act, the Graduate School of the Department of Agriculture shall be subject to Federal procurement laws and regulations in the same manner and subject to the same requirements as a private entity providing services to the Federal Government.

SEC. 14214. FINES FOR VIOLATIONS OF THE ANIMAL WELFARE ACT.

Section 19(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended in the first sentence by striking ''not more than $2,500 for each such violation'' and inserting ''not more than $10,000 for each such violation''.

SEC. 14215. DEFINITION OF CENTRAL FILING SYSTEM.

Section 1324(c)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(c)(2)) is amended—

(1) in subparagraph (C)(ii)(II), by inserting after ''such debtors'' the following: '', except that the numerical list containing social security or taxpayer identification numbers may be encrypted for security purposes if the Secretary of State provides a method by which an effective search of the encrypted numbers may be conducted to determine whether the farm product at issue is subject to 1 or more liens''; and

(2) in subparagraph (E)—

(A) by striking ''paragraph (C)'' and inserting ''subparagraph (C)''; and

(B) by inserting before the semicolon at the end the following: ''except that—

''(i) the distribution of the portion of the master list may be in electronic, written, or printed form; and

''(ii) if social security or taxpayer identification numbers on the master list are encrypted, the Secretary of State may distribute the master list only—

''(I) by compact disc or other electronic media that contains—

''(aa) the recorded list of debtor names; and

''(bb) an encryption program that enables the buyer, commission merchant, and selling agent to enter a social security number for matching against the recorded list of encrypted social security or taxpayer identification numbers; and

''(II) on the written request of the buyer, commission merchant, or selling agent, by paper copy of the list to the requestor''.

SEC. 14216. CONSIDERATION OF PROPOSED RECOMMENDATIONS OF STUDY ON USE OF CATS AND DOGS IN FEDERAL RESEARCH.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) review—

(A) any independent reviews conducted by a nationally recognized panel of experts of the use of Class B dogs and cats in federally supported research to determine how frequently such dogs and cats are used in research by the National Institutes of Health; and

(B) any recommendations proposed by such panel outlining the parameters of such use; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how recommendations referred to in paragraph (1)(B) can be applied within the Department of Agriculture to ensure such dogs and cats are treated in accordance with regulations of the Department of Agriculture.

(b) CLASS B DOGS AND CATS DEFINED.—In this section, the term ''Class B dogs and

cats'' means dogs and cats obtained from a Class ''B'' licensee, as such term is defined in section 1.1 of title 9, Code of Federal Regulations.

SEC. 14217. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

''Subtitle V—Regional Economic and Infrastructure Development

''Chapter .....
''151. GENERAL PROVISIONS 15101
''153. REGIONAL COMMISSIONS 15301
''155. FINANCIAL ASSISTANCE 15501
''157. ADMINISTRATIVE PROVISIONS 15701

''CHAPTER 1—GENERAL PROVISIONS

''Sec.
''15101. Definitions.

''§ 15101. Definitions

''In this subtitle, the following definitions apply:

''(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

''(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

''(A)(i) is an economic development district that is—

''(I) in existence on the date of the enactment of this chapter; and

''(II) located in the region; or

''(ii) if an entity described in clause (i) does not exist—

''(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

''(II) is governed by a policy board with at least a simple majority of members consisting of—

''(aa) elected officials; or

''(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

''(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

''(B) has not, as certified by the Federal Cochairperson—

''(i) inappropriately used Federal grant funds from any Federal source; or

''(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that has been formed for the purpose of economic development.

''(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

''CHAPTER 2—REGIONAL COMMISSIONS

''Sec.
''15301. Establishment, membership, and employees.
''15302. Decisions.
''15303. Functions.
''15304. Administrative powers and expenses.
''15305. Meetings.
''15306. Personal financial interests.
''15307. Tribal participation.
''15308. Annual report.

''§ 15301. Establishment, membership, and employees

''(a) ESTABLISHMENT.—There are established the following regional Commissions:

''(1) The Southeast Crescent Regional Commission.

''(2) The Southwest Border Regional Commission.

''(3) The Northern Border Regional Commission.

''(b) MEMBERSHIP.—

''(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

''(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

''(B) The Governor of each participating State in the region of the Commission.

''(2) ALTERNATE MEMBERS.—

''(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

''(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

''(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

''(3) COCHAIRPERSONS.—A Commission shall be headed by—

''(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

''(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

''(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

''(c) COMPENSATION.—

''(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

''(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

''(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

''(d) EXECUTIVE DIRECTOR AND STAFF.—

''(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

''(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

''(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

''§ 15302. Decisions

''(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

''(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

''(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

''(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

''(2) a State alternate member shall not be counted toward the establishment of a quorum.

''(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

''§ 15303. Functions

''A Commission shall—

''(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

''(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

''(3) not later than one year after the date of the enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

''(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

''(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

''(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

''(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

''(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

''(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

''§ 15304. Administrative powers and expenses

''(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

''(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

''(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

''(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

''(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

''(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

''(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

''(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

''(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

''(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

''(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

''(1) cooperate with a Commission; and

''(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

''(c) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

''(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

''(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

''(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

''(3) STATE SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

''(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

''(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

''(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

''(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

''(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

''§ 15305. Meetings

''(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of the enactment of this section.

''(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

''(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

''§ 15306. Personal financial interests

''(a) CONFLICTS OF INTEREST.—

''(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

''(A) The individual.

''(B) The individual's spouse, minor child, or partner.

''(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

''(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

''(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

''(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

''(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

''(c) DETAILED EMPLOYEES.—

''(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

''(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

''(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

''(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

''§ 15307. Tribal participation

''Governments of Indian tribes in the region of the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

''§ 15308. Annual report

''(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

''(b) CONTENTS.—The report shall include—

''(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

''(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

''(3) any policy recommendations approved by the Commission.

''CHAPTER 3—FINANCIAL ASSISTANCE

''Sec.
''15501. Economic and infrastructure development grants.
''15502. Comprehensive economic and infrastructure development plans.
''15503. Approval of applications for assistance.
''15504. Program development criteria.
''15505. Local development districts and organizations.
''15506. Supplements to Federal grant programs.

''§ 15501. Economic and infrastructure development grants

''(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

''(1) to develop the transportation infrastructure of its region;

''(2) to develop the basic public infrastructure of its region;

''(3) to develop the telecommunications infrastructure of its region;

''(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

''(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

''(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

''(7) to promote the development of renewable and alternative energy sources; and

''(8) to otherwise achieve the purposes of this subtitle.

''(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

''(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

''(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

''(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

''(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

''(A) the project or activity involves 3 or more counties or more than one State; and

''(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

''(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

''(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

''§ 15502. Comprehensive economic and infrastructure development plans

''(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

''(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

''(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

''(1) consult with local development districts, local units of government, and local colleges and universities; and

''(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

''(d) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

''(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

''§ 15503. Approval of applications for assistance

''(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

''(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

''(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

''(2) meets applicable criteria under section 15504;

''(3) adequately ensures that the project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements for assistance under this subtitle.

''(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

''§ 15504. Program development criteria

''In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

''(1) the relationship of the project or class of projects to overall regional development;

''(2) the per capita income and poverty and unemployment and outmigration rates in an area;

''(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

''(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

''(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

''§ 15505. Local development districts and organizations

''(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

''(b) CONDITIONS FOR GRANTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

''(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

''(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

''(1) operate as a lead organization serving multicounty areas in the region at the local level;

''(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

''(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

''(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

''§ 15506. Supplements to Federal grant programs

''(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

''(1) they lack the economic resources to provide the required matching share; or

''(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

''(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

''(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

''(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

''(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

''(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

''(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

''(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 4—ADMINISTRATIVE PROVISIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec. 15701. Consent of States.
''Sec. 15702. Distressed counties and areas.
''Sec. 15703. Counties eligible for assistance in more than one region.
''Sec. 15704. Inspector General; records.
''Sec. 15705. Biannual meetings of representatives of all Commissions.

''SUBCHAPTER II—DESIGNATION OF REGIONS

''Sec. 15731. Southeast Crescent Regional Commission.
''Sec. 15732. Southwest Border Regional Commission.
''Sec. 15733. Northern Border Regional Commission.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

''Sec. 15751. Authorization of appropriations.

''SUBCHAPTER I—GENERAL PROVISIONS

"§ 15701. Consent of States

''This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§ 15702. Distressed counties and areas

''(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this section, and annually thereafter, each Commission shall make the following designations:

''(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

''(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

''(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

''(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

''(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

''(c) ATTAINMENT COUNTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

''(2) EXCEPTIONS.—

''(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

''(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

''(i) a multicounty project that includes participation by an attainment county; and

''(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

''(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

''(A) by the most recent Federal data available; or

''(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§ 15703. Counties eligible for assistance in more than one region

''(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

''(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

''(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

''(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

''(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

''(b) RECORDS OF A COMMISSION.—

''(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

''(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

''(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

''(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

''(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

''(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

''(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

''(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

''SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Southeast Crescent Regional Commission

''The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Authority.

"§ 15732. Southwest Border Regional Commission

''The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

''(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

''(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

''(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

''(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§ 15733. Northern Border Regional Commission

''The region of the Northern Border Regional Commission shall include the following counties:

''(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

''(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

''(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

''(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"§ 15751. Authorization of appropriations

''(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $30,000,000 for each of fiscal years 2008 through 2012.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.''.

(b) CLERICAL AMENDMENT TO TABLE OF SUBTITLES.—The table of subtitles for chapter 40, United States Code, is amended by striking

the item relating to subtitle V and inserting the following:

''V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101
''VI. MISCELLANEOUS ..... 17101''.

(c) CONFORMING AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or the President of the Export-Import Bank;'' and inserting ''the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;''; and

(2) in paragraph (2), by striking ''or the Export-Import Bank,'' and inserting ''the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,''.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 14218. COORDINATOR FOR CHRONICALLY UNDERSERVED RURAL AREAS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the ''Coordinator''), to be located in the Rural Development Mission Area.

(b) MISSION.—The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) DUTIES.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 14219. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

''(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

''(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

SEC. 14220. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

In addition to any other authority, the Secretary of Agriculture may make available to an organization excess or surplus computers or other technical equipment of the Department of Agriculture for the purposes of distribution to a city, town, or local government entity in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act).

SEC. 14221. REPEAL OF SECTION 3068 OF THE WATER RESOURCES DEVELOPMENT ACT OF 2007.

Effective upon the date of enactment of this Act, section 3068 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1123), and the item relating to section 3068 in the table of contents of that Act, are repealed.

SEC. 14222. DOMESTIC FOOD ASSISTANCE PROGRAMS.

(a) DEFINITION OF SECTION 32.—In this section, the term ''section 32'' means section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

(b) TRANSFER TO FOOD AND NUTRITION SERVICE.—

(1) IN GENERAL.—Amounts made available for a fiscal year to carry out section 32 in excess of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administrator of the Food and Nutrition Service, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) MAXIMUM AMOUNT.—The maximum amount calculated under this paragraph for a fiscal year is the sum of—

(A)(i) in the case of fiscal year 2009, $1,173,000,000;

(ii) in the case of fiscal year 2010, $1,199,000,000;

(iii) in the case of fiscal year 2011, $1,215,000,000;

(iv) in the case of fiscal year 2012, $1,231,000,000;

(v) in the case of fiscal year 2013, $1,248,000,000;

(vi) in the case of fiscal year 2014, $1,266,000,000;

(vii) in the case of fiscal year 2015, $1,284,000,000;

(viii) in the case of fiscal year 2016, $1,303,000,000;

(ix) in the case of fiscal year 2017, $1,322,000,000; and

(x) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(B) any transfers for the fiscal year from section 32 to the Department of Commerce under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(c) FRESH FRUIT AND VEGETABLE PROGRAM.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall transfer for use to carry out the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act the amounts specified in subsection (i) of that section.

(d) WHOLE GRAIN PRODUCTS.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall use to carry out section 4305 $4,000,000 for fiscal year 2009.

(e) MAINTENANCE OF FUNDING.—The funding provided under subsections (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act;

(2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(3) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036).

SEC. 14223. TECHNICAL CORRECTION.

Section 923(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2206a(1)(B)) is amended by striking ''as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))'' and inserting ''as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5))''.

TITLE XV—TRADE AND TAX PROVISIONS

SEC. 15001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''Heartland, Habitat, Harvest, and Horticulture Act of 2008''.

(b) AMENDMENTS TO 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Supplemental Agricultural Disaster Assistance From the Agricultural Disaster Relief Trust Fund

SEC. 15101. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

''SEC. 901. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

''(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)), the actual production history for the eligible producer without regard to any yields established under that section;

''(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B) of that Act, the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B) of that Act; and

''(C) in all other cases, the actual production history of the eligible producer on a farm.

''(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

''(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

''(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

''(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102

of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

''(5) DISASTER COUNTY.—

''(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

''(B) INCLUSION.—The term 'disaster county' includes—

''(i) a county contiguous to a county described in subparagraph (A); and

''(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

''(6) ELIGIBLE PRODUCER ON A FARM.—

''(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

''(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

''(i) a citizen of the United States;

''(ii) a resident alien;

''(iii) a partnership of citizens of the United States; or

''(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

''(7) FARM.—

''(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

''(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

''(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

''(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

''(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(10) LIVESTOCK.—The term 'livestock' includes—

''(A) cattle (including dairy cattle);

''(B) bison;

''(C) poultry;

''(D) sheep;

''(E) swine;

''(F) horses; and

''(G) other livestock, as determined by the Secretary.

''(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

''(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

''(16) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

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

''(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902.

''(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

''(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

''(2) AMOUNT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

''(i) the disaster assistance program guarantee, as described in paragraph (3); and

''(ii) the total farm revenue for a farm, as described in paragraph (4).

''(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

''(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

''(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

''(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

''(aa) the adjusted actual production history yield; or

''(bb) the counter-cyclical program payment yield for each crop; and

''(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

''(III) the payment yield for the commodity that is equal to the higher of—

''(aa) the adjusted noninsured crop assistance program yield guarantee; or

''(bb) the counter-cyclical program payment yield for each crop.

''(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

''(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

''(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

''(4) FARM REVENUE.—

''(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

''(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

''(I) the actual crop acreage harvested by an eligible producer on a farm;

''(II) the estimated actual yield of the crop production; and

''(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

''(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

''(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

''(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

''(v) the amount of payments for prevented planting on a farm;

''(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

''(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

''(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

''(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

''(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined

annually by the State office of the Farm Service Agency; and

''(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

''(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

''(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

''(A) the product obtained by multiplying—

''(i) the greatest of—

''(I) the adjusted actual production history yield of the eligible producer on a farm; and

''(II) the counter-cyclical program payment yield;

''(ii) the acreage planted or prevented from being planted for each crop; and

''(iii) 100 percent of the insurance price guarantee; and

''(B) the product obtained by multiplying—

''(i) 100 percent of the adjusted noninsured crop assistance program yield; and

''(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

''(c) LIVESTOCK INDEMNITY PAYMENTS.—

''(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

''(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

''(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED LIVESTOCK.—

''(i) IN GENERAL.—The term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

''(I) owned;

''(II) leased;

''(III) purchased;

''(IV) entered into a contract to purchase;

''(V) is a contract grower; or

''(VI) sold or otherwise disposed of due to qualifying drought conditions during—

''(aa) the current production year; or

''(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

''(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

''(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

''(C) ELIGIBLE LIVESTOCK PRODUCER.—

''(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

''(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

''(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

''(III) certifies grazing loss; and

''(IV) meets all other eligibility requirements established under this subsection.

''(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

''(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

''(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

''(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

''(A) a drought condition, as described in paragraph (3); or

''(B) fire, as described in paragraph (4).

''(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

''(A) ELIGIBLE LOSSES.—

''(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

''(I) is native or improved pastureland with permanent vegetative cover; or

''(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

''(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

''(B) MONTHLY PAYMENT RATE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

''(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

''(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

''(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

''(C) MONTHLY FEED COST.—

''(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

''(I) 30 days;

''(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

''(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

''(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

''(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

''(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

''(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

''(I) the higher of—

''(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

''(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

''(II) 56.

''(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

''(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

''(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

''(ii) DROUGHT INTENSITY.—

''(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

''(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

''(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

''(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

''(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

''(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

''(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

''(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

''(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

''(C) PAYMENT DURATION.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

''(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

''(II) ending on the last day of the Federal lease of the eligible livestock producer.

''(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

''(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

''(i) obtained a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the grazing land incurring the losses for which assistance is being requested; or

''(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

''(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

''(i) waive subparagraph (A); and

''(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(D) EQUITABLE RELIEF.—

''(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

''(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

''(6) NO DUPLICATIVE PAYMENTS.—

''(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

''(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

''(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

''(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

''(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

''(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

''(f) TREE ASSISTANCE PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

''(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

''(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

''(D) TREE.—The term 'tree' includes a tree, bush, and vine.

''(2) ELIGIBILITY.—

''(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

''(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

''(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

''(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

''(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

''(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

''(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

''(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

''(4) LIMITATIONS ON ASSISTANCE.—

''(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

''(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

''(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

''(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act); or

''(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

''(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

''(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

''(A) waive paragraph (1); and

''(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(5) EQUITABLE RELIEF.—

''(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm

on a case-by-case basis, as determined by the Secretary.

''(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

''(h) PAYMENT LIMITATIONS.—

''(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

''(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) or any successor provision shall apply with respect to assistance provided under this section.

''(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

''(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

''(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

''SEC. 902. AGRICULTURAL DISASTER RELIEF TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Agricultural Disaster Relief Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

''(b) TRANSFER TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Agricultural Disaster Relief Trust Fund amounts equivalent to 3.08 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2011 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

''(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agricultural Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(3) LIMITATION ON TRANSFERS TO AGRICULTURAL DISASTER RELIEF TRUST FUND.—No amount may be appropriated to the Agricultural Disaster Relief Trust Fund on and after the date of any expenditure from the Agricultural Disaster Relief Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) ADMINISTRATION.—

''(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agricultural Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 4 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(2) INVESTMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agricultural Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

''(i) on original issue at the issue price, or

''(ii) by purchase of outstanding obligations at the market price.

''(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agricultural Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

''(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agricultural Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agricultural Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901 or section 531 of the Federal Crop Insurance Act (as such sections are in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008).

''(e) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agricultural Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the Agricultural Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

''(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

''(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

''(ii) compounded annually.

''SEC. 903. JURISDICTION.

''Legislation in the Senate of the United States amending section 901 or 902 shall be referred to the Committee on Finance of the Senate.''.

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 901 of the Trade Act of 1974 (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

''Sec. 901. Supplemental agricultural disaster assistance.

''Sec. 902. Agricultural Disaster Relief Trust Fund.

''Sec. 903. Jurisdiction.''.

Subtitle B—Revenue Provisions for Agriculture Programs

SEC. 15201. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''December 27, 2014'' and inserting ''November 14, 2017''.

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''December 27, 2014'' and inserting ''September 30, 2017''.

(c) TIME FOR REMITTING CERTAIN COBRA FEES.—Notwithstanding any other provision of law, any fees authorized under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (1) through (8)) with respect to customs services provided on or after July 1, 2017, and before September 20, 2017, shall be paid not later than September 25, 2017.

(d) TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and (10)) with respect to processing merchandise entered on or after October 1, 2017, and before November 15, 2017, shall be paid not later than September 25, 2017, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2016, and before November 15, 2016, as determined by the Secretary of the Treasury.

(2) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—Not later than December 15, 2017, the Secretary of the Treasury shall reconcile the fees paid pursuant to paragraph (1) with the fees for services actually provided on or after October 1, 2017, and before November 15, 2017, and shall refund with interest any overpayment of such fees and make proper adjustments with respect to any underpayment of such fees. No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2016, and before November 15, 2016.

SEC. 15202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 7.75 percentage points.

Subtitle C—Tax Provisions

PART I—CONSERVATION

Subpart A—Land and Species Preservation Provisions

SEC. 15301. EXCLUSION OF CONSERVATION RESERVE PROGRAM PAYMENTS FROM SECA TAX FOR CERTAIN INDIVIDUALS.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting '', and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223 of the Social Security Act'' after ''crop shares''.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1) of the Social Security Act is amended by inserting '', and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223'' after ''crop shares''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2007.

SEC. 15302. TWO-YEAR EXTENSION OF SPECIAL RULE ENCOURAGING CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Section 170(b)(1)(E)(vi) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) CORPORATIONS.—Section 170(b)(2)(B)(iii) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 15303. DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.

(a) DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (1) of section 175(c) (relating to definitions) is amended by inserting after the first sentence the following new sentence: ''Such term shall include expenditures paid or incurred for the purpose of achieving site-specific management actions recommended in recovery plans approved pursuant to the Endangered Species Act of 1973.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 175 is amended by inserting '', or for endangered species recovery'' after ''prevention of erosion of land used in farming'' each place it appears in subsections (a) and (c).

(B) The heading of section 175 is amended by inserting ''**; ENDANGERED SPECIES RECOVERY EXPENDITURES**'' before the period.

(C) The item relating to section 175 in the table of sections for part VI of subchapter B of chapter 1 is amended by inserting ''; endangered species recovery expenditures'' before the period.

(b) LIMITATIONS.—Paragraph (3) of section 175(c) (relating to additional limitations) is amended—

(1) in the heading of subparagraph (A), by inserting ''OR ENDANGERED SPECIES RECOVERY PLAN'' after ''CONSERVATION PLAN'', and

(2) in subparagraph (A)(i), by inserting ''or the recovery plan approved pursuant to the Endangered Species Act of 1973'' after ''Department of Agriculture''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2008.

Subpart B—Timber Provisions

SEC. 15311. TEMPORARY REDUCTION IN RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.

(a) IN GENERAL.—Section 1201 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c) and by adding after subsection (a) the following new subsection:

''(b) SPECIAL RATE FOR QUALIFIED TIMBER GAINS.—

''(1) IN GENERAL.—If, for any taxable year ending after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and beginning on or before the date which is 1 year after such date, a corporation has both a net capital gain and qualified timber gain—

''(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

''(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

''(i) 15 percent of the least of—

''(I) qualified timber gain,

''(II) net capital gain, or

''(III) taxable income, plus

''(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

''(2) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(A) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(B) the sum of the taxpayer's losses described in such subsections for such year.

For purposes of subparagraphs (A) and (B), only timber held more than 15 years shall be taken into account.

''(3) COMPUTATION FOR TAXABLE YEARS IN WHICH RATE FIRST APPLIES OR ENDS.—In the case of any taxable year which includes either of the dates set forth in paragraph (1), the qualified timber gain for such year shall not exceed the qualified timber gain properly taken into account for—

''(A) in the case of the taxable year including the date of the enactment of the Food, Conservation, and Energy Act of 2008, the portion of the year after such date, and

''(B) in the case of the taxable year including the date which is 1 year after such date of enactment, the portion of the year on or before such later date.''.

(b) MINIMUM TAX.—Subsection (b) of section 55 is amended by adding at the end the following paragraph:

''(4) MAXIMUM RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.—In the case of any taxable year to which section 1201(b) applies, the amount determined under clause (i) of subparagraph (B) shall not exceed the sum of—

''(A) 20 percent of so much of the taxable excess (if any) as exceeds the qualified timber gain (or, if less, the net capital gain), plus

''(B) 15 percent of the taxable excess in excess of the amount on which a tax is determined under subparagraph (A).

Any term used in this paragraph which is also used in section 1201 shall have the meaning given such term by such section, except to the extent such term is subject to adjustment under this part.''.

(c) CONFORMING AMENDMENT.—Section 857(b)(3)(A)(ii) is amended by striking ''rate'' and inserting ''rates''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment.

SEC. 15312. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

''(H) TREATMENT OF TIMBER GAINS.—

''(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

''(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

''(II) recognized under section 631(b); or

''(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

''(ii) SPECIAL RULES.—

''(I) For purposes of this subtitle, cut timber, the gain from which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

''(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

''(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.''.

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means, with respect to any taxpayer, the last day of the taxpayer's first taxable year beginning after the date of the enactment of this paragraph and before the date that is 1 year after such date of enactment.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15313. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking ''and'' at the end of subparagraph (G), by inserting ''and'' at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

''(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust and held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;''.

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

''(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.''.

(c) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15314. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting ''(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)'' after ''REIT subsidiaries''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15315. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

''(i) IN GENERAL.—In the case of the sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

''(I) by substituting '2 years' for '4 years' in clause (i), and

''(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

''(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.''.

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting '', or, in the case of a sale on or before the termination date, a taxable REIT subsidiary'' after ''any income''.

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through the application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.''.

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

''(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' has the meaning given such term by section 856(c)(8).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15316. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. Qualified forestry conservation bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a qualified forestry conservation bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(e).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''SEC. 54B. QUALIFIED FORESTRY CONSERVATION BONDS.

''(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified forestry conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified forestry conservation purposes,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified forestry conservation bond limitation of $500,000,000.

''(d) ALLOCATIONS.—

''(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation purposes in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

''(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

''(e) QUALIFIED FORESTRY CONSERVATION PURPOSE.—For purposes of this section, the term 'qualified forestry conservation purpose' means the acquisition by a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

''(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

''(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be conveyed to a State.

''(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

''(4) The amount of acreage acquired must be at least 40,000 acres.

''(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)).

''(g) SPECIAL ARBITRAGE RULE.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).

''(h) ELECTION TO TREAT 50 PERCENT OF BOND ALLOCATION AS PAYMENT OF TAX.—

''(1) IN GENERAL.—If—

''(A) a qualified issuer receives an allocation of any portion of the national qualified forestry conservation bond limitation described in subsection (c), and

''(B) the qualified issuer elects the application of this subsection with respect to such allocation,

then the qualified issuer (without regard to whether the issuer is subject to tax under this chapter) shall be treated as having made a payment against the tax imposed by this chapter, for the taxable year preceding the taxable year in which the allocation is received, in an amount equal to 50 percent of the amount of such allocation.

''(2) TREATMENT OF DEEMED PAYMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the qualified issuer but shall refund such payment to such issuer.

''(B) NO INTEREST.—Except as provided in paragraph (3)(A), the payment described in paragraph (1) shall not be taken into account in determining any amount of interest under this title.

''(3) REQUIREMENT FOR, AND EFFECT OF, ELECTION.—

''(A) REQUIREMENT.—No election under this subsection shall take effect unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer under this subsection will be used exclusively for 1 or more qualified forestry conservation purposes. If the qualified issuer fails to use any portion of such payment for such purpose, the issuer shall be liable to the United States in an amount equal to such portion, plus interest at the overpayment rate under section 6621 for the period from the date such portion was refunded to the date such amount is paid. Any such amount shall be assessed and collected in the same manner as tax imposed by this chapter, except that subchapter B of chapter 63 (relating to deficiency procedures) shall not apply in respect of such assessment or collection.

''(B) EFFECT OF ELECTION ON ALLOCATION.—If a qualified issuer makes the election under this subsection with respect to any allocation—

''(i) the issuer may issue no bonds pursuant to the allocation, and

''(ii) the Secretary may not reallocate such allocation for any other purpose.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(6) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by striking ''or 6428 or 53(e)'' and inserting '', 53(e), 54B(h), or 6428''.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—ENERGY PROVISIONS

Subpart A—Cellulosic Biofuel

SEC. 15321. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (1), by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the cellulosic biofuel producer credit.''.

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

''(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

''(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

''(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

''(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2013.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(H)'' after ''by reason of paragraph (1)'' in paragraph (2), and

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

''(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking ''and every person'' and inserting '', every person'', and

(ii) by inserting '', and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))'' after ''section 6426(b)(4)(A))''.

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting '', etc.,'' after ''Alcohol''.

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting ''(determined without regard to any qualified cellulosic biofuel production)'' after ''15,000,000 gallons''.

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 15322. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and forest products,

(G) exports and imports of grains and forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by this subpart on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after

such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subpart B—Revenue Provisions

SEC. 15331. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking ''through 2010'' in the first column and inserting '', 2006, 2007, or 2008'',

(B) by striking the period at the end of the third row, and

(C) by adding at the end the following new row:

''2009 through 2010. 45 cents ..... 33.33 cents.''.

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

''(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

''(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking ''the applicable amount is 51 cents'' and inserting ''the applicable amount is—

''(i) in the case of calendar years beginning before 2009, 51 cents, and

''(ii) in the case of calendar years beginning after 2008, 45 cents.''.

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

''(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'.''

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 15332. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 15333. ETHANOL TARIFF EXTENSION.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2009'' and inserting ''1/1/2011''.

SEC. 15334. LIMITATIONS ON DUTY DRAWBACK ON CERTAIN IMPORTED ETHANOL.

(a) IN GENERAL.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULES FOR ETHYL ALCOHOL.—For purposes of this subsection, any duty paid under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States on imports of ethyl alcohol or a mixture of ethyl alcohol may not be refunded if the exported article upon which a drawback claim is based does not contain ethyl alcohol or a mixture of ethyl alcohol.''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to—

(1) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 2008; and

(2) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, before October 1, 2008, if a duty drawback claim is filed with respect to such imports on or after October 1, 2010.

PART III—AGRICULTURAL PROVISIONS

SEC. 15341. INCREASE IN LOAN LIMITS ON AGRICULTURAL BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 147(c)(2) (relating to exception for first-time farmers) is amended by striking ''$250,000'' and inserting ''$450,000''.

(b) INFLATION ADJUSTMENT.—Section 147(c)(2) is amended by adding at the end the following new subparagraph:

''(H) ADJUSTMENTS FOR INFLATION.—In the case of any calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.''.

(c) MODIFICATION OF SUBSTANTIAL FARMLAND DEFINITION.—Section 147(c)(2)(E) (defining substantial farmland) is amended by striking ''unless'' and all that follows through the period and inserting ''unless such parcel is smaller than 30 percent of the median size of a farm in the county in which such parcel is located.''.

(d) CONFORMING AMENDMENT.—Section 147(c)(2)(C)(i)(II) is amended by striking ''$250,000'' and inserting ''the amount in effect under subparagraph (A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 15342. ALLOWANCE OF SECTION 1031 TREATMENT FOR EXCHANGES INVOLVING CERTAIN MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULES FOR MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.—For purposes of subsection (a)(2)(B), the term 'stocks' shall not include shares in a mutual ditch, reservoir, or irrigation company if at the time of the exchange—

''(1) the mutual ditch, reservoir, or irrigation company is an organization described in section 501(c)(12)(A) (determined without regard to the percentage of its income that is collected from its members for the purpose of meeting losses and expenses), and

''(2) the shares in such company have been recognized by the highest court of the State in which such company was organized or by applicable State statute as constituting or representing real property or an interest in real property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SEC. 15343. AGRICULTURAL CHEMICALS SECURITY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. AGRICULTURAL CHEMICALS SECURITY CREDIT.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

''(b) FACILITY LIMITATION.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

''(1) $100,000, reduced by

''(2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

''(c) ANNUAL LIMITATION.—The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $2,000,000.

''(d) QUALIFIED CHEMICAL SECURITY EXPENDITURE.—For purposes of this section, the term 'qualified chemical security expenditure' means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred by such business during such taxable year for—

''(1) employee security training and background checks,

''(2) limitation and prevention of access to controls of specified agricultural chemicals stored at the facility,

''(3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use,

''(4) protection of the perimeter of specified agricultural chemicals,

''(5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors,

''(6) implementation of measures to increase computer or computer network security,

''(7) conducting a security vulnerability assessment,

''(8) implementing a site security plan, and

''(9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

''(e) ELIGIBLE AGRICULTURAL BUSINESS.—For purposes of this section, the term 'eligible agricultural business' means any person in the trade or business of—

''(1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or

''(2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

''(f) SPECIFIED AGRICULTURAL CHEMICAL.—For purposes of this section, the term 'specified agricultural chemical' means—

''(1) any fertilizer commonly used in agricultural operations which is listed under—

''(A) section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986,

''(B) section 101 of part 172 of title 49, Code of Federal Regulations, or

''(C) part 126, 127, or 154 of title 33, Code of Federal Regulations, and

''(2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

''(g) CONTROLLED GROUPS.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

''(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations which—

''(1) provide for the proper treatment of amounts which are paid or incurred for purpose of protecting any specified agricultural chemical and for other purposes, and

''(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

''(i) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2012.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

''(f) CREDIT FOR SECURITY OF AGRICULTURAL CHEMICALS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction taken into account in determining the credit under section 45O for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45O(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45O. Agricultural chemicals security credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 15344. 3-YEAR DEPRECIATION FOR RACE HORSES THAT ARE 2-YEARS OLD OR YOUNGER.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) (relating to 3-year property) is amended to read as follows:

''(i) any race horse—

''(I) which is placed in service before January 1, 2014, and

''(II) which is placed in service after December 31, 2013, and which is more than 2 years old at the time such horse is placed in service by such purchaser,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2008.

SEC. 15345. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to the Kansas disaster area in addition to the areas to which such provisions otherwise apply:

(1) Section 1400N(d) of such Code (relating to special allowance for certain property).

(2) Section 1400N(e) of such Code (relating to increase in expensing under section 179).

(3) Section 1400N(f) of such Code (relating to expensing for certain demolition and clean-up costs).

(4) Section 1400N(k) of such Code (relating to treatment of net operating losses attributable to storm losses).

(5) Section 1400N(n) of such Code (relating to treatment of representations regarding income eligibility for purposes of qualified rental project requirements).

(6) Section 1400N(o) of such Code (relating to treatment of public utility property disaster losses).

(7) Section 1400Q of such Code (relating to special rules for use of retirement funds).

(8) Section 1400R(a) of such Code (relating to employee retention credit for employers).

(9) Section 1400S(b) of such Code (relating to suspension of certain limitations on personal casualty losses).

(10) Section 405 of the Katrina Emergency Tax Relief Act of 2005 (relating to extension of replacement period for nonrecognition of gain).

(b) KANSAS DISASTER AREA.—For purposes of this section, the term ''Kansas disaster area'' means an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such storms and tornados.

(c) REFERENCES TO AREA OR LOSS.—

(1) AREA.—Any reference in such provisions to the Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to the Kansas disaster area.

(2) LOSS.—Any reference in such provisions to any loss or damage attributable to Hurricane Katrina shall be treated as a reference to any loss or damage attributable to the May 4, 2007, storms and tornados.

(d) REFERENCES TO DATES, ETC.—

(1) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(2) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(4) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(5) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) disregarding clauses (ii) and (iii) of subsection (a)(4)(A),

(E) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Kansas disaster area (as defined in section 15345(b) of the Food, Conservation, and Energy Act of 2008) but which was not so purchased or constructed on account of the May 4, 2007, storms and tornados'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on May 4, 2007, and ending on the date which is 5 months after the date of the enactment of the Heartland, Habitat, Harvest, and Horticulture Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2008'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by substituting ''beginning on the date of the enactment of the Food, Conservation, and Energy Act of 2008 and ending on December 31, 2008'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(L) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(M) by substituting ''January 1, 2009'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(6) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(7) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(8) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007'' for ''on or after August 25, 2005''.

SEC. 15346. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) IN GENERAL.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

''(h) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

PART IV—OTHER REVENUE PROVISIONS

SEC. 15351. LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 461 (relating to general rule for taxable year of deduction) is amended by adding at the end the following new subsection:

''(j) LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.—

''(1) LIMITATION.—If a taxpayer other than a C corporation receives any applicable subsidy for any taxable year, any excess farm loss of the taxpayer for the taxable year shall not be allowed.

''(2) DISALLOWED LOSS CARRIED TO NEXT TAXABLE YEAR.—Any loss which is disallowed under paragraph (1) shall be treated as a deduction of the taxpayer attributable to farming businesses in the next taxable year.

''(3) APPLICABLE SUBSIDY.—For purposes of this subsection, the term 'applicable subsidy' means—

''(A) any direct or counter-cyclical payment under title I of the Food, Conservation, and Energy Act of 2008, or any payment elected to be received in lieu of any such payment, or

''(B) any Commodity Credit Corporation loan.

''(4) EXCESS FARM LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'excess farm loss' means the excess of—

''(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to farming businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

''(ii) the sum of—

''(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such farming businesses, plus

''(II) the threshold amount for the taxable year.

''(B) THRESHOLD AMOUNT.—

''(i) IN GENERAL.—The term 'threshold amount' means, with respect to any taxable year, the greater of—

''(I) $300,000 ($150,000 in the case of married individuals filing separately), or

''(II) the excess (if any) of the aggregate amounts described in subparagraph (A)(ii)(I) for the 5-consecutive taxable year period preceding the taxable year over the aggregate amounts described in subparagraph (A)(i) for such period.

''(ii) SPECIAL RULES FOR DETERMINING AGGREGATE AMOUNTS.—For purposes of clause (i)(II)—

''(I) notwithstanding the disregard in subparagraph (A)(i) of any disallowance under paragraph (1), in the case of any loss which is carried forward under paragraph (2) from any taxable year, such loss (or any portion thereof) shall be taken into account for the first taxable year in which a deduction for such loss (or portion) is not disallowed by reason of this subsection, and

''(II) the Secretary shall prescribe rules for the computation of the aggregate amounts described in such clause in cases where the filing status of the taxpayer is not the same for the taxable year and each of the taxable years in the period described in such clause.

''(C) FARMING BUSINESS.—

''(i) IN GENERAL.—The term 'farming business' has the meaning given such term in section 263A(e)(4).

''(ii) CERTAIN TRADES AND BUSINESSES INCLUDED.—If, without regard to this clause, a taxpayer is engaged in a farming business with respect to any agricultural or horticultural commodity—

''(I) the term 'farming business' shall include any trade or business of the taxpayer of the processing of such commodity (without regard to whether the processing is incidental to the growing, raising, or harvesting of such commodity), and

''(II) if the taxpayer is a member of a cooperative to which subchapter T applies, any trade or business of the cooperative described in subclause (I) shall be treated as the trade or business of the taxpayer.

''(D) CERTAIN LOSSES DISREGARDED.—For purposes of subparagraph (A)(i), there shall not be taken into account any deduction for any loss arising by reason of fire, storm, or other casualty, or by reason of disease or drought, involving any farming business.

''(5) APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(A) this subsection shall be applied at the partner or shareholder level, and

''(B) each partner's or shareholder's proportionate share of the items of income, gain, or deduction of the partnership or S corporation for any taxable year from farming businesses attributable to the partnership or S corporation, and of any applicable subsidies received by the partnership or S corporation during the taxable year, shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

The Secretary may provide rules for the application of this paragraph to any other pass-thru entity to the extent necessary to carry out the provisions of this subsection.

''(6) ADDITIONAL REPORTING.—The Secretary may prescribe such additional reporting requirements as the Secretary determines appropriate to carry out the purposes of this subsection.

''(7) COORDINATION WITH SECTION 469.—This subsection shall be applied before the application of section 469.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 15352. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (17) of section 1402(a) is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 1402 is amended by adding at the end the following new subsection:

''(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

''(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (16) of section 211(a) of the Social Security Act is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

''(k) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

''(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking ''For'' and inserting ''Except as provided in subsection (c), for''; and

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

''(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(16) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the

same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 15353. INFORMATION REPORTING FOR COMMODITY CREDIT CORPORATION TRANSACTIONS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039I the following new section:

''SEC. 6039J. INFORMATION REPORTING WITH RESPECT TO COMMODITY CREDIT CORPORATION TRANSACTIONS.

''(a) REQUIREMENT OF REPORTING.—The Commodity Credit Corporation, through the Secretary of Agriculture, shall make a return, according to the forms and regulations prescribed by the Secretary of the Treasury, setting forth any market gain realized by a taxpayer during the taxable year in relation to the repayment of a loan issued by the Commodity Credit Corporation, without regard to the manner in which such loan was repaid.

''(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Secretary of Agriculture shall furnish to each person whose name is required to be set forth in a return required under subsection (a) a written statement showing the amount of market gain reported in such return.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6039I the following new item:

''Sec. 6039J. Information reporting with respect to Commodity Credit Corporation transactions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans repaid on or after January 1, 2007.

PART V—PROTECTION OF SOCIAL SECURITY

SEC. 15361. PROTECTION OF SOCIAL SECURITY.

To ensure that the assets of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer annually from the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2009, $5,000,000.
(2) For fiscal year 2010, $9,000,000.
(3) For fiscal year 2011, $8,000,000.
(4) For fiscal year 2012, $7,000,000.
(5) For fiscal year 2013, $8,000,000.
(6) For fiscal year 2014, $8,000,000.
(7) For fiscal year 2015, $8,000,000.
(8) For fiscal year 2016, $6,000,000.
(9) For fiscal year 2017, $7,000,000.

Subtitle D—Trade Provisions

PART I—EXTENSION OF CERTAIN TRADE BENEFITS

SEC. 15401. SHORT TITLE.

This part may be cited as the ''Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008'' or the ''HOPE II Act''.

SEC. 15402. BENEFITS FOR APPAREL AND OTHER TEXTILE ARTICLES.

(a) VALUE-ADDED RULE.—Section 213A(b) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703a(b)) is amended as follows:

(1) The subsection heading is amended to read as follows: ''APPAREL AND OTHER TEXTILE ARTICLES''.

(2) Paragraph (1) is amended to read as follows:

''(1) VALUE-ADDED RULE FOR APPAREL ARTICLES.—

''(A) IN GENERAL.—Apparel articles described in subparagraph (B) of a producer or entity controlling production that are imported directly from Haiti or the Dominican Republic shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in subparagraphs (B) and (C), and subject to subparagraph (D).''.

(3) Paragraph (2) is amended—

(A) in subparagraph (A)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i), by striking ''subparagraph (C)'' and inserting ''clause (iii)'';

(iii) in clause (ii), by striking ''subparagraph (C)'' and inserting ''clause (iii)'';

(iv) in the matter following clause (ii), by striking ''subparagraph (E)(I)'' and inserting ''clause (v)(I)'';

(v) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(vi) by redesignating subparagraph (A) as clause (i);

(B) in subparagraph (B)—

(i) by moving such subparagraph 2 ems to the right;

(ii) by striking ''subparagraph (A)(i)'' each place it appears and inserting ''clause (i)(I)'';

(iii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(iv) by redesignating subparagraph (B) as clause (ii);

(C) in subparagraph (C)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in the matter preceding clause (i), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(iii) in clause (ii), by striking ''that enters into force'' and all that follows through ''et seq.)'' and inserting ''that enters into force thereafter'';

(iv) by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(v) by redesignating subparagraph (C) as clause (iii);

(D) in subparagraph (D)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(II) in subclause (I), by striking ''clause (i) of subparagraph (A)'' and inserting ''subclause (I) of clause (i)'';

(III) in subclause (II), by striking ''clause (ii) of subparagraph (A)'' and inserting ''subclause (II) of clause (i)'';

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(II) in subclause (I), by striking ''clause (i) of subparagraph (A)'' and inserting ''subclause (I) of clause (i)'';

(III) in subclause (II), by striking ''clause (ii) of subparagraph (A)'' and inserting ''subclause (II) of clause (i)'';

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) by striking ''clause (i)(I) or (ii)(I)'' each place it appears and inserting ''subclause (I)(aa) or (II)(aa)'';

(II) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(III) by redesignating clause (iii) as subclause (III);

(v) by amending clause (iv) to read as follows:

''(IV) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—Entries of apparel articles that receive preferential treatment under any provision of law other than this subparagraph or are subject to the 'General' column 1 rate of duty under the HTS are not included in the annual aggregation under subclause (I) or (II) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.''; and

(vi) by redesignating subparagraph (D) as clause (iv);

(E) in subparagraph (E)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively; and

(II) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) by striking ''subparagraph (C)'' and inserting ''clause (iii)''; and

(II) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (E) as clause (v);

(F) in subparagraph (F)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by striking ''The Bureau of Customs and Border Protection'' and inserting ''U.S. Customs and Border Protection'';

(II) by striking ''subparagraphs (A) and (D)'' and inserting ''clauses (i) and (iv)''; and

(III) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by striking ''the Bureau of Customs and Border Protection'' and inserting ''U.S. Customs and Border Protection'';

(bb) by striking ''subparagraph (A)'' each place it appears and inserting ''clause (i)''; and

(cc) by striking ''subparagraph (D)'' and inserting ''clause (iv)'';

(II) in subclause (I), by striking ''clause (i) of subparagraph (A)'' and inserting ''subclause (I) of clause (i)'';

(III) in subclause (II), by striking ''clause (ii) of subparagraph (A)'' and inserting ''subclause (II) of clause (i)'';

(IV) in the matter following subclause (II), by striking ''subparagraph (E)(i)'' and inserting ''clause (v)(I)'';

(V) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VI) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) in subclause (I)—

(aa) by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(bb) by striking ''subparagraph (A) or (D)'' and inserting ''clause (i) or (iv)'';

(II) in subclause (II), by striking ''clause (ii) of this subparagraph'' and inserting ''subclause (II) of this clause'';

(III) in the matter following subclause (II)—

(aa) by striking ''the Bureau of Customs and Border Protection'' each place it appears and inserting ''U.S. Customs and Border Protection''; and

(bb) by striking ''subclause (II)'' and inserting ''item (bb)''; and

(IV) in item (bb)—

(aa) by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(bb) by striking ''subparagraph (A) or (D)'' and inserting ''clause (i) or (iv)''; and

(V) in the matter following item (bb), by striking ''paragraph (1)'' and inserting ''subparagraph (A)'';

(VI) by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively;

(VII) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VIII) by redesignating clause (iii) as subclause (III); and

(v) by redesignating subparagraph (F) as clause (vi);

(G) in subparagraph (G)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking ''subparagraph (A) or (D)'' and inserting ''clause (i) or (iv)'';

(II) in subclause (II)—

(aa) in item (dd), by striking ''under the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''with respect to the United States''; and

(bb) by redesignating items (aa) through (dd) as subitems (AA) through (DD), respectively;

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in subclause (I), by striking ''clause (i)(I)'' and inserting ''subclause (I)(aa)'';

(II) in subclause (II), by striking ''clause (i)(II)'' and inserting ''subclause (I)(bb)'';

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (G) as clause (vii); and

(H) by striking ''(2) APPAREL ARTICLES DESCRIBED.—'' and inserting the following:

''(B) APPAREL ARTICLES DESCRIBED.—''.

(4) Paragraph (3) is amended—

(A) by redesignating such paragraph as subparagraph (C) and moving it 2 ems to the right;

(B) by striking ''paragraph (1)'' each place it appears and inserting ''subparagraph (A)''; and

(C) in the table—

(i) by striking ''1.5 percent'' and inserting ''1.25 percent'';

(ii) by striking ''1.75 percent'' and inserting ''1.25 percent''; and

(iii) by striking ''2 percent'' and inserting ''1.25 percent''.

(5) The following is added after subparagraph (C), as redesignated by paragraph (4)(A) of this subsection:

''(D) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraph (2), (3), (4), or (5) or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitations under subparagraph (C).''.

(b) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—Section 213A(b) of the Carribean Basin Economic Recovery Act is amended by striking paragraph (4) and inserting the following:

''(2) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—

''(A) SPECIAL RULE FOR ARTICLES OF CHAPTER 62 OF THE HTS.—

''(i) GENERAL RULE.—Any apparel article classifiable under chapter 62 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii) and (iii), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(ii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

''(iii) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (ii).

''(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—

''(i) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii), (iii), and (iv), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(ii) EXCLUSIONS.—The preferential treatment described in clause (i) shall not apply to the following:

''(I) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6109.10.00 of the HTS:

''(aa) All white T-shirts, with short hemmed sleeves and hemmed bottom, with crew or round neckline or with V-neck and with a mitered seam at the center of the V, and without pockets, trim, or embroidery.

''(bb) All white singlets, without pockets, trim, or embroidery.

''(cc) Other T-shirts, but not including thermal undershirts.

''(II) T-shirts for men or boys that are classifiable under subheading 6109.90.10.

''(III) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6110.20.20 of the HTS:

''(aa) Sweatshirts.

''(bb) Pullovers, other than sweaters, vests, or garments imported as part of playsuits.

''(IV) Sweatshirts for men or boys, of man-made fibers and containing less than 65 percent by weight of man-made fibers, that are classifiable under subheading 6110.30.30 of the HTS.

''(iii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

''(iv) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (A) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (iii).''.

(c) SINGLE TRANSFORMATION RULES NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by striking paragraph (5) and inserting the following:

''(3) APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.—

''(A) BRASSIERES.—Any apparel article classifiable under subheading 6212.10 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(B) OTHER APPAREL ARTICLES.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

''(i) Any apparel article that is of a type listed in chapter rule 3, 4, or 5 for chapter 61 of the HTS (as such chapter rules are contained in section A of the Annex to Proclamation 8213 of the President of December 20, 2007) as being excluded from the scope of such chapter rule, when such chapter rule is applied to determine whether an apparel article is an originating good for purposes of general note 29(n) to the HTS, except that, for purposes of this clause, reference in such chapter rules to '6104.12.00' shall be deemed to be a reference to '6104.19.60'.

''(ii)(I) Subject to subclause (II), any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rules are contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007.

''(II) Subclause (I) shall not include any apparel article to which subparagraph (A) of this paragraph applies.

''(C) LUGGAGE AND SIMILAR ITEMS.—Any article classifiable under subheading 4202.12, 4202.22, 4202.32 or 4202.92 of the HTS that is wholly assembled in Haiti and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, components, or materials from which the article is made.

''(D) HEADGEAR.—Any article classifiable under heading 6501, 6502, or 6504 of the HTS, or under subheading 6505.90 of the HTS, that is wholly assembled, knit-to-shape, or formed in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(E) CERTAIN SLEEPWEAR.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

''(i) Pajama bottoms and other sleepwear for women and girls, of cotton, that are classifiable under subheading 6208.91.30, or of man-made fibers, that are classifiable under subheading 6208.92.00.

''(ii) Pajama bottoms and other sleepwear for girls, of other textile materials, that are classifiable under subheading 6208.99.20.''.

(d) EARNED IMPORT ALLOWANCE RULES.—Section 231A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following new paragraph:

''(4) EARNED IMPORT ALLOWANCE RULE.—

''(A) IN GENERAL.—Apparel articles wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of such apparel articles, in accordance with the program established under subparagraph (B). For purposes of determining the quantity of square meter equivalents under this subparagraph, the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

''(B) EARNED IMPORT ALLOWANCE PROGRAM.—

''(i) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production for purposes of subparagraph (A), based on the elements described in clause (ii).

''(ii) ELEMENTS.—The elements referred to in clause (i) are the following:

''(I) One credit shall be issued to a producer or an entity controlling production for every three square meter equivalents of qualifying woven fabric or qualifying knit fabric that the producer or entity controlling production can demonstrate that it purchased for the manufacture in Haiti of articles like or similar to any article eligible for preferential treatment under subparagraph (A). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits shall be deposited.

''(II) Such producer or entity controlling production may redeem credits issued under subclause (I) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

''(III) The Secretary of Commerce may require any textile mill or other entity located in the United States that exports to Haiti qualifying woven fabric or qualifying knit fabric to submit, upon such export or upon request, documentation, such as a Shipper's Export Declaration, to the Secretary of Commerce—

''(aa) verifying that the qualifying woven fabric or qualifying knit fabric was exported to a producer in Haiti or to an entity controlling production; and

''(bb) identifying such producer or entity controlling production, and the quantity and description of qualifying woven fabric or qualifying knit fabric exported to such producer or entity controlling production.

''(IV) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying woven fabric or qualifying knit fabric.

''(V) The Secretary of Commerce may make available to each person or entity identified in documentation submitted under subclause (III) or (IV) information contained in such documentation that relates to the purchase of qualifying woven fabric or qualifying knit fabric involving such person or entity.

''(VI) The program under this subparagraph shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subparagraph (A)(i).

''(VII) The Secretary of Commerce may reconcile discrepancies in information provided under subclause (III) or (IV) and verify the accuracy of such information.

''(VIII) The Secretary of Commerce shall establish procedures to carry out the program under this subparagraph and may establish additional requirements to carry out this subparagraph. Such additional requirements may include—

''(aa) submissions by textile mills or other entities in the United States documenting exports of yarns wholly formed in the United States to countries described in paragraph (1)(B)(iii) for the manufacture of qualifying knit fabric; and

''(bb) procedures imposed on producers or entities controlling production to allow the Secretary of Commerce to obtain and verify information relating to the production of qualifying knit fabric.

''(iii) QUALIFYING WOVEN FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying woven fabric' means fabric wholly formed in the United States from yarns wholly formed in the United States, except that—

''(I) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying woven fabric because the fabric contains nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

''(II) fabric that would otherwise be ineligible as qualifying woven fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying woven fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric; and

''(III) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying fabric because the fabric contains yarns covered by clause (i) or (ii) of paragraph (5)(A).

''(iv) QUALIFYING KNIT FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying knit fabric' means fabric or knit-to-shape components wholly formed or knit-to-shape in any country or any combination of countries described in paragraph (1)(B)(iii), from yarns wholly formed in the United States, except that—

''(I) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

''(II) fabric or knit-to-shape components that would otherwise be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns not wholly formed in the United States shall not be ineligible as qualifying knit fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric or knit-to-shape components; and

''(III) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns covered by clause (i) or (ii) of paragraph (5)(A).

''(C) REVIEW BY UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE.—The United States Government Accountability Office shall review the program established under subparagraph (B) annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

''(D) ENFORCEMENT PROVISIONS.—

''(i) FRAUDULENT CLAIMS OF PREFERENCE.—Any person who makes a false claim for preference under the program established under subparagraph (B) shall be subject to any applicable civil or criminal penalty that may be imposed under the customs laws of the United States or under title 18, United States Code.

''(ii) PENALTIES FOR OTHER FRAUDULENT INFORMATION.—The Secretary of Commerce may establish and impose penalties for the submission to the Secretary of Commerce of fraudulent information under the program established under subparagraph (B), other than a claim described in clause (i).''.

(e) SHORT SUPPLY RULES .—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

''(5) SHORT SUPPLY PROVISION.—

''(A) IN GENERAL.—Any apparel article that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabrics, fabric components, components knit-to-shape, or yarns from which the article is made, if the fabrics, fabric components, components knit-to-shape, or yarns comprising the component that determines the tariff classification of the article are of any of the following:

''(i) Fabrics or yarns, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA.

''(ii) Fabrics or yarns, to the extent that such fabrics or yarns are designated as not being available in commercial quantities for purposes of—

''(I) section 213(b)(2)(A)(v) of this Act;

''(II) section 112(b)(5) of the African Growth and Opportunity Act;

''(III) clause (i)(III) or (ii) of section 204(b)(3)(B) of the Andean Trade Preference Act; or

''(IV) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the United States that is in effect at the time the claim for preferential treatment is made.

''(B) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

''(i) any fabric or yarn described in clause (i) of subparagraph (A) was determined to be eligible for preferential treatment, or

''(ii) any fabric or yarn described in clause (ii) of subparagraph (A) was designated as not being available in commercial quantities,

on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.''.

(f) MISCELLANEOUS PROVISIONS.—

(1) RELATIONSHIP TO OTHER PREFERENTIAL PROGRAMS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

''(6) OTHER PREFERENTIAL TREATMENT NOT AFFECTED.—The duty-free treatment provided under this subsection is in addition to any other preferential treatment under this title.''.

(2) DEFINITIONS.—Section 213A(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(a)) is amended by adding at the end the following:

''(3) IMPORTED DIRECTLY FROM HAITI OR THE DOMINICAN REPUBLIC.—Articles are 'imported

directly from Haiti or the Dominican Republic' if—

''(A) the articles are shipped directly from Haiti or the Dominican Republic into the United States without passing through the territory of any intermediate country; or

''(B) the articles are shipped from Haiti or the Dominican Republic into the United States through the territory of an intermediate country, and—

''(i) the articles in the shipment do not enter into the commerce of any intermediate country, and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

''(ii) the invoices and other documents do not specify the United States as the final destination, but the articles in the shipment—

''(I) remain under the control of the customs authority in the intermediate country;

''(II) do not enter into the commerce of the intermediate country except for the purpose of a sale other than at retail; and

''(III) have not been subjected to operations in the intermediate country other than loading, unloading, or other activities necessary to preserve the articles in good condition.

''(4) KNIT-TO-SHAPE.—A good is 'knit-to-shape' if 50 percent or more of the exterior surface area of the good is formed by major parts that have been knitted or crocheted directly to the shape used in the good, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether a good is 'knit-to-shape.'

''(5) WHOLLY ASSEMBLED.—A good is 'wholly assembled' in Haiti if all components, of which there must be at least two, pre-existed in essentially the same condition as found in the finished good and were combined to form the finished good in Haiti. Minor attachments and minor embellishments (for example, appliqués, beads, spangles, embroidery, and buttons) not appreciably affecting the identity of the good, and minor subassemblies (for example, collars, cuffs, plackets, and pockets), shall not affect the determination of whether a good is 'wholly assembled' in Haiti.''.

(g) TERMINATION.—Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) is amended by adding at the end the following new subsection:

''(g) TERMINATION.—Except as provided in subsection (b)(1), the duty-free treatment provided under this section shall remain in effect until September 30, 2018.''.

(h) CONFORMING AMENDMENTS.—Subsection (e)(1) of section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(e)(1)) is amended by striking ''the Bureau of Customs and Border Protection'' each place it appears and inserting ''U.S. Customs and Border Protection''.

SEC. 15403. LABOR OMBUDSMAN AND TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a), as amended by section 15402 of this Act, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (8):

(B) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—. The term ''appropriate congressional committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

''(3) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

''(A) freedom of association;

''(B) the effective recognition of the right to bargain collectively;

''(C) the elimination of all forms of compulsory or forced labor;

''(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

''(E) the elimination of discrimination in respect of employment and occupation.''; and

(D) by inserting after paragraph (6) (as redesignated) the following new paragraph:

''(7) TAICNAR PROGRAM.—The term 'TAICNAR Program' means the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program established pursuant to subsection (e).'';

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection:

''(e) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

''(1) CONTINUED ELIGIBILITY FOR PREFERENCES.—

''(A) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY HAITI WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, Haiti shall continue to be eligible for the preferential treatment provided under subsection (b) only if the President determines and certifies to the Congress that—

''(i) Haiti has implemented the requirements set forth in paragraphs (2) and (3); and

''(ii) Haiti has agreed to require producers of articles for which duty-free treatment may be requested under subsection (b) to participate in the TAICNAR Program described in paragraph (3) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in paragraph (2)(B)(i).

''(B) EXTENSION.—The President may extend the period for compliance by Haiti under subparagraph (A) if the President—

''(i) determines that Haiti has made a good faith effort toward such compliance and has agreed to take additional steps to come into full compliance that are satisfactory to the President; and

''(ii) provides to the appropriate congressional committees, not later than 6 months after the last day of the 16-month period specified in subparagraph (A), and every 6 months thereafter, a report identifying the steps that Haiti has agreed to take to come into full compliance and the progress made over the preceding 6-month period in implementing such steps.

''(C) CONTINUING COMPLIANCE.—

''(i) TERMINATION OF PREFERENTIAL TREATMENT.—If, after making a certification under subparagraph (A), the President determines that Haiti is no longer meeting the requirements set forth in subparagraph (A), the President shall terminate the preferential treatment provided under subsection (b), unless the President determines, after consulting with the appropriate congressional committees, that meeting such requirements is not practicable because of extraordinary circumstances existing in Haiti when the determination is made.

''(ii) SUBSEQUENT COMPLIANCE.—If the President, after terminating preferential treatment under clause (i), determines that Haiti is meeting the requirements set forth in subparagraph (A), the President shall reinstate the application of preferential treatment under subsection (b).

''(2) LABOR OMBUDSMAN.—

''(A) IN GENERAL.—The requirement under this paragraph is that Haiti has established an independent Labor Ombudsman's Office within the national government that—

''(i) reports directly to the President of Haiti;

''(ii) is headed by a Labor Ombudsman chosen by the President of Haiti, in consultation with Haitian labor unions and industry associations; and

''(iii) is vested with the authority to perform the functions described in subparagraph (B).

''(B) FUNCTIONS.—The functions of the Labor Ombudsman's Office shall include—

''(i) developing and maintaining a registry of producers of articles for which duty-free treatment may be requested under subsection (b), and developing, in consultation and coordination with any other appropriate officials of the Government of Haiti, a system to ensure participation by such producers in the TAICNAR Program described in paragraph (3);

''(ii) overseeing the implementation of the TAICNAR Program described in paragraph (3);

''(iii) receiving and investigating comments from any interested party regarding the conditions described in paragraph (3)(B) in facilities of producers listed in the registry described in clause (i) and, where appropriate, referring such comments or the result of such investigations to the appropriate Haitian authorities, or to the entity operating the TAICNAR Program described in paragraph (3);

''(iv) assisting, in consultation and coordination with any other appropriate Haitian authorities, producers listed in the registry described in clause (i) in meeting the conditions set forth in paragraph (3)(B); and

''(v) coordinating, with the assistance of the entity operating the TAICNAR Program described in paragraph (3), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the TAICNAR Program described in paragraph (3), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Haiti, and on other matters of common concern relating to such core labor standards and working conditions.

''(3) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

''(A) IN GENERAL.—The requirement under this paragraph is that Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program meeting the requirements under subparagraph (C)—

''(i) to assess compliance by producers listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and to assist such producers in meeting such conditions; and

''(ii) to provide assistance to improve the capacity of the Government of Haiti—

''(I) to inspect facilities of producers listed in the registry described in paragraph (2)(B)(i); and

''(II) to enforce national labor laws and resolve labor disputes, including through measures described in subparagraph (E).

''(B) CONDITIONS DESCRIBED.—The conditions referred to in subparagraph (A) are—

''(i) compliance with core labor standards; and

''(ii) compliance with the labor laws of Haiti that relate directly to core labor

standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

''(C) REQUIREMENTS.—The requirements for the TAICNAR Program are that the program—

''(i) be operated by the International Labor Organization (or any subdivision, instrumentality, or designee thereof), which prepares the biannual reports described in subparagraph (D);

''(ii) be developed through a participatory process that includes the Labor Ombudsman described in paragraph (2) and appropriate representatives of government agencies, employers, and workers;

''(iii) assess compliance by each producer listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

''(I) conducting unannounced site visits to manufacturing facilities of the producer;

''(II) conducting confidential interviews separately with workers and management of the facilities of the producer;

''(III) providing to management and workers, and where applicable, worker organizations in the facilities of the producer, on a confidential basis—

''(aa) the results of the assessment carried out under this clause; and

''(bb) specific suggestions for remediating any such deficiencies;

''(iv) assist the producer in remediating any deficiencies identified under clause (iii);

''(v) conduct prompt follow-up site visits to the facilities of the producer to assess progress on remediation of any deficiencies identified under clause (iii); and

''(vi) provide training to workers and management of the producer, and where appropriate, to other persons or entities, to promote compliance with subparagraph (B).

''(D) BIANNUAL REPORT.—The biannual reports referred to in subparagraph (C)(i) are a report, by the entity operating the TAICNAR Program, that is published (and available to the public in a readily accessible manner) on a biannual basis, beginning 6 months after Haiti implements the TAICNAR Program under this paragraph, covering the preceding 6-month period, and that includes the following:

''(i) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having met the conditions under subparagraph (B).

''(ii) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having deficiencies with respect to the conditions under subparagraph (B), and has failed to remedy such deficiencies.

''(iii) For each producer listed under clause (ii)—

''(I) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the TAICNAR Program;

''(II) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

''(III) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

''(iv) For each producer identified as having deficiencies with respect to the conditions described under subparagraph (B) in a prior report under this subparagraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

''(E) CAPACITY BUILDING.—The assistance to the Government of Haiti referred to in subparagraph (A)(ii) shall include programs—

''(i) to review the labor laws and regulations of Haiti and to develop and implement strategies for bringing the laws and regulations into conformity with core labor standards;

''(ii) to develop additional strategies for facilitating protection of core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

''(iii) to increase awareness of worker rights, including under core labor standards and national labor laws;

''(iv) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

''(v) to assist the Labor Ombudsman appointed pursuant to paragraph (2) in establishing and coordinating operation of the committee described in paragraph (2)(B)(v);

''(vi) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

''(vii) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

''(4) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

''(A) COUNTRY COMPLIANCE WITH WORKER RIGHTS ELIGIBILITY CRITERIA.—In making a determination of whether Haiti is meeting the requirement set forth in subsection (d)(1)(A)(vi) relating to internationally recognized worker rights, the President shall consider the reports produced under paragraph (3)(D).

''(B) PRODUCER ELIGIBILITY.—

''(i) IDENTIFICATION OF PRODUCERS.—Beginning in the second calendar year after the President makes the certification under paragraph (1)(A), the President shall identify on a biennial basis whether a producer listed in the registry described in paragraph (2)(B)(i) has failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards.

''(ii) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF PREFERENTIAL TREATMENT.—For each producer that the President identifies under clause (i), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards. If such efforts fail, the President shall withdraw, suspend, or limit the application of preferential treatment under subsection (b) to articles of such producer.

''(iii) REINSTATING PREFERENTIAL TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of preferential treatment under clause (ii) to articles of a producer, determines that such producer is complying with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards, the President shall reinstate the application of preferential treatment under subsection (b) to the articles of the producer.

''(iv) CONSIDERATION OF REPORTS.—In making the identification under clause (i) and the determination under clause (iii), the President shall consider the reports made available under paragraph (3)(D).

''(5) REPORTS BY THE PRESIDENT.—

''(A) IN GENERAL.—Not later than one year after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this subsection during the preceding 1-year period.

''(B) MATTERS TO BE INCLUDED.—Each report required by subparagraph (A) shall include the following:

''(i) An explanation of the efforts of Haiti, the President, and the International Labor Organization to carry out this subsection.

''(ii) A summary of each report produced under paragraph (3)(D) during the preceding 1-year period and a summary of the findings contained in such report.

''(iii) Identifications made under paragraph (4)(B)(i) and determinations made under paragraph (4)(B)(iii).

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection the sum of $10,000,000 for the period beginning on October 1, 2008, and ending on September 30, 2013.''.

SEC. 15404. PETITION PROCESS.

Section 213A(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703A(d)) is amended by adding at the end the following new paragraph:

''(4) PETITION PROCESS.—Any interested party may file a request to have the status of Haiti reviewed with respect to the eligibility requirements listed in paragraph (1), and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2642 (b) and (c)).''.

SEC. 15405. CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.

Section 213A(f) of the Caribbean Basin Economic Recovery Act, as redesignated by section 15403(2) of this Act, is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON GOODS SHIPPED FROM THE DOMINICAN REPUBLIC.—

''(A) LIMITATION.—Notwithstanding subsection (a)(5), relating to the definition of 'imported directly from Haiti or the Dominican Republic', articles described in subsection (b) that are shipped from the Dominican Republic, directly or through the territory of an intermediate country, whether or not such articles undergo processing in the Dominican Republic, shall not be considered to be 'imported directly from Haiti or the Dominican Republic' until the President certifies to the Congress that Haiti and the Dominican Republic have developed procedures to prevent unlawful transshipment of the articles and the use of counterfeit documents related to the importation of the articles into the United States.

''(B) TECHNICAL AND OTHER ASSISTANCE.—The Commissioner responsible for U.S. Customs and Border Protection shall provide technical and other assistance to Haiti and the Dominican Republic to develop expeditiously the procedures described in subparagraph (A).''.

SEC. 15406. PRESIDENTIAL PROCLAMATION AUTHORITY.

The President may exercise the authority under section 604 of the Trade Act of 1974 to proclaim such modifications to the Harmonized Tariff Schedule of the United States as may be necessary to carry out this part and the amendments made by this part.

SEC. 15407. REGULATIONS AND PROCEDURES.

The President shall issue such regulations as may be necessary to carry out the amendments made by sections 15402, 15403, and 15404. Regulations to carry out the amendments made by section 15402 shall be issued not later than September 30, 2008. The Secretary of Commerce shall issue such procedures as may be necessary to carry out the amendment made by section 15402(d) not later than September 30, 2008.

SEC. 15408. EXTENSION OF CBTPA.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (iii)—

(i) in subclause (II)(cc), by striking ''2008'' and inserting ''2010''; and

(ii) in subclause (IV)(dd), by striking ''2008'' and inserting ''2010''; and

(B) in clause (iv)(II), by striking ''6'' and inserting ''8''; and

(2) in paragraph (5)(D)—

(A) in clause (i), by striking ''2008'' and inserting ''2010''; and

(B) in clause (ii), by striking ''108(b)(5)'' and inserting ''section 108(b)(5)''.

SEC. 15409. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), U.S. Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as amended by section 15402 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of articles eligible for preferential treatment under such section 213A(b).

SEC. 15410. SENSE OF CONGRESS ON TRADE MISSION TO HAITI.

It is the sense of the Congress that the Secretary of Commerce, in coordination with the United States Trade Representative, the Secretary of State, and the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security, should lead a trade mission to Haiti, within 6 months after the date of the enactment of this Act, to promote trade between the United States and Haiti, to promote new economic opportunities afforded under the amendments made by section 15402 of this Act, and to help educate United States and Haitian business concerns about such opportunities.

SEC. 15411. SENSE OF CONGRESS ON VISA SYSTEMS.

It is the sense of the Congress that Haiti, and other countries that receive preferences under trade preference programs of the United States that require effective visa systems to prevent transshipment, should ensure that monetary compensation for such visas is not required beyond the costs of processing the visa, including ensuring that such monetary compensation does not violate an applicable system to combat corruption and bribery.

SEC. 15412. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—The amendments made by section 15402 shall take effect on October 1, 2008, and shall apply to articles entered, or withdrawn from warehouse for consumption, on or after that date.

PART II—MISCELLANEOUS TRADE PROVISIONS

SEC. 15421. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: ''For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported wine and the exported wine shall be deemed to be commercially interchangeable.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 15422. REQUIREMENTS RELATING TO DETERMINATION OF TRANSACTION VALUE OF IMPORTED MERCHANDISE.

(a) REQUIREMENT ON IMPORTERS.—

(1) IN GENERAL.—Pursuant to sections 484 and 485 of the Tariff Act of 1930 (19 U.S.C. 1484 and 1485), the Commissioner responsible for U.S. Customs and Border Protection shall require each importer of merchandise to provide to U.S. Customs and Border Protection at the time of entry of the merchandise the information described in paragraph (2).

(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) is a declaration as to whether the transaction value of the imported merchandise is determined on the basis of the price paid by the buyer in the first or earlier sale occurring prior to introduction of the merchandise into the United States.

(3) EFFECTIVE DATE.—The requirement to provide information under this subsection shall be effective for the 1-year period beginning 90 days after the date of the enactment of this Act.

(b) REPORT TO INTERNATIONAL TRADE COMMISSION.—

(1) IN GENERAL.—The Commissioner responsible for U.S. Customs and Border Protection shall submit to the United States International Trade Commission on a monthly basis for the 1-year period specified in subsection (a)(3) a report on the information provided by importers under subsection (a)(2) during the preceding month. The report required under this paragraph shall be submitted in a form agreed upon between U.S. Customs and Border Protection and the United States International Trade Commission.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2);

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States; and

(C) the transaction value of such imported merchandise.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the final report under subsection (b), the United States International Trade Commission shall submit to the appropriate congressional committees a report on the information contained in all reports submitted under subsection (b).

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the aggregate number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2), including a description of the frequency of the use of such method;

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States on an aggregate basis, including an analysis of the tariff classification of such imported merchandise on a sectoral basis;

(C) the aggregate transaction value of such imported merchandise, including an analysis of the transaction value of such imported merchandise on a sectoral basis; and

(D) the aggregate transaction value of all merchandise imported into the United States during the 1-year period specified in subsection (a)(3).

(d) SENSE OF CONGRESS REGARDING PROHIBITION ON PROPOSED INTERPRETATION OF THE TERM ''SOLD FOR EXPORTATION TO THE UNITED STATES''.—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner responsible for U.S. Customs and Border Protection should not implement a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ''sold for exportation to the United States'', as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, before January 1, 2011.

(2) EXCEPTION.—It is the sense of Congress that beginning on January 1, 2011, the Commissioner responsible for U.S. Customs and Border Protection may propose to change or change U.S. Customs and Border Protection's interpretation of the term ''sold for exportation to the United States'', as described in paragraph (1), only if U.S. Customs and Border Protection—

(A) consults with, and provides notice to, the appropriate congressional committees—

(i) not less than 180 days prior to proposing a change; and

(ii) not less than 90 days prior to publishing a change;

(B) consults with, provides notice to, and takes into consideration views expressed by, the Commercial Operations Advisory Committee—

(i) not less than 120 days prior to proposing a change; and

(ii) not less than 60 days prior to publishing a change; and

(C) receives the explicit approval of the Secretary of the Treasury prior to publishing a change.

(3) CONSIDERATION OF INTERNATIONAL TRADE COMMISSION REPORT.—It is the sense of Congress that prior to publishing a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ''sold for exportation to the United States'', as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, the Commissioner responsible for U.S. Customs and Border Protection should take into consideration the matters included in the report prepared by the United States International Trade Commission under subsection (c).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term ''Commercial Operations Advisory Committee'' means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.

(3) IMPORTER.—The term ''importer'' means one of the parties qualifying as an ''importer

of record'' under section 484(a)(2)(B) in the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)).

(4) TRANSACTION VALUE OF THE IMPORTED MERCHANDISE.—The term ''transaction value of the imported merchandise'' has the meaning described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Ohio (Mr. BOEHNER) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

The bill before the House is identical to the provisions of the conference agreement on H.R. 2419 as adopted by the House and the Senate, with the exception of the added provisions to ensure, number one, that the legislative history associated with H.R. 2419 is carried forward; and, number two, that the two bills do not have simultaneous force and effect. Otherwise, by passing this bill, we are giving ourselves another opportunity to send to the President exactly what the House and the Senate have already passed by large bipartisan votes.

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

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

Mr. Speaker, yesterday the House voted to override a bill that the President vetoed, except that it wasn't the bill that the House and Senate had passed. And rather than stop, try to determine what the problem was and then to work toward an agreement as to how we proceed, it didn't happen. As a result, we are now stuck in this quagmire of trying to determine how best to get this bill enacted into law. Yet, once again, instead of stopping, sitting down and working in a bipartisan way to understand what happened and how we ought to resolve this, the majority is continuing to just move vehicles to the Senate, hoping that they can sort it out.

Now, my colleague and friend from Minnesota says that this 1,768-page bill is identical, with exceptions, to the bill that the House passed. If I could ask the gentleman from Minnesota, did you read all 1,768 pages of this?

Mr. PETERSON of Minnesota. Not this morning.

Mr. BOEHNER. Did anybody read all 1,768 pages of this?

Mr. PETERSON of Minnesota. My staff worked through this and assured me this is the exact same bill that passed the House and Senate and was sent to the President.

Mr. BOEHNER. Reclaiming my time, this bill, 1,768 pages, was introduced less than 1 hour ago. There are no Members who have read this. I doubt there is any staff that has read all of this, because you couldn't possibly have read all of this over the course of the last hour. 1,768 pages, $300 billion over the next 5 years, $600 billion over the next 10 years. Yet we are going to expect Members to come down here and cast a vote on this, not knowing what is in here.

We thought that when we passed the farm bill, it was the bill that passed the House and the Senate. The President thought the bill sent to him was the bill that the House and Senate passed. We thought it was the bill the House and Senate passed. But, guess what? It wasn't. Now we are being asked to vote on a 1,768-page bill that spends nearly $300 billion over the next 5 years, we have had the bill for less than an hour, and everybody is hoping, hoping, it is the same bill that we passed, except with some enrolling corrections. I think that is a real stretch.

I reserve the balance of my time.

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

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

You know, when we pass legislation like this, 1,700 pages, barely have time to print it, let alone read it, we are going to have problems like this. Let me just mention a couple of the problems and issues that have come up over the last couple of days when we have been trying to deal with this legislation.

Our office found out just a couple of days ago after the bill had already passed that there was another subsidy program actually added to the bill during the conference that was not part of the House bill and was not part of the Senate bill. This is potentially a massive, massive liability for the taxpayers. According to the Department of Agriculture, this could mean as much as $16 billion, in addition to everything else in the bill, additional liability for the taxpayers annually.

We don't know much about this program at all. All we know is that for years now the farming community has been upset that they haven't been able to collect money off the countercyclical program and the loan deficiency payment program because prices have been so high. So this new program was put in so the threshold would be much higher at which subsidies kicked in.

The only way this could be scored by the CBO as being compliant with our budget rules is to baseline shop. What that means is instead of taking this year's baseline where we should benchmark our spending off of, it is to go back to last year's baseline. And I believe the information is correct that had we used this year's baseline instead of last year's baseline, CBO informs us that they would have scored this as a $2 billion hit additionally, rather than being scored even, as it is in the bill. I mention this only because this is just another example of what we get when we move with haste like this, when we get a bill that virtually nobody has read.

Now, the things that we know well about the farm bill should give us pause enough. I mentioned before that we face tremendous problems going forward in terms of entitlements and unfunded liabilities. We are, according to USA Today, and we probably get better information there than what we say on this floor, when you include all of our unfunded liabilities and our debt that is out there, it means that every person in America has a debt of about $500,000. Half a million dollars in debt is what we owe when you total unfunded liabilities and our debt.

We simply cannot go forward like this and add a $300 billion bill that pays a farm couple that earns as much as $2.5 million subsidies and continue to pay down the debt. We are simply adding more.

With that, I would urge rejection of this measure.

Mr. PETERSON of Minnesota. Mr. Speaker, this is, as I said earlier, the exact bill that was voted on and passed by the House and the Senate. The gentleman is wrong. The provision that he is referring to was in both the House bill and the Senate bill, and it was also an original idea from the White House that was in their original farm proposal. So this is not some new program that came about in the conference committee. It was in the bill that passed the House, it was in the bill that passed the Senate, and it was in the President's bill that they proposed. In fact, this was a reform that was suggested by the White House and the administration.

So you can make all kinds of outrageous assumptions and come up with outrageous charges, which has been done for some time on this bill. The idea that there is going to be anybody in this country that has $2.5 million of adjusted gross income and is going to be able to collect farm payments is complete lunacy. That is not true. And whatever people they have been able to get to score this to come up with these numbers, nobody can verify that. These are more charges that we have dealt with.

This bill was filed on May 13. It has been available for everybody to read since May 13. It is exactly the same bill that has been out there all of this time. The error that was made was made by the Enrolling Clerk, not by this committee, and it is unfortunate. What we are trying to do here is fix the situation.

I am not sure that we need to do what we are doing here. But to try to accommodate some concerns on the part of the minority and others that have raised issues, what we are doing here is re-passing the bill exactly the way that it passed the House and the Senate, the way that it should have gone to the President, so that we can move this bill out of the House, the Senate can deal with it, the President can veto it, we can override it, and in the provisions we will vitiate the work that has been done with the House and

Senate overriding the veto of the current bill.

It is a messy process. It is something we would just as soon not go through. But it is where we are at. We are trying to deal with fixing a clerical error that was caused by the Enrolling Clerk, and we think this is an appropriate way to do that.

I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the ranking Republican on the House Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the leader for yielding and for all of the effort that he and virtually every Member of this House put into this legislation now. If some of us are experiencing a sense of deja vu, it is because we are considering the exact same bill that we passed with overwhelming bipartisan support last Wednesday. The Senate also passed the bill by a significant margin.

However, yesterday it was determined that somewhere between the House and Senate passage of the farm bill, while the bill was being enrolled, title III, the trade title, was accidentally omitted from the enrolled bill that was then sent to the President. To avoid future uncertainty or constitutional questions about the bill omitting the trade title, we are presenting the same farm bill that we passed last week to both chambers and running it back through the necessary procedures to ensure the whole bill becomes law.

While the substance and content of the bill is the exact same as we passed last week, three technical items have been added to reflect the technical corrections necessary. The technical changes to correct the clerical error include, one, a slight change to the long title in order to distinguish the bill from H.R. 2419; a provision that deems the conference report on H.R. 2419 to be the legislative history of this new bill; and a provision that prevents duplication of the identical sections on H.R. 2419 upon adoption. This would prevent double spending if the Senate overrides the veto and 14 titles are in law when this new bill is enacted.

Other than those technical corrections, we are simply redoing the farm bill to correct the error.

Let me say that while it was an unfortunate error, it also was an egregious error. This is a very serious problem that has been created, and we are seeing that reflected in the fact that we are taking several different approaches to try to make sure that the farm bill which had that strong bipartisan support is indeed enacted into law. So it is with some disappointment that I see the majority table the privileged resolution offered by the Republican leader and not look into this in greater detail. I think it certainly deserves that attention, and it would be my hope that the majority would reconsider that approach and bring that privileged resolution to a vote so we can get to the bottom of all the considerations that need to be made regarding this and how this can be avoided in the future, but also to find out exactly what indeed did happen in the past few days that led to the unfortunate situation we find ourselves in today of again finding it necessary to pass this legislation, which I urge my colleagues to again adopt, as they already have voted for it once and have subsequently voted to override the President's veto, so we can indeed do what America's farmers and ranchers seek, and that is to have a new farm bill that is forward looking and that does address the concerns that have been brought to the attention of the committees.

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

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

Mr. PETERSON of Minnesota. Does the gentleman have further speakers?

Mr. BOEHNER. Just myself. I will be happy to close.

Mr. PETERSON of Minnesota. Okay. We will give the minority leader the opportunity to close. I will just make some brief comments, and then yield back my time.

At this point I will reserve my time.

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Mr. BOEHNER. So I can assume that the gentleman only has himself to close.

Let me yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just wanted to respond to the statement that was made that we were wrong on the ACRE program in terms of what bills it was in. The ACRE program was not in the House-passed bill. It was in the conference report that passed the House later, is my understanding. It may have been in the Senate bill, but it wasn't a version that ended up in the bill itself.

Mr. PETERSON of Minnesota. If the gentleman will yield, we had an optional ACRE in our bill that passed the House.

Mr. FLAKE. That is not the information that I had.

And the point that I made with regard to the scoring by CBO stands. If you use an earlier baseline, it affects it tremendously. If you use the baseline that we should be using under the budget rules adopted by this House, by this majority, then the program would not score as it did; it would score as a big hit to the taxpayer rather than something else.

Mr. PETERSON of Minnesota. Would the gentleman yield?

We had an option to ACRE in the House bill that was different than the Senate. We had a national trigger, they had a State trigger. So it was in both bills.

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

Mr. BOEHNER. I yield the gentleman 1 additional minute.

Mr. FLAKE. I would like to see it. My information was that it was not in the House bill; and, that if it was in the Senate, it was considerably different than what came over here.

But I think one thing we know is it was not appropriately vetted, because USDA was completely surprised at the numbers that came out. They are the ones, when they are saying all these numbers are flying around, the $16 billion in exposure is from the USDA. It is not pulled from some outside group or some other group, it is the USDA that is saying that this could cost us an additional $16 billion. And that should be considered, and it wasn't in this House; it simply was swept under the rug. That is what happens when you deal with a bill this big this quickly.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Most of my colleagues know that I opposed the farm bill when it originally came up, and I opposed it because it was filled with earmarks. There was a $250 million earmark for a ranch in Montana, there was an earmark for $170 million for salmon fisheries on the West Coast, and a number of other earmarks in the bill. And as has been pointed out, the more that this bill has lain around, the more that we have found other provisions in the bill that Members, let's say, it may have not caught their eye when it went through the House or the Senate.

The point that I am making is that given the commodity prices that we have in America, we can do better with this farm bill.

I understand the need for a farm bill and a need to ensure that America's farmers and ranchers have the kind of program that will ensure that America has a sufficient food supply and, frankly, a sufficient supply of food to export to many countries around the world.

But having said that, when we have over $5 a bushel corn, over $13 a bushel for soybeans, wheat in double digits, to be spending some $287 billion on this program I think is unwarranted. As I said when we considered the conference report on the farm bill last week, we can do better. This is the same old-same old that we have been doing for some 50 years.

While I appreciate the work that my colleagues put into it, I have worked closely with Mr. PETERSON and Mr. GOODLATTE for an awful long time, 18 years with my friend Mr. PETERSON, 16 years with my friend Mr. GOODLATTE. We have been through a lot of farm bills together and a lot of agriculture issues together. But at some point the American people look up and say, whoa, Washington, you are broken. And my point has been is that this farm bill is just another example; that at a time when we have got the highest food prices in the history of the country, we have the highest commodity prices we have ever had, we are continuing to go down the same old path.

The point that Mr. FLAKE brings up, something that I was unaware of in the

bill, something I think most Members were unaware of in the bill, is this new revenue assurance program that allows American farmers over the next 2 years to lock in at today's prices for the future.

Now I think that is the best deal in the world. How many Americans wouldn't like to say, I am going to lock my salary in for the next 5 years, guaranteed. No chance they would ever lose their job, no chance that their pay will ever get cut. Let me tell you, when it is too good to be true, it usually is.

Now if the farm bill isn't bad enough, the process that we are going through to try to rectify an error is—again, remember we have had this bill just over an hour. I am hurting my back trying to lift this thing, 1,768 pages, and just over 1 hour ago we got this.

I know the intent of the gentleman from Minnesota, the chairman, is that this be identical to the conference report that we passed. But nobody knows. Nobody has read it. Nobody has had a chance to read it. I urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I have a copy of the House-passed bill, and in our bill we had a countercyclical revenue assurance program that was a national trigger, as I said earlier.

This is an idea that came about from the White House, and it is not something that is going to be given to people just automatically. This is reviewed as a reform and it was sold as a reform by the White House, and I was skeptical of it.

But you have to give up 20 percent of your direct payments in order to get into this program. You have to lower your loan rate 30 percent. And this works not only going up, it works going down. So people are taking a risk by getting involved in this program as well as opportunity on the other side.

So you can have your arguments about it, but this is something that we are trying out as an option. It is something we are going to see how it works between now and 2012. There are a lot of people, including the administration, that think that this is a better way to go than the current target priced countercyclical marketing loan situation that we have. We will see. I have been skeptical of it. But there are people in the Senate and other places that were thinking that this is a good reform.

Now this idea that was just put forward by the minority leader that somehow or another this $287 billion goes to farmers, we have editorial writers saying the same thing around this country. The reality is that what actually goes to farmers under this bill is less than 9 percent of the bill, the traditional crop supports. 73.5 percent of the 10-year bill goes to nutrition. And if you add in crop insurance and the new disaster program, which is paid for, for the first time, you are up to about 15 percent of the total bill going to farmers.

So this idea that $287 billion is going to farmers is not true. All of the new money in this bill is going to nutrition, going to conservation, going to fruits and vegetables, going to energy. The reality is that what is in this bill for farmers is less than it was in the old law. This bill is less than the total cost of the 2002 bill. This bill is less than what passed the House and the Senate. And this bill is exactly what we passed in the House, exactly what we passed in the Senate, and was sent to the President. What we are trying to do here today is fix this problem. I encourage my colleagues to support this bill, and let us get this farm bill finally resolved.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the nutrition title of the pending bill. It includes many urgently needed improvements to our food assistance programs for low-income people.

As a senior member of the Judiciary Committee, I am particularly pleased to see this title includes language to correct a couple of problems that have arisen relating to the enforceability of the Act and to ensure that no further problems exist.

The Food Stamp Act has long been recognized as fully enforceable on behalf of active and prospective participants. This history of enforceability is comparable to that of securities regulations, which the courts have long accepted. When, many years ago, a panel of the Fifth Circuit found no private right of action under the Food Stamp Act in a case brought by a pro se plaintiff, several other circuits, and ultimately the Fifth Circuit en banc, rejected that conclusion. Had they not done so, I have no doubt we would have intervened.

Recently, a couple of Federal courts cast doubt on this long-held principle, one by finding the Department's regulations on bilingual service unenforceable and another by forcing plaintiffs to meet the high standards for supervisory liability when suing a State to enforce the act and regulations against local agencies. I am pleased that this legislation overrules both of those decisions.

More broadly, the legislation recognizes that lawsuits by individual households or classes of household to enforce their rights under the act and regulations are an important part of the program. There now should be no doubt, if there ever was any, that all provisions of the act and regulations that help individuals get food assistance, or that protect them from burdens in their pursuit of food aid, are intended to create enforceable rights, with corrective injunctions or back benefits (the latter subject to the limitations in the act) as appropriate.

The act does not require States or the Department only to exercise reasonable efforts or to substantially comply with its requirements and those in the regulations: it gives each individual a right to be treated as the act and rules provide. The act and regulations have an unmistakable focus on the benefited class of participants and prospective participants, they are written in mandatory, not precatory terms, and they are concerned with the treatment of individuals as much as they are with aggregate or system-wide performance.

I cannot imagine how Congress could be any clearer in this regard. I anticipate that we will have no further confusion concerning the enforceability of the act and regulations.

Mr. BACA. Mr. Speaker, the nutrition title in the Conference Report for the 2008 Farm Bill is a monumental achievement for the millions of Americans who struggle to put enough healthy, nutritious food on the table. I know it's not always easy to make ends meet and to put food on the table each day. I've walked in those shoes, and I've sat at that table. But with this bill we start to fulfill our responsibility to our neighbors. We have improved and strengthened food stamps and other important nutrition programs for our children and seniors. I want to take a few minutes to expand upon some of the accomplishments that are in this nutrition title.

First off, we have updated the name of the program. The new name will be SNAP: The Supplemental Nutrition Assistance Program. We needed a new name because there are no places left in this country where food stamps actually are ''stamps.'' Instead, like with other modern transactions, people swipe their cards at the store to access their benefits. This has been a huge success for reducing fraud and stigma in the program. We hope and expect that the new name and new image for the program will help us to continue to chip away at the stigma that keeps some proud people, especially senior citizens, from signing up for help in paying for their groceries and puts them at risk of hunger.

The name reflects the fact that the program provides a ''supplement'' to help people afford an adequate diet when their own resources are not quite enough. We also say ''nutrition,'' instead of ''food,'' because the program is about more than just food. It has got a vibrant nutrition education component to help our low-income population learn about healthy diets and make the choices that will improve their health status over their lifetimes. So I'm very proud of this new name for food stamps: an established program that is one of the best government programs we've got. Let me be clear, however, that in changing the name and eliminating food stamp coupons we did not intend to make any other policy changes to the program.

I think the biggest single accomplishment in the nutrition title is to end the decades of erosion in the value of food stamp benefits. We're all aware of the rising gas and food prices of recent months and the bite they've taken out of the pocketbooks of most Americans. But for many low-income Americans the squeeze has been getting tighter for decades, as the value of their food stamps has been able to purchase less and less food with each passing year. Food stamp benefits average only $1 per person per day. It's not easy to purchase a healthy, nutritious diet on such a limited amount.

So in this bill we have addressed this problem. We made critical improvements, and, for the first time in the program's history, we have ensured that, in every aspect, the food stamp program keeps its purchasing power over time. We raise the standard deduction from $134 to $144 and index it for inflation. That is an important accomplishment. It helps about 10 million people afford more food—families, seniors, people with disabilities—all types of low-income food stamp recipients are helped by this change. We raise the minimum benefit, and index it for inflation. We uncap the dependent care deduction so that families can deduct the full cost of the child care they so desperately depend on to hold down their

jobs. And we index the asset limits. We don't know what the future will hold. Hopefully, the high inflation of the past months will shortly subside as the country gets back on track. But we now can rest assured, as never before, that if there is substantial inflation our low-income families and senior citizens won't lose out on food.

For me what this bill really is about is people. It's about our senior citizens who have worked hard their whole lives and deserve better than to face the fear of hunger in their last years. It's about children, who come home from school and look to their parents to put a nutritious meal on the table.

One of the groups that will be most helped are our Nation's senior citizens. We were able to increase the minimum benefit, which goes predominantly to senior citizens, from $10 to about $14 a month. This is the first increase in almost 30 years in the minimum benefit. I would have liked to have increased it even more, but this change will help make it worthwhile for some of our seniors who qualify for a low benefit to participate in the program. We did this by setting the minimum benefit at 8 percent of the thrifty food plan for a single person. Because USDA adjusts the thrifty food plan every year for increases in food prices, so too will the minimum benefit now adjust. In addition, because of higher food prices in some places, like Alaska, Hawaii, and some of the territories, seniors in these places will now also see a modestly higher minimum benefit. For example in some parts of Alaska, the minimum benefit will be as high as $25 per month.

In this bill we've also excluded retirement accounts from assets and indexed the asset limits to inflation. These changes will help seniors and working families to save for the future. It makes no sense to require people who fall on hard times to virtually liquidate all of the savings they've managed to put away in order to get help paying for groceries for themselves and their families. Our seniors, especially, may have no ability to replace these savings, and as a result, no cushion to deal with unexpected expenses. And a working family who is forced to spend down savings now will be that much closer to poverty in their older years. So this is an important change for the long-term ability of low-income individuals to move toward financial independence and for our senior citizens to be able to retain an ability to support themselves in their retirement.

But I also want to reaffirm that we did not take away, as President Bush proposed, the State option in the food stamp program to design a more appropriate asset test at the State level. In my home State of California the legislature and Governor have been working together to design an ''expanded categorical eligibility'' program that will revise the asset limit for many food stamp recipients and make it easier for them to save for the future. I hope that other States consider this option, and I urge USDA to work with other States to promote this important policy.

In another major improvement for senior citizens, we have expanded to seniors a State option from the 2002 farm bill that dramatically reduces paperwork requirements. This policy is known as ''simplified reporting'' and it will allow seniors to participate without filing paperwork for 12 month periods, unless they have a major increase in their income that makes them ineligible for food stamps. I urge USDA to make this option as simple and streamlined for seniors and States as possible, and to find ways to insulate food stamp benefits from interactions with other programs that low-income seniors participate in, particularly Medicaid.

Finally, we have heard reports that despite the overwhelming success of the electronic benefits, some seniors can find the technology confusing. For those at the minimum benefit who receive maybe only $10 to $20 a month, we've heard concerns that if they don't use their benefits fast enough those benefits can be taken away—or moved ''offline''—sometimes in as short a period as 3 months, with the senior citizen not understanding why this has occurred. I don't think this is a very common problem, but it is understandable that a senior citizen might want to store up small benefits to use at one shopping trip every few months, rather than have to keep track of the card every month. This bill allows States to move benefits off-line after 6 months of inactivity, but requires them to notify the household and restore the benefits within 48 hours upon request. This benefit reinstatement should be a simple process, and States should aim to help seniors navigate it, so we don't have our seniors being bounced around an EBT call center trying to figure out what happened to their food stamp benefits.

For children and families, the biggest change we make is the increase and indexing of the standard deduction which will significantly boost the ability of low-wage workers to afford food for their families, especially over time. More than $5 billion of the nutrition title's 10-year investment go to this change, which primarily benefits families with children.

We also lift the limit on the dependent care deduction. This change will help about 100,000 families who pay out-of-pocket child care costs above $175 per child per month (or $200 for infants), by recognizing that money that is needed to pay for child care so that a parent can work is not available to purchase food. On average, families who are helped will receive an additional $40 a month (or $500 a year), according to the Congressional Budget Office. The dependent care cap has not been raised since the early 1990s, despite the increases in the costs of safe, reliable child care. Families incur all types of costs in order to secure child care for their children, and USDA should continue to allow all of these expenses to count toward the deduction—such as transportation costs to and from day care and the cost of informal care. Finally, as states roll this out to the 100,000 families currently on the program, its important that they make it easy for eligible families to claim the new deduction. Families shouldn't have to make extra trips to the food stamp office or be at risk of losing benefits if they fail to claim a new higher deduction. A household should never have its benefits cut or reduced because of a failure to document child care expenses, but should be given a full opportunity to receive the higher deduction if they have expenses above the current capped amounts.

We hear all the time that despite the importance and success of the food stamp program, for most families the benefits run out before the end of the month. That is why it is so important that we provide more than $1.2 billion in this farm bill for additional food purchases for emergency food organizations, like church food pantries and soup kitchens, to feed our families and seniors. We provide $50 million in additional funds this year to help meet food banks needs in light of rising food costs. And, we increase the basic The Emergency Food Assistance Program annual funding level to $250 million. That amount will be adjusted for inflation in future years to insure that this program does not lose any of its food purchasing power.

Another important provision for our children is a provision that ensures that children who receive food stamps can automatically, or ''directly'' be certified as eligible for free meals. The eligibility rules for the two programs overlap: virtually every child who receives food stamps is eligible for free meals. So making that connection in an automated way can save the family from falling through the cracks or from having to file duplicative paperwork. Unfortunately, too many States and schools don't currently make the connection adequately. So this bill requires USDA to report to Congress annually on each State's progress in directly certifying food stamp recipients for free school meals, and asks for USDA to report on best practices among the various States and school districts. This is a provision that is about good government—there is no reason the government can't make these connections, instead of requiring school administrators and families to be responsible for duplicative paperwork.

In addition to my role as the Agriculture's Subcommittee Chair on Operations, Oversight, Nutrition, and Forestry, I also have the great pleasure to assess this bill from the perspective of my role as the chairman of the Congressional Hispanic Caucus. More than 5 million Latinos, or more than 10 percent of the Latino population, receive food stamps each month. Food stamps constitute 25 percent of total monthly income for a typical Latino family that participates in the food stamp program. All of the changes that I have just described will benefit low-income Latinos who rely upon this program.

I must take one moment to express my deep personal disappointment that we were not able to restore food stamp benefits to all legal immigrants who are currently ineligible for the program. Keeping food assistance from hard-working immigrants with whom we live side by side is simply wrong and I will not stop fighting until we fully repeal the benefit cuts to legal immigrants enacted in 1996.

In spite of this major setback, we have achieved a number of important improvements for the Latino community. First, USDA will conduct a study on the possibility of bringing the Commonwealth of Puerto Rico back into the national food stamp program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance.

The poverty rate in Puerto Rico (45 percent) is more than three times the national poverty rate. However, because of the block grant, Puerto Rico cannot afford to provide benefits to all households poor enough to qualify for benefits using food stamp program standards. Instead they have been forced to impose rigid eligibility criteria. For example, a family of four

with net income above about $600 a month (or 34 percent of the Federal poverty level) cannot get any food assistance in Puerto Rico. The same family living in California, or any other State on the mainland, could have almost three times as much income and still be eligible for food assistance. An elderly person living alone faces an income limit of $192 per month—just 23 percent of the poverty level.

Clearly, some of our most vulnerable American citizens are at risk of being denied food assistance they greatly need. It seems just plain wrong to knowingly leave some Americans with insufficient food. With this study we hope to get a better understanding of what the local conditions are in Puerto Rico, in terms of food costs, poverty and other programmatic factors so that we can figure out how to address the issue in the next farm bill, or earlier if possible.

Another important achievement of the bill is to ensure that both Federal statute and regulations have the full force of law, ensuring that clients who do not receive adequate service under these rules and standards may bring suit. Recently, a district court in Ohio dismissed a case brought against the State to enforce the Department's regulations for serving people whose primary language is not English. I can't speak to whether the case had any merit, but my colleagues and I were surprised and disturbed to learn about the court's dismissal. We felt that it was critical to clarify in this bill that it has always been Congress's intent that the program's regulations should be fully enforceable and fully complied with to the same extent as the statute. The farm bill, therefore, clarifies that the Department's rules on serving non- and limited-English speaking people have the force of law and create rights for households.

Beyond the issue of bilingual access rules, this legislation makes clear that the Department's civil rights regulations are among those which have the full force of law and which households have the right to enforce. Discrimination is not acceptable in any form or at any point in the food stamp certification process. Households should not be assisted, or not assisted, approved or denied for any reason other than an individual assessment of their need for help or their eligibility by the State. I am pleased to be playing a role in making clear that the committee and the Congress wish the program to be administered in compliance with the Food Stamp Act and its regulations.

I'd like to also talk about a somewhat related matter that we did not manage to agree to include in this farm bill, much to my disappointment. I worked hard to include in the House bill, and shepherd through the conference negotiations, a provision that would have strengthened the long-standing policy in the food stamp program that certification and eligibility decisions should be done by State employees, rather than private companies. We would have added to the traditional restrictions around merit systems and provided specific exceptions for certain activities, such as outreach. In recent years the Bush Administration has let two States, Texas and Indiana, experiment with using private companies to collect and review food stamp applications and conduct the sensitive eligibility interview. In my view, these projects are not consistent with current law or good sense. These experiments have been disastrous to the States' treasuries but, more importantly, to the vulnerable families and senior citizens who rely on food stamps and found their applications delayed or improperly denied. Some people even had their private, personal information shared inappropriately. The activities involved in determining eligibility—and ineligibility—for food stamps should be public functions and should not be governed by profit motive or a company's responsibility to its shareholders.

While the House voted to include this provision in the conference agreement, the Senate did not because of opposition from the other party and a veto threat from President Bush. I regret this outcome and I am determined to not drop this issue until we have restored the proper balance to food stamp administration.

But I urge my colleagues to not forget, that separate from this ''privatization'' issue, in recent years States have been experimenting with a wide variety of changes to food stamp policies and practices that incorporate new technologies and modern business practices. For example, some States are using technology to create new pathways to apply for and retain benefits such as food stamps, health insurance, and child care, including online applications, online program redetermination or recertification, phone interviews, and call centers where changes in circumstances can be reported.

On the one hand, creating ways for families to participate in these programs without having to travel to a human service office can expand access and save time and money for States and families alike. In fact, in this bill we've created a new option for States to accept food stamp applications over the telephone. No doubt technology offers numerous opportunities for improved customer service and simpler application and retention processes.

On the other hand, if these processes are not well-designed, evaluated, and implemented, then families can face new access barriers. Moreover, some States are exploring these options at the same time that they are reducing human service staffing and closing local welfare offices. These steps can create new access barriers for certain groups of families and need to be carefully monitored. And I am concerned because neither States nor USDA appear to be asking the important questions about what has been the effect of these technological changes on access for food stamp households, particularly vulnerable populations like seniors, people with physical or mental disabilities, or people who do not speak English proficiently. The Government Accountability Office (GAO) last year published a report that found that USDA has not sufficiently monitored the States' ''modernization'' efforts in terms of their effects on program access, payment accuracy, or administrative costs.

So in this bill we have included several provisions to require that States that are eager to pursue modernized systems are pausing to ask the necessary questions about how to ensure that the new systems are designed in such a way that they are effective tools for connecting eligible families to benefits. In this bill we require USDA to establish standards for when States are making major changes in program operations and to monitor the effects on households, especially the types of households I just mentioned. I urge USDA to do this in a way that yields useful information so that States can refine and improve their systems to make them as accessible as possible to all clients.

Another provision requires States to adequately pilot test new computer systems before they go full-scale. This responds to situations where States have implemented new computer systems without adequate testing. This occurred even though some at USDA knew that there were weaknesses in the system and that serious benefit delays and errors were likely to occur. We also included a provision the Administration suggested to require States, instead of households, to repay any over-issuances that occur because of one of these preventable major systems failures.

Finally, in light of all of the modernization changes and the potential access to sensitive information that new players may have, we strengthened the act's privacy protections to ensure that anyone receiving confidential information for appropriate program purposes cannot then share that information with a third party. In addition to our fears that too many people may have access to private food stamp information as a result of new technology, we were also concerned that clients have not been able to access their private records. We heard about clients in Texas who had their benefits cut off, or who never were able to obtain benefits, and could not get access to their case records in order to pursue a claim against the State. That is unacceptable. We also clarified that despite all of the changes in how States are storing and maintaining client records, clients can access these records in litigation. These changes are not in conflict because confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

Another concern I have is about two new provisions that would disqualify certain people from food stamps for misusing their benefits. One relates to situations where a recipient of food stamps intentionally uses food stamp benefits to buy a product, like water, that is in a disposable container that can be redeemed for cash, then discards the product and redeems the container in order to obtain the cash deposit. The other new disqualification addresses individuals who intentionally purchase food with food stamp benefits in order to resell the food for a cash profit. I agree that both of these practices are contrary to the purposes of the food stamp program in assisting people in obtaining an adequate diet and it's appropriate to address them in this bill. However, I caution USDA to implement them in a way that ensures that only those who intended to defraud the system in these manners be disqualified. I do not want to see innocent people—who may simply have bought groceries for a neighbor or relative—be caught up as somehow engaging in fraud under this provision.

My concerns here are not completely without precedent. In this bill we are revisiting and clarifying a different disqualification rule that was enacted in 1996, and that has, in fact, ensnared innocent people and denied food stamp benefits in inappropriate ways. The intent of the law was to aid law enforcement and prevent criminals who are fleeing to avoid prosecution from receiving food stamps. Unfortunately, in practice, the provision has disqualified innocent people who had their identities stolen, or who have outstanding warrants for minor infractions that are many years old

and where the police have no interest in apprehending and prosecuting the case.

So in this bill we direct USDA to clarify that people should only be subject to disqualification if they are actively fleeing law enforcement authorities who are, in fact, interested in bringing them to justice.

In addition to the very important changes we have made to the food stamp program and new funding for food banks through TEFAP, the bill would expand and improve the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act. This program has been receiving $9 million a year in mandatory funds and operates in 14 States. (Three Indian tribes also operate the program.)

Under the conference agreement, mandatory funding would increase to $40 million for the 2008–2009 school year and continue to grow. By 2012, the program would be funded at nearly 8 times its current size: $150 million each year, with annual adjustments for inflation in years after that.

In addition to providing increased funding, the conference agreement takes important steps to target program funds to elementary schools with a significant share of low-income children. Our goal is to provide free fresh fruits and vegetables to all elementary schools in the country where more than half of the children are eligible for free or reduced price school meals. This program should expose a whole new generation of children to a healthy way of eating.

To sum up, I am extremely proud of the work that our committee and our Congress have undertaken in the nutrition title of the farm bill. With these changes, we are building a healthier better fed population. As a result, we are taking a few important steps towards a stronger future for our children and our communities.

Mr. ETHERIDGE. Mr. Speaker, I rise again today, in strong support of the 2008 Farm Bill.

Mr. Speaker, because of a technical glitch, this Farm Bill will have a new number, but this is the same bill.

This is the same bill that was passed on a bipartisan vote in the House of Representatives, and an overwhelming vote in the other body, and it is still, as it was last week, one of the most important pieces of legislation this Congress has passed this year.

Mr. Speaker, it is critical that we have a stable farm policy in this Nation, for our farmers, and for every child who participates in a nutrition program. This is legislation that affects every citizen in this country.

Again, this is a bill we can all be proud of.

I urge my colleagues to support this legislation.

Mr. KUCINICH. Mr. Speaker, although my colleagues have worked hard to provide meaningful reform, this bill maintains agriculture policies that are driving several underlying problems. For example, the single biggest share of subsidies under this bill goes to corn, which drives up food prices through corn based ethanol incentives and which contributes to obesity and diabetes through the overproduction of High Fructose Corn Syrup.

The bill short-changes conservation programs that can reduce global warming pollution. It continues to encourage factory farms where our antibiotics are rendered weak or useless because of overuse on cattle, where cattle are treated inhumanely, where toxic runoff contributes to contaminated drinking water, and where employees suffer the highest rates of workplace injuries of almost any other industry.

Finally, this Farm Bill maintains massive giveaways to corporate agribusiness instead of helping the vanishing family farmer.

The president has declared his intent to veto this bill because it does not contain adequate reform. Instead, he asserts that Congress should pass a one year extension of the status quo and come back with a farm bill containing more meaningful reform. I agree that the bill falls far short. In voting against the previous version of the Farm Bill, my hope was that Congress would take the last remaining opportunity to construct a farm bill that did not exacerbate the obesity and diabetes epidemics, that was good for the environment, and that favored family farmers over corporate agribusiness.

However, there are now no other opportunities to improve the bill in the near future. At the same time, this Farm Bill contains provisions that give immediate relief from hunger caused by rising food costs. Northeast Ohio, where the situation is particularly urgent, simply cannot wait another year for relief.

Portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74% increase in participation in the Food Stamp Program between 2002 and 2007. Participation in the food stamp program has increased over the last several years, with an additional 1.3 million people participating in the program in the last year alone.

An unprecedented $10.4 billion over 10 years has been included in the Nutrition Title of the Farm Bill. Proper nutrition is vital to human life and a basic human right. Funding for the Nutrition Title will have an important impact on preventing domestic hunger by increasing the Food Stamp Program's minimum monthly benefit and The Emergency Food Assistance Program's mandatory funding level.

There are over 35 million people in our nation who face hunger, 12.5 million of whom are children. Hunger centers in Cleveland, Ohio and around the nation report that demand for food assistance has risen by 15 to 20 percent over the last year. Increasingly, middle-class families are turning to food banks to meet their basic nutritional needs. In a recent survey, 83 percent of food banks reported that they are experiencing difficulty in meeting the needs of their communities. The bill increases assistance to food banks by $1.25 billion. This is an important step to curbing hunger in our nation and upholding the dignity of our citizens.

I will continue to work with my colleagues to achieve the necessary reform to make certain that our citizens have access to wholesome and nutritious foods while preserving our family farms, improving public health and protecting our environment. But the immediate needs of the people of Northeast Ohio, combined with the lack of opportunity to craft a more sustainable alternative, leave me no choice but to vote for this Farm Bill.

Mr. PETERSON of Minnesota. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6124.

The question was taken.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules on H.R. 6124 will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 1194.

The vote was taken by electronic device, and there were—yeas 306, nays 110, not voting 19, as follows:

[Roll No. 353]

YEAS—306

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler

Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth

NAYS—110

Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Cubin
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Goode
Granger
Harman
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Pence
Peterson (PA)
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Andrews
Bilirakis
Carter
Castor
Crenshaw
Gillibrand
Hobson
Hoekstra
Kennedy
Lewis (GA)
Paul
Ros-Lehtinen
Rush
Scott (GA)
Sullivan
Walden (OR)
Walsh (NY)
Wexler
Young (AK)

□ 1333

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

Messrs. WELLER of Illinois, BUYER, HALL of Texas, MILLER of North Carolina, PEARCE, Ms. GINNY BROWN-WAITE of Florida, and Mr. TURNER changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CARTER. Mr. Speaker, on rollcall No. 353, On Motion to Suspend the Rules and Pass H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through the fiscal year 2012, and for other purposes, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1194, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1194.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 10, answered ''present'' 2, not voting 21, as follows:

[Roll No. 354]

YEAS—401

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

NAYS—10

Abercrombie
Baldwin
Hinchey
Jones (NC)
Kucinich
Lee
McDermott
Moore (WI)
Stark
Woolsey

ANSWERED ''PRESENT''—2

DeFazio
Watt

NOT VOTING—21

Andrews	Hobson	Spratt
Carter	Johnson (GA)	Sullivan
Castor	Kennedy	Turner
Crenshaw	Lewis (GA)	Walden (OR)
Fossella	Paul	Walsh (NY)
Gillibrand	Rangel	Wexler
Herger	Rush	Young (AK)

□ 1342

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Madam Speaker, I was unavoidably detained. I would have voted "yea."

Mr. CARTER. Madam Speaker, on rollcall No. 354, On Motion to Suspend the Rules and Agree to H. Res. 1194, Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

Mr. SULLIVAN. Madam Speaker, I rise to state that due to unforseen circumstances, I missed rollcall vote 354 to H. Res. 1194 taken on May 22, 2008. Had I been present for this vote, I would have voted "yea" on this measure.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX

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

Mr. REYES. Madam Speaker, I wish to inform my colleagues that the classified annex to H.R. 5959, the Intelligence Authorization Act for fiscal year 2009, will be available for review by Members only during regular committee business hours. Staff are requested to call the committee to schedule a viewing appointment for Members. Members will be required to fill out the appropriate security paperwork to view the classified documents.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5658.

□ 1344

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. SERRANO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Mr. HOYER. Mr. Chairman, I first want to recognize Congressman IKE SKELTON, Chairman of the Armed Services Committee. I know how tirelessly he's worked to put this authorization bill together; and more than that, I know that no one in this House is a more dedicated advocate for our men and women in uniform.

This bill passed out of committee unanimously, and I expect it to pass the full House overwhelmingly, as well. That's because it's a bill that begins to repair our military while putting the needs of our troops first, a bill that responds to the Armed Forces' immense challenges while keeping them on the cutting edge. Let me touch on a few of its key provisions.

First, it authorizes $70 billion for operations in Iraq, Afghanistan, and the war on terrorism. No doubt, an overwhelming majority of the American public would agree that our mission in Iraq has been marred by gross errors of judgment from our highest-ranking civilian officials, unending bloodshed, and a chronic lack of political progress. But at the same time, 150,000 American troops are still on the ground in the midst of that violence, they have done everything our Nation has asked of them, and I believe they must have the resources they need to defend themselves and try to stabilize Iraq. This bill recognizes that reality, and it includes funds to keep our troops safer under fire: funds for Mine Resistant Ambush Protected Vehicles, up-armored Humvees, and personal body armor.

Second, this bill acknowledges the tremendous debt we owe our troops in this time of war. And the bill's military pay raise—a higher raise than the president requested—is a small way of beginning to pay that debt back. It also protects their access to health care by keeping down medical fees for our troops and retirees.

Third, this bill begins to restore our Nation's military readiness. With our forces stretched to the breaking point, Army National Guard units have, on average, less than two thirds of their required equipment. Army Vice Chief of Staff Richard Cody has testified that the Army "no longer has fully ready combat brigades on standby should a threat or conflict occur." That is simply too dangerous a risk to take. I'm glad that this bill takes some steps to mitigate it, authorizing nearly $2 billion for unfunded readiness initiatives, $800 million for National Guard and Reserve equipment, and larger active duty forces: 7,000 new soldiers, 5,000 more Marines, and more than 1,000 new sailors.

Fourth and finally, this bill's investments in high-tech equipment will keep our military the world's most advanced. It includes funding for next-generation fighters, like the F/A–22 Raptor and the F–35 Joint Strike Fighter; for advanced Navy vessels, from small littoral combat ships to new attack submarines; and for the initial deployment of a national missile defense system. At the same time, I realize that spending on this scale always opens the possibility of waste and abuse; that's why I'm grateful that this bill also comes equipped with increased congressional oversight of Defense acquisition programs.

Mr. Speaker, never in recent memory has our military been so worn down. The road back to readiness will be long and hard—but it can begin today. I urge my colleagues to support this vital piece of legislation—vital for our troops and our families, and equally vital for our Nation's security.

Mr. DINGELL. Mr. Chairman, I rise today in support of the Department of Defense (DOD) Authorization Act for Fiscal Year 2009. This legislation achieves a number of very important goals. First and foremost, it provides our troops and their families with the support they need. This includes a military a pay raise of 3.9 percent, which is larger than that requested by the President, a prohibition against fee increases for the military health care program known as TRICARE, an expansion of available health care services, and improved support for military families.

The bill also helps protect our troops by improving military readiness, and providing them with the equipment they need to keep them safe. The bill authorizes nearly $2 billion for unfunded readiness initiatives, and authorizes $800 million to provide the National Guard and Reserve, which are terribly stretched thin due to repeated deployments to Iraq, equipment they critically need. It also authorizes $2.6 billion for additional Mine Resistant Ambush Protected (MRAP) vehicles, $947 million for additional Up-Armored Humvees, and $783 million for the continued procurement and enhancement of personal body armor. This is equipment that will save countless lives in Iraq.

Finally, this legislation includes provisions making important changes to the government contracting system and adds increased accountability for those who are working for the government in Iraq. This bill reforms the DOD acquisition process, provides for a better trained acquisition workforce, and cracks down on conflicts of interest in defense contracts.

I want to thank my friend and colleague Chairman SKELTON for his hard work on this legislation. It has always been the bipartisan goal of the Congress to ensure that the United States military is the best trained, best equipped, and most capable fighting force in the world. This legislation accomplishes those goals, and has my strong support.

Mr. KIND. Mr. Chairman, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

I would like to start by commending the outstanding service provided by our men and women in the armed forces and thanking them for the terrific job they do for us across the globe each and every day, often in very difficult and dangerous circumstances. In return, I believe it is our duty as Congress to provide our troops with the support and resources they need to do their job as safely and effectively as possible. It is a credit to Chairman SKELTON and Ranking Member HUNTER that we have been able to fulfill this important obligation with strong bipartisan support.

I especially thank the committee for addressing an issue of particular importance to me and one of my constituents in this legislation. During a 15-month deployment in Afghanistan, U.S. Army Sergeant Jeff Frawley endured extremely harsh conditions in the mountains near Pakistan. Despite these hardships, he selflessly re-enlisted to serve his country for another 4 years.

Upon his return to the United States, Sergeant Frawley's company was forced to live in barracks at Fort Bragg that were infested with mold, suffered from decrepit plumbing, and

were structurally unsound. While visiting his son, Sergeant Frawley's father took pictures of the barracks and eventually posted a video of them on the internet.

The appalling conditions to which soldiers such as Sergeant Frawley have been subjected upon their return to the United States are an embarrassment. The improvement of these facilities must be of the highest priority for this country. Our returning troops deserve better. That is why I am proud to support H.R. 5658, which increases the Sustainment, Restoration, and Modernization account for the Department of Defense by $650 million. This additional funding is directly targeted at modernizing and fixing existing barracks, and will go a long way in ensuring that Sergeant Frawley and other soldiers are provided with the resources and facilities they deserve.

I thank Armed Services Committee Chairman SKELTON and Ranking Member HUNTER for their leadership on this critical issue. I applaud their work and urge my colleagues to support this important bill.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2009. Having served on the House Armed Services Committee, I know that it handles some of the most complicated and contentious issues before Congress, but through a combination of hard work and a commitment to bipartisanship, it has been able to assemble a good bill that all Members should support. I would particularly like to thank Chairman SKELTON and Ranking Member HUNTER for their leadership and their efforts to enhance our national security.

The members of this body hold significantly different opinions about what our Nation's role should be in Iraq. Personally, having voted against the authorization of the use of force in Iraq, I believe that our current combat operations are doing significant and systemic damage to our military readiness and that we need a new strategy that emphasizes diplomatic and economic efforts and that allows us to bring our troops home. Despite our differences on Iraq policy, though, my colleagues and I stand in full support of the men and women in uniform who serve our Nation, as well as their families. This legislation recognizes their service by providing a pay raise of 3.9 percent—an increase of 0.5 percent over the President's budget request. It also rejects the President's ill-advised proposal to raise premiums and co-pays for participants of TRICARE, the military health care system. Congress recognizes that other options exist to reduce the cost of health care and that we must not place an undue burden on our military families. To that end, H.R. 5658 establishes several new preventive health initiatives, which will keep people healthier and reduce future costs.

As co-chair of the House Submarine Caucus, I am particularly pleased that the bill before us makes a major investment in our national security by providing an additional $722 million for advanced procurement of a second VIRGINIA-class submarine in FY2010—one year ahead of schedule. Last year, Congress provided $588 million to expedite the VIRGINIA-class construction schedule to attain two submarines in FY2011, and this legislation moves the target date even sooner. Submarines are one of the most effective and flexible platforms in our military, but if we don't build more quickly, we will lose our strategic advantage over nations that are rapidly expanding their naval forces. Furthermore, this funding will help our submarine industrial base, which, without additional work, will face layoffs, and our Nation could lose their specialized skills and expertise. The men and women who work at Electric Boat in my district make the best submarines in the world, and I am pleased that this legislation will allow them to expand their contributions to our national security. I am deeply grateful to Chairman IKE SKELTON and Seapower Subcommittee Chairman GENE TAYLOR—as well as my friend and neighbor JOE COURTNEY and my co-chair on the Submarine Caucus RANDY FORBES—for their commitment to our submarine force.

This Congress has shown a commitment to our Navy and recognizes the importance of shipbuilding. While I applaud many provisions in this bill that will help restore the size of our fleet, I have concerns about the decision to delay the purchase of the third Zumwalt-class destroyer (DDG–1000). Instead of funding the President's full request, the bill provides $400 million that may be used either to purchase long-lead materials for the thud DDG–1000 or to begin procurement of two Arleigh Burke-class destroyers (DDG–51). The DDG–1000 is the first installment in the Navy's Family of Ships line, which will develop new technology for later insertion in the next-generation cruiser and other surface ships. Delaying DDG–1000 will prevent the development of new technologies and weapons systems that are necessary to address current and future threats. Additionally, while purchasing additional DDG–51s will help us increase the size of our fleet, they cannot fulfill the mission requirements of the DDG–1000, which was specifically built to have greater capability and a smaller crew. As we move forward with this bill, I ask that the committee keep these concerns in mind.

I am very proud to support H.R. 5658, which provides our men and women in uniform with the resources, equipment and services they need to continue their excellent service to the Nation. I urge all of my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to discuss H.R. 5658, the Duncan Hunter National Defense Authorization Act for FY 2009 which has many important provisions to help our military personnel and their families. I want to thank my colleague Congressman SKELTON for his leadership on the House Armed Services Committee in bringing a bill to the floor that not only protects but supports our military and our veterans.

Samuel Adams, who was known as the Father of the American Revolution, stated ''All might be free if they valued freedom, and defended it as they should.'' Well, while most of us value freedom many of us do not risk our lives for it the way our men and women in the armed forces do on a daily basis.

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom but the freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. The Armed Services committee has provided for military readiness; taking care of our troops and their families; increasing focus on the war in Afghanistan; and improving interagency cooperation, oversight, and accountability in this year's defense authorization bill.

DEFENSE PROVISIONS

We must maintain our efforts to restore military readiness in order to meet current military challenges and prepare for the future. This bill directs approximately $2 billion toward unfunded readiness initiatives requested by the services, which includes an additional $932 million to deal with equipment shortages and for equipment maintenance.

The bill also provides $800 million for National Guard and Reserve equipment and $650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks. To boost readiness and to reduce the strain on our forces, the bill increases the size of the military by 7,000 Army troops and 5,000 Marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 Air Force personnel.

To improve the quality of life for our forces and their families, the bill provides a 3.9 percent pay raise for all service members, which is .5 percent more than the President's budget request, and extends the authority for the Defense Department to offer bonuses and incentive pay. The bill also preserves important health benefits to improve the readiness of our force, keep servicemembers and their families healthy, and to reduce the overall need for care.

The bill establishes a Career Intermission Pilot Program to allow a servicemember to be released from active duty for a maximum of 3 years to focus on personal or professional goals outside of the military. The bill also provides tuition assistance to help military spouses establish their own careers, authorizes Impact Aid funding to assist schools with large enrollments of military children, and establishes a DoD School of Nursing to address the critical nursing shortage in our military services.

This bill addresses the need to improve the command and control structure for military forces operating in Afghanistan providing equipment to train and properly equip the Afghan National Security Forces (ANSF). This bill urges the President to appoint a Special Inspector General for Afghanistan Reconstruction (SIGAR), as required by law, at the earliest possible time.

More importantly this bill contains several layers of transparency and accountability. By requiring more detailed reporting to Congress on the status and strategies of our forces in Iraq and Afghanistan, as well as on the performance of Provincial Reconstruction Teams (PRTs) and information on U.S. contractors—this bill provides greater oversight by this body.

REP. JACKSON-LEE PROPOSED AMENDMENTS

While I do believe that Congressman SKELTON and the Armed Services Committee have done a great job at trying to address the needs of our servicemembers, their families, and our national interests, I am disappointed to see certain areas were not addressed. I offered two amendments to the defense authorization to improve its ultimate outcome.

My first amendment would have added three sense of Congress paragraphs: (1) the war in Iraq should end as safely and quickly as possible and our troops should be brought home; (2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they

come home, their service should be recognized appropriately, including through the observance of a national day of celebration; and (3) the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war.

This amendment was borne from my deeply held belief that we must commend our military for their exemplary performance and success in Iraq. As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. The United States will not and should not permanently prop up the Iraqi government and military. Whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

My amendment explicitly stated that the goals laid out by the Authorization for Use of Military Force against Iraq Resolution of 2002 (AUMF) have all been achieved by our troops in Iraq.

Due to the skill and dedication of the members of the Armed Forces, the entire world has now been assured that Iraq does not possess weapons of mass destruction that could threaten the United States or any member nation of the international community. The United States Armed Forces successfully toppled the regime of Saddam Hussein and captured the key cities of Iraq in only 21 days. The Armed Forces performed magnificently in conducting military operations designed to ensure that the people of Iraq would enjoy the benefits of a democratically elected government governing a country that is capable of sustaining itself economically and politically and defending itself militarily.

While our troops have achieved the objectives for which they were sent to Iraq, they are now caught in the midst of a sectarian conflict. Unfortunately, there is no military solution to Iraq's ongoing political and sectarian conflicts.

My second amendment would have made a declaration of U.S. policy that "The Authorization for Use of Military Force against Iraq Resolution of 2002 (Public Law 107–243; approved on October 16, 2002) is the basis of authority pursuant to which the President launched the invasion of Iraq in March 2003."

Further, it describes the authorization's two stated objectives: to enforce all relevant United Nations Security Council resolutions regarding Iraq, and to defend the national security of the United States (i) by disarming Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region, (ii) by ensuring that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaida, (iii) by changing the Iraqi regime so that Saddam Hussein and his Baathist regime no longer pose a threat to the people of Iraq or Iraq's neighbors, and (iv) by bringing to justice any members of al Qaida bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, known or found to be in Iraq.

Most crucially, my second amendment states unequivocally that "the objectives of Public Law 107–243 described in subparagraphs (A) and (B) of paragraph (2) have been achieved. This amendment would have provided an expressed acknowledgment by the Congress that the objectives for which the Authorization for Use of Military Force (AUMF) resolution of 2002 authorized the use of force in Iraq were achieved by the Armed Forces of the United States.

The objectives for which this Congress authorized war in Iraq have been met; therefore, that authorization should no longer be the basis for ongoing involvement by U.S. armed forces. Our military has already paid too heavy a price for this Administration's ill-advised and poorly planned war effort in Iraq. My amendment would have recognized the exemplary performance of our men and women in uniform, and emphasizes that our military has already achieved the objectives for which it was sent to Iraq.

Mr. Chairman, although I would have liked to see my amendments included in this bill I am supportive of much of the provisions of this bill; however since this legislation provides for continued funding of the Iraq war I will not be able to vote for the continuation of the war. I will vote no.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 21, 2008, all time for general debate pursuant to House Resolution 1213 had expired. Pursuant to House Resolution 1218, no further general debate is in order.

Pursuant to House Resolution 1218, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5658

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 ''Duncan Hunter National Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

Subtitle C—Navy Programs

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

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C–5 aircraft.
Sec. 132. Maintenance of retired KC–135E aircraft.
Sec. 133. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 134. Report on processes used for requirements development for KC–(X).

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor acquisition strategy.
Sec. 142. Small arms acquisition strategy and requirements review.
Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.
Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.
Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.

Sec. 234. Repeal of requirement for Technology Transition Initiative.
Sec. 235. Trusted defense systems.
Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.
Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 238. Availability of funds for prompt global strike capability development.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.

Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.
Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.
Sec. 323. Study on future depot capability.
Sec. 324. High-performing organization business process reengineering.
Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.
Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.
Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.
Sec. 328. Report on reduction in number of firefighters on Air Force bases.

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
Sec. 333. Study on solar energy for use at forward operating locations.
Sec. 334. Study on coal-to-liquid fuels.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.
Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.
Sec. 346. Report on options for providing repair capabilities to support ships operating near Guam.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.
Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.
Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A–10 aircraft.
Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.
Sec. 355. Sense of Congress that Air Sovereignty Alert Mission should receive sufficient funding and resources.
Sec. 356. Revision of certain Air Force regulations required.
Sec. 357. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 358. Availability of funds for Irregular Warfare Support program.
Sec. 359. Sense of Congress regarding procurement and use of munitions.
Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.
Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for Joint Qualified Officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum reenlistment term.
Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 543. Compensation for civilian President of Naval Postgraduate School.
Sec. 544. Increased authority to enroll defense industry employees in defense product development program.
Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.

Subtitle F—Military Justice

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 552. Standing military protection order.
Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.
Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions

Sec. 561. Replacement of military decorations.
Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.

Subtitle H—Impact Aid

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 572. Calculation of payments under Department of Education's Impact Aid program.

Subtitle I—Military Families

Sec. 581. Presentation of burial flag.

Sec. 582. Education and training opportunities for military spouses.

Subtitle J—Other Matters

Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.

Sec. 592. Interest payments on certain claims arising from correction of military records.

Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.

Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.

Sec. 595. Senior Military Leadership Diversity Commission.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.

Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.

Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.

Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.

Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.

Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.

Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 615. Extension of authorities relating to payment of referral bonuses.

Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.

Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.

Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.

Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.

Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.

Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.

Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.

Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.

Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

Sec. 644. Election to receive retired pay for nonregular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.

Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.

Sec. 652. Requirements for private operation of commissary store functions.

Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.

Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.

Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.

Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.

Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $4,912,735,000.

(2) For missiles, $2,201,460,000.

(3) For weapons and tracked combat vehicles, $3,539,177,000.

(4) For ammunition, $2,294,791,000.

(5) For other procurement, $11,201,876,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $14,627,274,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.

(3) For shipbuilding and conversion, $12,917,919,000.

(4) For other procurement, $5,461,926,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,296,327,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,122,712,000.

SEC. 103. AIR FORCE.

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

(1) For aircraft, $12,618,665,000.

(2) For ammunition, $934,478,000.

(3) For missiles, $5,536,728,000.

(4) For other procurement, $16,134,896,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement in the amount of $3,485,428,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $800,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the Rapid Acquisition Fund in the amount of $50,000,000.

Subtitle B—Army Programs

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

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in each budget submission to the President, a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems (FCS) program, to the extent the budget submission includes funding for such elements:

(1) FCS Manned Ground Vehicles.

(2) FCS Unmanned Ground Vehicles.

(3) FCS Unmanned Aerial Systems.

(4) FCS Unattended Ground Systems.

(5) Other FCS elements.

SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR MAJOR ELEMENTS OF THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) CONTRACTING RESTRICTED.—For fiscal year 2009 and any fiscal year thereafter, the Secretary of Defense and the Secretary of the Army may not award a contract for low-rate initial production or full-rate production of major elements of the Future Combat Systems program to any entity that is under contract to perform the role of lead systems integrator for the Future Combat Systems program.

(b) INAPPLICABILITY TO NON-LINE OF SIGHT CANNON.—Subsection (a) does not apply to contracts entered into in fiscal year 2009 or fiscal year 2010 for procurement of Non-Line of Sight Cannon vehicles.

(c) INAPPLICABILITY TO EQUIPMENT PROCURED THROUGH SELECTED ACQUISITION METHODS.—Subsection (a) does not apply to elements of the Future Combat Systems program—

(1) acquired through the Army Rapid Equipping Force program;

(2) acquired through the Joint Improved Explosive Device Defeat Organization; or

(3) acquired specifically to address an Operational Needs Statement or Joint Urgent Operational Needs Statement.

(d) DEFINITIONS.—In this section:

(1) The term ''major elements of the Future Combat Systems program'' includes—

(A) Future Combat Systems Manned Ground Vehicles;

(B) Future Combat Systems Unmanned Ground Vehicles;

(C) Future Combat Systems Unmanned Aerial Vehicles;

(D) Future Combat Systems Non-Line of Sight Missile Launchers;

(E) Future Combat Systems Unattended Ground Sensors; and

(F) Future Combat Systems equipment to upgrade vehicles and other equipment in the Army inventory as of October 1, 2008.

(2) The term ''lead systems integrator'' has the meaning given such term in section 802(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

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

(a) REPORT REQUIRED.—The Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on Army tactical radio fielding plans by March 30, 2009. This report shall include, at a minimum, the following:

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

(2) A detailed description of the current and future mix of radios for Army infantry brigade combat teams, heavy brigade combat teams, Stryker brigade combat teams, and Future Combat Systems brigade combat teams.

(3) A description of the current and future mix of radios for Army support brigades, headquarters elements, and training base.

(4) A description of the Army's plan to integrate joint tactical radio system radios, including the number of each type of joint tactical radio the Army plans to procure.

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

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING REPORT.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Other Procurement, Army, for tactical radio systems, not more than 75 percent may be obligated or expended until 30 days after the report required by subsection (a) is received by the congressional defense committees.

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

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

(1) satisfactorily completed a Limited User Test; and

(2) been approved to enter Milestone C.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for aircraft procurement, Army, for the Armed Reconnaissance Helicopter, not more than 20 percent may be obligated until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

Subtitle C—Navy Programs

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

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

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

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

SEC. 122. APPLICABILITY OF PREVIOUS TEAMING AGREEMENTS FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended in subsection (b)—

(1) in paragraph (1) by striking ''and'' at the end;

(2) in paragraph (2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the Secretary submits to the congressional defense committees a certification that the contract will be awarded to either the General Dynamics Electric Boat Division or the Northrop Grumman Newport News Shipbuilding Division, with the other contractor as the primary subcontractor to the contract, in accordance with the Team Agreement between the two companies, dated February 16, 1997, which was submitted to the Congress on March 31, 1997.''.

SEC. 123. LITTORAL COMBAT SHIP (LCS) PROGRAM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 29), is amended in subsection (d) by adding at the end the following:

''(3) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2007. However, in the case of a vessel the procurement of which is funded from amounts appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or 2009, the amount of such an increase for such a vessel may not exceed $10,000,000.

''(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first and second vessels, respectively, of the Littoral Combat Ship (LCS) class of vessels. However, the Secretary of the Navy may make an adjustment under this paragraph only if—

''(A) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the vessel; or

''(B) (i) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat; and

''(ii) the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.''.

SEC. 124. REPORT ON F/A–18 PROCUREMENT COSTS, COMPARING MULTIYEAR TO ANNUAL.

(a) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on F/A–18 procurement. The report shall include the following:

(1) The number of F/A–18E/F and EA–18G aircraft programmed for procurement for fiscal years 2010 through 2015.

(2) The estimated procurement costs for those aircraft, if procured through annual procurement contracts.

(3) The estimated procurement costs for those aircraft, if procured through a multiyear procurement contract.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary considers the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) The recommendations of the Secretary as to whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—Should the Secretary recommend under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft, the Secretary shall accompany the recommendation with the certifications required by section 2306b of title 10, United States Code, so as to enable to award of a multiyear procurement contract beginning with fiscal year 2010.

(c) FUNDING.—Subject to the availability of appropriations, the Secretary of the Navy may obligate up to $100,000,000 of the amount authorized for procurement of F/A–18E/F or EA–18G aircraft for cost reduction initiatives (CRI) in fiscal year 2009. Such CRI funding may be applied to either single year or multiyear procurements of F/A–18 aircraft.

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON RETIRING C–5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not retire C–5A aircraft from the inventory of the Air Force in any number that would reduce the total number of such aircraft in the inventory below 111 until 45 days after the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The Secretary's certification that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy.

(2) A cost analysis with respect to the aircraft to be retired that—

(A) evaluates which alternative is more effective in meeting strategic airlift mobility requirements—

(i) to retire the aircraft; or

(ii) to perform the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and

(B) evaluates the life-cycle cost of C–17 aircraft to replace the capability of the aircraft to be retired.

(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a)(2) shall conform to the following requirements:

(1) The cost analysis shall include one analysis that uses ''constant year dollars'' and one analysis that uses ''then year dollars''.

(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.

(3) For each such analysis, the ownership costs evaluated shall include costs for—

(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;

(B) research and development;

(C) testing;

(D) procurement;

(E) production;

(F) production termination;

(G) operations;

(H) training;

(I) maintenance;

(J) sustainment;

(K) military construction;

(L) personnel;

(M) cost of replacement due to attrition; and

(N) disposal.

(4) The cost analysis shall include each of the following:

(A) An assessment of the quality of each cost analysis.

(B) A discussion of each of the following:

(i) The assumptions used.

(ii) The benefits to be realized from each alternative.

(iii) Adverse impacts to be realized from each alternative.

(iv) Cargo capacity, operational availability, departure reliability, and mission capability.

(v) Aircraft basing.

(vi) Aircrew ratios and associated training requirements.

(vii) Performing RERP on only C–5B and C–5C aircraft.

(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411) is repealed.

SEC. 132. MAINTENANCE OF RETIRED KC–135E AIRCRAFT.

Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking ''each KC–135E aircraft that is retired'' and inserting ''at least 46 of the KC–135E aircraft retired''.

SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY FOR PROCUREMENT OF TANKER AIRCRAFT.

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

SEC. 134. REPORT ON PROCESSES USED FOR REQUIREMENTS DEVELOPMENT FOR KC–(X).

Not later than December 1, 2008, the Secretary of the Air Force shall submit to the congressional defense committees a report on the processes used for requirements development for the KC–(X). The report shall include—

(1) an examination of the processes by which KC–(X) requirements were established;

(2) a justification for the use of the KC–135R as the comparative baseline for the KC–(X) competition; and

(3) an evaluation of commercial derivative aircraft in the 750,000 pounds maximum gross take-off weight to 1,000,000 pounds maximum gross take-off weight range as a potential aerial refueling platform, which shall include an examination of pertinent aerial refueling capabilities such as range, offload at range, and passenger/cargo capacity.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR ACQUISITION STRATEGY.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate an executive agent for procurement of body armor and associated components.

(b) SEPARATE PROCUREMENT LINE ITEMS.—Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, within each procurement account budget submission to the President, a separate, dedicated procurement line item is designated for procurement of body armor and associated components.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report that—

(1) identifies the critical industrial base capacity for body armor, to include all tiers of subcontractor suppliers;

(2) contains a plan for the long-term maintenance of this industrial base capacity; and

(3) identifies specific research and development objectives, priorities, and funding profiles for—

(A) advances in the level of protection;

(B) weight reduction; and

(C) manufacturing productivity.

SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.

(a) GAO AUDIT AND REPORT.—The Comptroller General of the United States shall audit the requirements generation process of the Department of Defense for small arms procurement to determine if there are statutory or regulatory barriers to developing a small arms procurement requirement. Not later than October 1, 2009, the Comptroller General shall submit to the congressional defense committees a report on the results of the audit.

(b) SECRETARY OF DEFENSE REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the small arms industrial base. The report shall include the following:

(1) The current inventory, acquisition objective, operational, and budgetary status of current small arms programs, to include pistols, carbines, rifles, light, medium, and heavy machine guns.

(2) A plan for a joint acquisition strategy for small arms modernization, with emphasis on a possible near term competition for a new pistol and carbine.

(3) An analysis of current small arms research and development programs.

(4) An analysis of current small arms capability gap assessments that have been finalized or are being pursued.

(c) DEFINITION.—In this section, the term ''small arms''—

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

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

SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLES.

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

(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

(1) Procurement of common payloads by vehicle class, including—

(A) signals intelligence;

(B) electro optical;

(C) synthetic aperture radar;

(D) ground moving target indicator;

(E) conventional explosive detection;

(F) foliage penetrating radar;

(G) laser designator;

(H) chemical, biological, radiological, nuclear, explosive detection; and

(I) national airspace operations avionics or sensors, or both.

(2) Commonality of ground systems by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Open source software code.

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

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

(c) AFFECTED SYSTEMS.—For the purposes of this section, the manned and unmanned aerial vehicle classes and types of manned and unmanned aerial vehicles within each class are as follows:

(1) Tier II class: Vehicles such as Silver Fox and Scan Eagle.

(2) Tactical class: Vehicles such as RQ–7.

(3) Medium altitude class: Vehicles such as MQ–1, MQ–1C, MQ–5, MQ–8, MQ–9, and Warrior Alpha.

(4) High Altitude class: Vehicles such as RQ–4, RQ–4N, Unmanned airship systems, Constant Hawk, Angel Fire, Special Project Aircraft, Aerial Common Sensor, EP–3, Scathe View, Compass Call, and Rivet Joint.

(d) CONSULTATION.—The Secretary shall develop the policy and acquisition strategy required by subsection (a) in consultation with the Chairman of the Joint Chiefs of Staff.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the policy required by subsection (a); and

(2) the acquisition strategy required by subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.

Sec. 212. Analysis of Future Combat Systems communications network and software.

Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.

Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.

Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.

Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.

Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.

Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.

Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.

Sec. 234. Repeal of requirement for Technology Transition Initiative.

Sec. 235. Trusted defense systems.

Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.

Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.

Sec. 238. Availability of funds for prompt global strike capability development.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $10,683,695,000.

(2) For the Navy, $19,769,738,000.

(3) For the Air Force, $28,238,349,000.

(4) For Defense-wide activities, $21,033,651,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $12,059,915,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

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

Section 214(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2123) is amended by striking paragraphs (4) through (6) and inserting the following:

''(4) Whether actual demonstrations, rather than simulations, have shown that the software for the program is on a path to achieve threshold requirements on cost and schedule.

''(5) Whether the program's planned major communications network demonstrations are sufficiently complex and realistic to inform major program decision points.

''(6) The extent to which Future Combat Systems manned ground vehicle survivability will be reduced in a degraded Future Combat Systems communications network environment.

''(7) The level of network degradation at which Future Combat Systems manned ground vehicle crew survivability is significantly reduced.

''(8) The extent to which the Future Combat Systems communications network will be able to withstand network attack, jamming, or other interference.

''(9) What the cost estimate for the program is, including all spin outs, and an assessment of the confidence level for that estimate.

''(10) What the affordability assessment for the program is, given projected Army budgets, based on that cost estimate.''.

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

(a) REPORT REQUIRED.—Not later than July 1, 2009, the Assistant Secretary of Defense, Networks and Information Integration, shall submit to the congressional defense committees a report providing an assessment of the Future Combat Systems communications network and software. This report shall include, at a minimum, the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the impact of the use of significant amounts of commercial software in Future Combat Systems software.

(2) An assessment of the vulnerability of the Future Combat Systems communications network to electronic warfare, jamming, and other potential enemy interference.

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

(4) An assessment of the Future Combat Systems communication network's dependence on satellite communications support, and an assessment of the network's performance in the absence of assumed levels of satellite communications support.

(5) An assessment of the performance of the Future Combat Systems communications network when operating in a degraded condition due to the factors analyzed in paragraphs (1), (2), (3), and (4), and how such a degraded network environment would impact the performance of Future Combat Systems brigades and the survivability of Future Combat Systems manned ground vehicles.

(b) INCLUSION OF CLASSIFIED ANNEX.—The report required by subsection (a) may include a

classified annex at the discretion of the Assistant Secretary, for the purpose of providing the assessments required, or to provide additional supporting information.

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

(a) REPORT REQUIRED.—For each of the years 2009 through 2015, the Secretary of the Army shall, not later than February 15 of the year, submit a selected acquisition report for each Future Combat Systems manned ground vehicle variant.

(b) REQUIRED ELEMENTS.—The reports required by subsection (a) shall include the same information required in comprehensive annual selected acquisition reports for major defense acquisition as defined in section 2432(c) of title 10, United States Code.

(c) DEFINITION.—In this section, the term ''manned ground vehicle variant'' includes the eight distinct variants of manned ground vehicle designated on pages seven and eight of the Future Combat Systems selected acquisition report of the Department of Defense dated December 31, 2007, and any additional manned ground vehicle variants designated in Future Combat Systems acquisition reports of the Department of Defense after the date of the enactment of this Act.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the Department of Defense's annual budget submission to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE WARFIGHTER INFORMATION NETWORK—TACTICAL PROGRAM.

(a) NOTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees within five days after the completion of all of the following actions:

(1) Approval by the Under Secretary of a new acquisition program baseline for the Warfighter Information Network-Tactical (WIN–T) Increment 3 program.

(2) Completion of the independent cost estimate for the WIN–T Increment 3 program by the Cost Analysis Improvement Group, as required by the June 5, 2007 recertification by the Under Secretary.

(3) Completion of the technology readiness assessment of the WIN–T Increment 3 program by the Director, Defense Research and Engineering, as required by the June 5, 2007 recertification by the Under Secretary.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 20 percent of those amounts may be obligated or expended until 15 days after the notification required by subsection (a) is received by the congressional defense committees.

SEC. 216. LIMITATION ON SOURCE OF FUNDS FOR CERTAIN JOINT CARGO AIRCRAFT EXPENDITURES.

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter for the Army, the Secretary of the Army may fund the following Joint Cargo Aircraft expenditures only through amounts made available for procurement or for research, development, test, and evaluation: support equipment, initial spares, training simulators, systems engineering and management, and post-production modifications.

Subtitle C—Missile Defense Programs

SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE DEFENSE.

(a) AGREEMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a Federally Funded Research and Development Center to conduct an independent study of concepts and systems for boost phase missile defense.

(b) REQUIREMENTS FOR STUDY.—

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

(A) The Airborne Laser.

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

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

(A) Technical capability of the system against scenarios identified in paragraph (3)(A).

(B) Operational issues, including operational effectiveness.

(C) Results of key milestone tests in fiscal year 2009 and fiscal years prior.

(D) Survivability.

(E) Suitability.

(F) Concept-of-Operations, including basing considerations.

(G) Operations and maintenance support.

(H) Command-and-Control.

(I) Shortfall from intercepts.

(J) Force structure requirements.

(K) Effectiveness against countermeasures.

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

(M) Total lifecycle cost estimates.

(3) SCENARIOS TO BE ASSESSED.—

(A) IN GENERAL.—The study shall include, for each system, an assessment of the operational capabilities of the system—

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

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

(B) COMPARISON WITH NON-BOOST SYSTEMS.—The study shall also include an assessment of the performance and operational capabilities of non-boost missile defense systems to counter the threats referred to in subparagraph (A), and shall compare those capabilities with the predicted performance and operational capabilities of the boost phase missile defense systems to counter those threats. For purposes of this subparagraph, the non-boost missile defense systems shall include, at a minimum—

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

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

(iii) the Terminal High Altitude Area Defense (THAAD) system; and

(iv) the Ground-based Midcourse Defense system.

(4) ASSESSMENTS AND RECOMMENDATIONS.—The study shall include the following:

(A) Assessment of the developmental efforts to date and feasibility of the currently funded boost phase missile defense systems, using the factors outlined in paragraph (2).

(B) Assessment of the cost and benefits of the currently funded boost phase missile defense systems.

(C) A recommended strategy for boost phase missile defense investment over the Future Years Defense Program.

(D) Any other matter that the Federally Funded Research and Development Center considers appropriate.

(c) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(d) REPORT.—Not later than January 31, 2010, the Federally Funded Research and Development Center shall submit to the congressional defense committees a report on its findings, conclusions, and recommendations. The report shall be in unclassified form, but may include a classified annex.

(e) PROHIBITION.—No funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for the acquisition of the second Airborne Laser aircraft until 60 days after the report required by this section is submitted.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The Government of Poland and the Government of the Czech Republic have each signed and ratified the missile defense basing agreements and status of forces agreements that allow for the stationing, in their respective countries, of the United States missile defense assets and personnel needed to carry out the proposed deployment.

(2) Forty-five days have elapsed following the receipt by the congressional defense committees of the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

Subtitle D—Other Matters

SEC. 231. OVERSIGHT OF TESTING OF PERSONNEL PROTECTIVE EQUIPMENT BY DIRECTOR, OPERATIONAL TEST AND EVALUATION.

(a) RESPONSIBILITIES OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION, WITH RESPECT TO PERSONNEL PROTECTIVE EQUIPMENT.—Section 139 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by adding at the end the following:

''(C) The term 'covered system' means a Department of Defense acquisition program that is a covered system for purposes of section 2366 of this title or that is an item of personnel protective equipment designated as a covered system by the Secretary of Defense, or the Secretary's designee, for purposes of this section.''; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (7) as (3) through (6), respectively; and

(C) by amending paragraph (6) (as so redesignated) to read as follows:

''(6) monitor and review the survivability and lethality testing of covered systems, major munition programs, and covered product improvement programs of the Department of Defense provided under section 2366 of this title.''.

(b) INCLUSION OF PERSONNEL PROTECTIVE EQUIPMENT IN SURVIVABILITY TESTING REQUIRED BEFORE FULL-SCALE PRODUCTION.—Section 2366 of title 10, United States Code, is amended—

(1) in subsection (e) by amending paragraph (1) to read as follows:

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

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

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

''(ii) that is a major system within the meaning of that term in section 2302(5) of this title; or

''(B) an item of personnel protective equipment designated as a covered system in accordance with section 139(a)(2)(C) of this title.''; and

(2) by adding at the end the following:

''(f) PERSONNEL PROTECTIVE EQUIPMENT.—In the case of an item of personnel protective equipment designated as a covered system, if, before a decision to proceed beyond low rate initial production, a decision is made within the Department of Defense to proceed to operational use of that equipment or to make procurement funds available for that equipment—

''(1) the milestone decision authority (as defined in Department of Defense Directive 5000.1, dated May 12, 2003) for the associated acquisition program shall notify the Director of Operational Test and Evaluation of such a decision, along with supporting rationale; and

''(2) the Director of Operational Test and Evaluation shall submit to the Secretary of Defense and the congressional defense committees the report required by subsection (d) as soon as practicable.''.

SEC. 232. ASSESSMENT OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS PROGRAM.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall—

(1) carry out an assessment of the capability of Historically Black Colleges and Universities and Minority Serving Institutions (HBCU/MI) to participate in research, development, test, and evaluation programs for the Department of Defense; and

(2) not later than twelve months after the date of the enactment of this Act, submit to the congressional defense committees a report on the assessment.

(b) MATTERS ASSESSED.—The report under subsection (a) shall include the following:

(1) Summarized findings and lessons learned from HBCU/MI programs based on contracts, grants, or cooperative agreement awards.

(2) An assessment of the relevance, to include outcomes and impacts, of those programs to the research mission of the Department.

(3) An assessment of the national and regional conferences held annually to provide technical assistance and information regarding research, development, test, and evaluation activities of the Department, including the following:

(A) The number of such conferences held over the last three years, and a description of each such conference, to include a description of activities conducted to meet the goals of the conference.

(B) A follow-up assessment of the success of such conferences from the perspective both of the Department and of the attending institutions.

(C) An assessment as to whether such conferences are appropriately targeted to institutions that have not historically received contracts, grants or cooperative agreements with the Department.

(4) As directed in Executive Order 13256, a plan documenting the Department's effort in increasing the capacity of HBCU/MIs to participate in the research programs of the Department.

(5) Any other matters the Secretary considers appropriate.

SEC. 233. TECHNOLOGY-NEUTRAL INFORMATION TECHNOLOGY GUIDELINES AND STANDARDS TO SUPPORT FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amended—

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

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

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

(2) by adding at the end the following:

''(j) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—

''(1) IN GENERAL.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology infrastructure guidelines and standards for use by the Department of Defense and the Department of Veterans Affairs to enable those agencies to effectively select and utilize information technologies to meet the requirements of this section, in a manner that is—

''(A) interoperable;

''(B) inclusive of ongoing Federal efforts that provide technical expertise to harmonize existing standards and assist in the development of interoperability specifications; and

''(C) consistent with relevant guidance and directives for the development of information technology systems with the Department of Defense and the Department of Veterans Affairs.

''(2) ELEMENTS.—The guidelines and standards developed or adopted under subsection (a) shall—

''(A) promote the use by commercially available and open source products to incorporate those guidelines and standards;

''(B) develop uniform testing procedures suitable for determining the conformance of commercially available and other Federally developed healthcare information technology products with the guidelines and standards;

''(C) support and promote the testing of electronic healthcare information technologies utilized by the Department of Defense and the Department of Veterans Affairs;

''(D) provide protection and security profiles;

''(E) establish a core set of specifications in transactions between Federal agencies and their transaction partners; and

''(F) include validation criteria to enable Federal agencies to select healthcare information technologies appropriate to their needs.

''(3) REPORT.—Not later than March 31, 2009, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate congressional committees, a report identifying the guidelines and standards developed or adopted under this subsection. The report shall include—

''(A) a description of how the Office is working with the Business Transformation Agency to integrate these standards into the Enterprise Transition Plan for the Department of Defense; and

''(B) a synchronization roadmap showing the timeline for the deployment of applicable existing and planned healthcare information technology systems and how they will implement these standards.''.

(b) COMPLIANCE WITH REQUIREMENTS.—The amendments made by subsection (a) shall not impede the Secretary of Defense, the Secretary of Veterans Affairs, and the interagency program office from ensuring that the requirements of subsection (d) of section 1635 of that Act, including the date specified in that subsection, are met.

SEC. 234. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2009, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall assess the feasibility of consolidating various technology transition accounts into a unified effort managed by a senior official of the Department of Defense.

(2) OSD PROGRAMS INCLUDED.—Such assessment shall include, but shall not be limited to, the following programs within the Office of the Secretary of Defense: Technology Transition Initiative, Foreign Comparative Test, Defense Acquisition Challenge Program, Quick Reaction Fund, Manufacturing Technology, Joint Capability Technology Demonstrations, Defense Technology Link, Joint Capability Technology Demonstration Transition Program, Defense Acquisition Executive, Rapid Reaction Fund, and Operational Experimentation Division.

(3) MILITARY DEPARTMENT PROGRAMS INCLUDED.—Such assessment shall also include, as appropriate, the technology transition initiatives of the military departments.

(b) INITIATIVE REQUIREMENT REPEALED.—

(1) IN GENERAL.—Section 2359a of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

''§ 2359a. Technology Transition Council'';

(B) by striking subsections (a), (b), (c), (d), (e), (f), and (h); and

(C) by redesignating subsections (g) and (i) as (a) and (b), respectively.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the item relating to section 2359a and inserting the following new item:

''2359a. Technology Transition Council.''.

SEC. 235. TRUSTED DEFENSE SYSTEMS.

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

(1) assess vulnerabilities at multiple levels of the information processing system, including but not limited to, microcircuits, software, and firmware;

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

(3) provide recommendations regarding ways to improve trust in the supply chain for covered acquisition programs; and

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

(b) STRATEGY REQUIRED.—The lead identified pursuant to subsection (a)(4), in cooperation with the supporting elements also identified by the Secretary of Defense, shall develop an integrated strategy for ensuring trust in the supply chain for acquisition programs. Such strategy shall—

(1) address the vulnerabilities identified by the Secretary's assessment under subsection (a);

(2) reflect the priorities identified by such assessment;

(3) be executable by the defense acquisition community; and

(4) be sufficiently specific to provide guidance for the planning, programming, budgeting, and execution process in order to ensure acquisition programs have the necessary resources to implement all appropriate elements of the strategy.

(c) INTERIM POLICY FOR APPLICATION SPECIFIC INTEGRATED CIRCUITS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a policy requiring covered trusted systems to employ only trusted foundry services to fabricate their custom designed integrated circuits.

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

(1) the assessment required by subsection (a); and

(2) the strategy required by subsection (b).

(e) DEFINITIONS.—In this section:

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

(A) has not yet entered low-rate initial production, as defined in section 2400 of title 10, United States Code; or

(B) is currently in production or no longer in production, and information processing system upgrades are still planned over the life cycle of the system.

(2) The terms ''trust'' and ''trusted'' refer to the high confidence by the Department of Defense in the national ability to secure national security systems by assessing the integrity of the people and processes used to design, generate, manufacture, and distribute national security critical components.

(3) The term ''covered trusted systems'' means—

(A) all Mission Assurance Category I systems, as defined in Department of Defense Directive 8500.01E and associated Department of Defense Instruction 8500.2; and

(B) any other system identified by the Secretary of Defense as a system—

(i) that is vital to mission effectiveness or operational readiness of deployed or contingency forces;

(ii) the loss or degradation of which results in immediate and sustained loss of mission effectiveness;

(iii) that is highly accurate and highly available; and

(iv) for which the most stringent protection measures are required.

(4) The term ''trusted foundry services'' means the program co-funded by the National Security Agency and the Department of Defense, through program element 0605140D8Z, or any such similar program approved by the Secretary of Defense.

SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ–36 RADAR SYSTEM PENDING SUBMISSION OF REPORT.

Of the amounts appropriated pursuant to section 201(1) of this Act or otherwise made available for fiscal year 2009 for research, development, test, and evaluation, Army, for the Enhanced AN/TPQ–36 radar system, not more than 70 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees a report describing the plan to transition the Counter-Rockets, Artillery, and Mortars program to a program of record.

SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a capabilities-based assessment that outlines a joint approach to the future development of vertical lift aircraft and rotorcraft for all of the military services. The assessment shall—

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

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

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

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

(C) emphasizes the development of common service requirements; and

(3) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement it.

(b) REPORT.—The Secretary and the Chairman shall submit to the congressional defense committees a report on the assessment under subsection (a). The report shall include—

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

(2) the strategic plan referred to in subsection (a)(2);

(3) the plan and the identification of resources referred to in subsection (a)(3); and

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

SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, funds for conventional prompt global strike capability development are authorized by this Act only for those activities expressly delineated in the expenditure plan for fiscal years 2008 and 2009 that was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 51; 10 U.S.C. 113 note) and submitted to the congressional defense committees and dated March 24, 2008, or those activities otherwise expressly authorized by Congress.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, concurrently with the President's budget request for fiscal year 2010, a report that describes each conventional prompt global strike concept that—

(1) has been, or will be, affected by the technology applications developed pursuant to conventional prompt global strike activities within fiscal year 2009; and

(2) will be considered within the context of any conventional prompt global strike concept decision in fiscal year 2010.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

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Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.

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Subtitle E—Reports

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Subtitle F—Other Matters

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Sec. 358. Availability of funds for Irregular Warfare Support program.
Sec. 359. Sense of Congress regarding procurement and use of munitions.
Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.
Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

(1) For the Army, $31,788,395,000.
(2) For the Navy, $34,870,098,000.
(3) For the Marine Corps, $5,680,054,000.
(4) For the Air Force, $35,060,427,000.
(5) For Defense-wide activities, $25,806,657,000.
(6) For the Army Reserve, $2,659,141,000.
(7) For the Naval Reserve, $1,311,085,000.
(8) For the Marine Corps Reserve, $213,131,000.
(9) For the Air Force Reserve, $3,202,892,000.
(10) For the Army National Guard, $5,900,346,000.
(11) For the Air National Guard, $5,929,576,000.
(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.
(13) For Environmental Restoration, Army, $447,776,000.
(14) For Environmental Restoration, Navy, $290,819,000.
(15) For Environmental Restoration, Air Force, $496,277,000.
(16) For Environmental Restoration, Defense-wide, $13,175,000.
(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.
(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $83,273,000.
(19) For Cooperative Threat Reduction programs, $445,135,000.
(20) For the Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) PARTICIPATION AUTHORIZED.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

"§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—Subject to the availability of appropriated funds to carry out this section, the Secretary concerned, when engaged or proposing to engage in an activity described in subsection (b) that may or will result in an adverse impact to one or more species protected (or pending protection) under any applicable provision of law, or habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with—

''(1) the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995);

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

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

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

''(b) COVERED ACTIVITIES.—Payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

''(1) Military testing, operations, training, or other military activity.

''(2) Military construction.

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

''(d) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' means—

''(1) the Secretary of a military department; and

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

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

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

(c) EFFECTIVE DATE.—Section 2694c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2008, and only funds appropriated for fiscal years beginning after September 30, 2008, may be used to carry out such section.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $64,049.40 during fiscal year 2009 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

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

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

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

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

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

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

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

''(1) The''; and

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

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

Subtitle C—Workplace and Depot Issues

SEC. 321. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 540 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 322. COMPREHENSIVE ANALYSIS AND DEVELOPMENT OF SINGLE GOVERNMENT-WIDE DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.

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

(1) review the definitions of the term ''inherently governmental function'' described in subsection (b) to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a Federal department or agency;

(2) develop a single consistent definition for such term that would—

(A) address any deficiencies in the existing definitions, as determined pursuant to paragraph (1);

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

(C) ensure that the head of each such department or agency is able to identify each position within that department or agency that exercises an inherently governmental function and should only be performed by officers or employees of the Federal Government or members of the Armed Forces; and

(D) allow the head of each such department or agency to identify each position within that department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces;

(3) in addition to the actions described under paragraphs (1) and (2), provide criteria that would identify positions within Federal departments and agencies that are to be performed by officers or employees of the Federal Government or members of the Armed Forces to ensure that the head of each Federal department or agency—

(A) develops and maintains sufficient organic expertise and technical capability;

(B) develops guidance to implement the definition of inherently governmental as described in

paragraph (2) in a manner that is consistent with agency missions and operational goals; and

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

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

(ii) additional mechanisms;

(4) in undertaking the actions described in paragraphs (1) and (2), take into account the final recommendations and related findings concerning performance of inherently governmental functions in the Final Report of the Acquisition Advisory Panel established pursuant to section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note) and any other relevant reports or documents; and

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

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

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

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

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

(4) the Federal Acquisition Regulation; and

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

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council, shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the actions taken by the Director under this section. Such report shall contain each of the following:

(1) A description of the actions taken by the Director under this section to develop a single definition of inherently governmental function.

(2) Such legislative recommendations as the Director determines are necessary to further the purposes of this section.

(3) A description of such steps as may be necessary—

(A) to ensure that the single definition developed under this section is consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

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

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

(d) REGULATIONS.—Not later than 180 days after submission of the report required by subsection (c), the Director of the Office of Management and Budget shall issue regulations to implement actions taken under this section to develop a single definition of inherently governmental function.

SEC. 323. STUDY ON FUTURE DEPOT CAPABILITY.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a federally-funded research and development center with appropriate expertise in logistics and logistics analytical capability to carry out a study on the capability and efficiency of the depots of the Department of Defense to provide the logistics capabilities and capacity necessary for national defense.

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

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

(2) take into consideration direct input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including materiel support and depot commanders;

(3) take into consideration input from regular and reserve components of the Armed Forces, both with respect to requirements for sustainment-level maintenance and the capability and capacity to perform depot-level maintenance and repair;

(4) identify and address each type of activity carried out at depots, installation directorates of logistics, regional sustainment-level maintenance sites, reserve component maintenance capability sites, theater equipment support centers, and Army field support brigade capabilities;

(5) examine relevant guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, including with respect to programming and budgeting; and

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

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

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

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

(B) business operations;

(C) workload projection;

(D) outcome-based performance management objectives;

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

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

(G) budget and fiscal planning policies; and

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

(2) Current and future maintenance environments, including—

(A) performance-based logistics;

(B) supply chain management;

(C) condition-based maintenance;

(D) reliability-based maintenance;

(E) consolidation and centralization, including—

(i) regionalization;

(ii) two-level maintenance; and

(iii) forward-based depot capacity;

(F) public-private partnerships;

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

(H) the impact of proprietary technical documentation.

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

(e) REPORTS TO COMMITTEES ON ARMED SERVICES.—

(1) INTERIM REPORT.—The contract that the Secretary enters into under subsection (a) shall provide that not later than one year after the commencement of the study conducted under this section, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report on the study.

(2) FINAL REPORT.—Such contract shall provide that not later than 22 months after the date on which the Secretary of Defense enters into the contract under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the study. The report shall include each of the following:

(A) A description of the depot maintenance environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

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

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

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

(E) Proposed business rules that would provide incentives for the Secretary of Defense and the Secretaries of the military departments to keep Department of Defense depots efficient and cost effective, including the workload level required for efficiency.

(F) A proposed strategy for enabling, requiring, and monitoring the ability of the Department of Defense depots to produce performance-driven outcomes and meet materiel readiness goals with respect to availability, reliability, total ownership cost, and repair cycle time.

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

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

(g) DEFINITIONS.—In this section:

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

(2) The term ''reset'' means actions taken to repair, enhance, or replace military equipment used in support of operations underway as of the date of the enactment of this Act and associated sustainment.

(3) The term ''military equipment'' includes all weapon systems, weapon platforms, vehicles and munitions of the Department of Defense, and the components of such items.

SEC. 324. HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS RE-ENGINEERING.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

''§ 129d. High-performing organizations

''(a) GUIDELINES FOR ESTABLISHMENT OF HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense shall develop guidelines for

the establishment of a high-performing organization conducted through a business process reengineering initiative. The guidelines shall ensure consideration and assessment of the following:

''(1) Number of employees to be affected by the initiative.

''(2) Resources needed to conduct the initiative.

''(3) Location where the initiative will be performed, and the location of the affected employees if different from the initiative location.

''(4) Functions to be included in the initiative.

''(5) Timeline for implementation of the initiative.

''(6) Estimated duration of the initiative if such initiative is deemed to be temporary.

''(b) RESTRICTION ON HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense, with respect to matters concerning the Defense Agencies, and the Secretary of a military department, may not begin implementation of a business process reengineering initiative to establish a high performing organization until—

''(1) the Secretary submits to Congress the notification required by subsection (d); and

''(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with.

''(c) CERTAIN INITIATIVES PROHIBITED.—The Secretary of Defense, or the Secretary of a military department, may not implement a high-performing organization if—

''(1) it were to result in a change of the collective bargaining status of an employee in the Department of Defense or in the representation status of a labor organization with exclusive representation status, as provided in section 7114 of title 5; or

''(2) any planned reductions in staffing are based on cost savings assumptions that are unrelated to the establishment of the high performing organization.

''(d) CONGRESSIONAL NOTIFICATION.—Forty-five days before commencing a high-performing organization under subsection (a), the Secretary of Defense or the Secretary of the military department concerned shall submit to Congress a notification describing the assessment required by subsection (a).

''(e) ANNUAL EVALUATION.—The Secretary of Defense or the Secretary of the military department concerned shall conduct annual performance reviews of the participating organizations or functions under the jurisdiction of the Secretary. The reviews shall be submitted to Congress. Each review shall evaluate the performance of the high performance organization in the following areas;

''(1) Costs, savings, and overall financial performance of the organization.

''(2) Organic knowledge, skills or expertise.

''(3) Efficiency and effectiveness of key functions or processes.

''(4) Efficiency and effectiveness of the overall organization.

''(f) DEFINITIONS.—In this section,

''(1) The term 'high-performing organization' means an organization whose performance exceeds that of comparable providers, whether public or private.

''(2) The term 'business process reengineering initiative' means an approach to reinvent or consolidate functions whether they are inherently governmental, military essential, or commercial activities, or a reorganization that is undertaken at the direction of the Office of Management and Budget.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

''129d. High-performing organizations.''.

SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUBLIC-PRIVATE COMPETITIONS REGARDING CONVERSION OF FUNCTIONS OF THE DEPARTMENT OF DEFENSE PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) FINDINGS.—Congress finds the following:

(1) The turbulence caused by the efforts of the Department of Defense to increase the size of the Armed Forces, implement the decisions of the 2005 round of base realignments and closures, and execute transformational initiatives, combined with the strain on the Armed Forces due to ongoing contingency operations, could impede sound decisions regarding the conversion to contractor performance of functions of the Department of Defense performed by civilian employees.

(2) Public-private competitions may unnecessarily divert Department of Defense personnel and resources away from operational obligations.

(3) The Secretary of Defense needs to ensure that readiness is fully supported.

(b) SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, no study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76.

SEC. 326. CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE.

(a) ROLE OF NATIONAL GUARD BUREAU.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force until the Secretary consults with, and obtains the consent of, the National Guard Bureau.

(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for their study of the feasibility of the consolidation proposal.

(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation actions, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation's recommendations, the Air Force's assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PERSONNEL WORK UNDER AIR FORCE CIVILIAN PERSONNEL CONSOLIDATION PLAN.

(a) GUIDANCE FOR CIVILIAN PERSONNEL MANAGEMENT CONSOLIDATION.—In determining which, if any, civilian personnel management functions may appropriately be consolidated under one command or in a central or regional location, the Secretary of the Air Force shall be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the consequently anticipated positive or negative impact upon mission accomplishment at the different commands. This analysis shall be customized for each affected command, taking into account such factors as the size and complexity of the civilian workforce and the extent to which mission accomplishment is dependent upon the productivity of the civilian workforce. What functions are deemed ''transactional'' or ''nontransactional'' may vary for each affected command. In general, more of the civilian personnel management functions for smaller, less civilian dependent commands may be consolidated in a central or regional location or command while fewer functions may be consolidated from larger, more civilian dependent commands.

(b) PROHIBITION ON CONSOLIDATION OF CERTAIN FUNCTIONS.—For the Large Civilian Centers, the Secretary of the Air Force will not consolidate in a central or regional location or command at least the following functions:

(1) Staffing positions filled through internal or external recruitment processes.

(2) Development of position classifications or job descriptions.

(3) Employee management relations, including performance management programs, conduct or discipline programs and labor management programs.

(4) Labor force planning and management, including internal pay pool management and employee performance reviews.

(5) Managing workers compensation program pursuant to chapter 81 of title 5, United States Code, or relevant State workers' compensation programs.

(c) LARGE CIVILIAN CENTER DEFINED.—In this section, the term ''Large Civilian Center'' refers to installations or commands with operational missions primarily dependent upon the productivity of civilian workforces typically numbering in the thousands and engaged in program management, systems engineering, research or development, logistics management, software management, management of existing aircraft systems, and depot level maintenance. Such an installation or command typically includes occupational series far in excess of those assigned to other, more typical, Air Force installations or commands.

SEC. 328. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.

In an effort to ensure the Air Force is meeting the minimum safety standards for staffing, equipment, and training as required by Department of Defense Installation and Environment Instruction 6055.6, the Secretary of the Air Force shall submit to Congress, not later than 90 days after the date of the enactment of this Act, a report on the effect of the reduction in fire fighters on Air Force bases as a result of PBD720. Such report shall include the following:

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

(2) An evaluation on whether there is adequate capability within the surrounding municipal communities to support a base aircraft rescue or respond to a fire involving a combat aircraft, cargo aircraft or weapon system.

(4) An evaluation of the impact on certifications of the base fire departments as a result of the reductions in fire fighting personnel and or functions at the base.

(5) A plan to restore personnel needed to support the mission should it be determined that personnel reductions resulting from PBD720 have negatively impacted the ability to perform their mission.

Subtitle D—Energy Security

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

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

''(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous with the

annual report required by subsection (a), the Secretary of Defense, acting through the Director of Operational Energy Plans and Programs, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 139b of this title.

''(2) The annual report under this subsection shall address and include the following:

''(A) Statistical information on operational energy demands, in terms of expenditures and consumption, for the preceding five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

''(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy demands in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

''(C) A description of each initiative related to the operational energy strategy and a summary of funds appropriated for each initiative in the previous fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

''(D) An evaluation of progress made by the Department of Defense—

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

''(ii) in meeting the operational energy goals set forth in the strategy.

''(E) Such recommendations as the Director considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Director considers appropriate.

''(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of the information required by this subsection.

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

(b) CLERICAL AMENDMENTS.—

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

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

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 173 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

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

SEC. 332. CONSIDERATION OF FUEL LOGISTICS SUPPORT REQUIREMENTS IN PLANNING, REQUIREMENTS DEVELOPMENT, AND ACQUISITION PROCESSES.

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

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

(c) ACQUISITION PROCESS.—The Secretary of Defense shall require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for implementing the requirements of this section. The plan shall be completed not later than 180 days after the date of the enactment of this Act and provide for implementation of the requirements not later than three years after such date.

(e) REPORT.—Until the certification required by subsection (g) is provided, the Secretary of Defense shall submit to the congressional defense committees a report, not later than January 1 of each year, describing progress made to implement the requirements of this section during the preceding fiscal year.

(f) FULLY BURDENED COST OF FUEL DEFINED.—In this section, the term ''fully burdened cost of fuel'' means the commodity price for fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(g) CERTIFICATION OF COMPLIANCE.—As soon as practicable during the three-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the certification, the Secretary shall submit to the congressional defense committees at the end of the three-year period a report containing—

(1) an explanation of the reasons why the requirements, or portions of the requirements, have not been implemented; and

(2) a revised plan under subsection (d) to complete implementation or a rationale regarding why portions of the requirements cannot or should not be implemented.

SEC. 333. STUDY ON SOLAR ENERGY FOR USE AT FORWARD OPERATING LOCATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study to examine the feasibility of using solar energy to provide electricity at forward operating locations.

(b) MATTERS EXAMINED.—The study shall examine, at a minimum, the following:

(1) The potential for solar energy to reduce the fuel supply needed to provide electricity at forward operating locations and the extent to which such reduction will decrease the risk of casualties by reducing the number of convoys needed to supply fuel to forward operating locations.

(2) The cost of using solar energy to provide electricity.

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

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

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

(c) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

SEC. 334. STUDY ON COAL-TO-LIQUID FUELS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to reduce the life cycle emissions of coal-to-liquid fuels and potential uses of coal-to-liquid fuels to meet the Department's mobility energy requirements.

(b) MATTERS EXAMINES.—The study shall examine, at a minimum, the following:

(1) The potential clean energy alternatives for powering the conversion processes, including nuclear, solar, and wind energies.

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

(3) The military utility of coal-to-liquid fuels for military operations and for use by expeditionary forces compared with the military utility and life cycle emissions of mobile, in-theater synthetic fuel processes.

(c) USE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Defense shall select a federally funded research and development center to perform the study required by subsection (a).

(d) REPORT.—Not later than March 1, 2009, the federally funded research and development center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study required by subsection (a).

Subtitle E—Reports

SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS OF ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the readiness of the regular and reserve components of the Armed Forces. The report shall be unclassified but may contain a classified annex.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements.

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An analysis of the readiness status, as of the date of the enactment of this Act, of the regular and reserve components of the Army and the Marine Corps, including any significant changes in any trends with respect to such components since 2001.

(2) An analysis of the readiness status, as of such date, of the regular and reserve components of the Air Force and the Navy, including a description of any major factors that affect the ability of the Navy or Air Force to provide trained and ready forces for ongoing operations and to meet overall readiness goals.

(3) An analysis of the efforts of the Secretary of each military department to address any major factors affecting the readiness of the regular and reserve components under the jurisdiction of that Secretary.

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

(a) REPORT REQUIRED.—At the same time as the budget for fiscal year 2010 is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the plans of the Secretary of the Navy to improve the combat skills of the members of the Navy; and

(2) the plans of the Secretary of the Air Force to improve the combat skills of the members of the Air Force.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The criteria that the Secretary of the Air Force and the Secretary of the Navy use to select permanent sites for their Common Battlefield Airmen Training and Expeditionary Combat Skills courses.

(2) An identification of the extent to which the Secretary of the Navy and Secretary of the Air Force coordinated with each other and with the Secretary of the Army and the Commandant of the Marine Corps with respect to their plans to expand combat skills training for members of the Navy and Air Force, respectively, together with a complete list of bases or locations that were considered as possible sites for the coordinated training.

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

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

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

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the Army Reserve and National Guard forces as an operational reserve.

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

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

(2) manning and force structure;

(3) training constraints limiting—

(A) facilities and ranges;

(B) access to military schools and skill training; and

(C) access to the Combat Training Centers; and

(4) any conflicts with requirements under title 32, United States Code.

SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BETWEEN PREPARATION AND USE OF ARMY RESERVE COMPONENT FORCES TO SUPPORT ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the link between the preparation and operational use of the Army's reserve component forces.

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

(1) an analysis of the Army's ability to train and employ reserve component units—

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

(B) for non-traditional missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations, including factors affecting unit or individual preparation, the effect of notification timelines, and access to training facilities, including the National Training Center and the Joint Readiness Training Center; and

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

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

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the adequacy of the funding, staffing, and organization of the Military Munitions Response Program of the Department of Defense.

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

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

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

SEC. 346. REPORT ON OPTIONS FOR PROVIDING REPAIR CAPABILITIES TO SUPPORT SHIPS OPERATING NEAR GUAM.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Navy shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the best option or combination of options for providing voyage repair capabilities to support all United States Navy ships operating at or near Guam.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The Secretary's estimate, based on the quantitative data determined to be most appropriate by the Secretary, of the requirements for voyage repairs for all United States Navy vessels operating at or near Guam, including—

(A) such requirements for ships operated by the Military Sealift Command; and

(B) such requirements for United States Navy vessels for which the designated homeport of the vessel is anticipated to become Guam as a result of the realignment of the Armed Forces from Okinawa, Japan, to Guam.

(2) The recommendations of the Secretary for ensuring that adequate voyage repair capabilities are available for all United States Navy ships operating at or near Guam and an estimate of the amount of time required to implement such capabilities.

(3) The Secretary's assessment of the benefits and limitations of each option for providing voyage repairs to all United States Navy ships operating at or near Guam and of the anticipated costs and strategic and operational risks associated with each such option.

(4) A plan and schedule for implementing a course of action to ensure that the required ship repair capability is available by not later than October 31, 2012.

Subtitle F—Other Matters

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

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

SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EXCHANGED DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSOLETE COMBAT MATERIEL.

Section 2572(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized, as determined necessary by the Secretary or the Secretary's delegee, to the extent necessary to render the item unserviceable in the interest of public safety.''; and

(2) in paragraph (2)(A), by inserting before the period at the end the following: '', including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible''.

SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF AIR FORCE PROVIDE TRAINING AND SUPPORT TO OTHER MILITARY DEPARTMENTS FOR A–10 AIRCRAFT.

(a) REPEAL.—Chapter 901 of title 10, United States Code, is amended by striking section 9316.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 9316.

SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for such fiscal year the following:

(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command and Control mission, including such requirements for—

(A) pay and allowances;

(B) support costs;

(C) Medicare eligible retiree health fund contributions

(D) flying hours; and

(E) any other associated mission costs.

(2) The amount in the budget for the Air Force for each of the items referred to in paragraph (1).

(3) The amount in the budget for the Air National Guard for each such item.

SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY ALERT MISSION SHOULD RECEIVE SUFFICIENT FUNDING AND RESOURCES.

It is the sense of Congress that—

(1) since the tragic events of September 11, 2001, the Air National Guard has bravely performed the Air Sovereignty Alert mission to defend the homeland in support of Operation Noble Eagle;

(2) the Air National Guard continues to serve as the backbone of this vital national security mission;

(3) the United States Air Force should include full funding for the Air Sovereignty Alert mission in the baseline budget of the Air Force;

(4) the United States Air Force should program sufficient personnel, equipment, and aircraft resources to the Air National Guard to fully and safely perform the Air Sovereignty Alert mission;

(5) the capability of Air National Guard aircraft assigned to the Air Sovereignty Alert mission is rapidly deteriorating due to age and may impede the ability of the Air National Guard to protect the homeland;

(6) by 2015, many of the Air National Guard's fighter aircraft will have exceeded their service life and will be grounded, resulting in a breach of homeland defense, a potential closure of Air National Guard bases, the loss of critical personnel with the accompanying loss of experience and training, and the loss of the fighter capability of the Air National Guard; and

(7) the United States Air Force should ensure that the Air National Guard and the Air Sovereignty Alert mission are provided with resources, personnel, and aircraft needed to support this critical mission now and in the future.

SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.

(a) REVISION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force shall revise the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Travel Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial best practices that are based upon a mode-neutral approach.

(b) MODE-NEUTRAL APPROACH DEFINED.—For purposes of this section, the term ''mode-neutral approach'' means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and allows the carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.

SEC. 357. TRANSFER OF C–12 AIRCRAFT TO CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

(a) AUTHORITY.—The Secretary of the Army may convey to the California Department of

Forestry and Fire Protection (hereinafter in this section referred to as ''CAL FIRE''), all right, title, and interest of the United States in three C–12 aircraft that the Secretary has determined are surplus to need.

(b) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with terms of the conveyance, and costs of operation and maintenance of the aircraft conveyed shall be borne by CAL FIRE.

SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WARFARE SUPPORT PROGRAM.

Of the amount appropriated pursuant to an authorization of appropriations or otherwise made available for the Joint Improvised Explosive Device Defeat Organization for fiscal year 2009, $75,000,000 shall be available for the Irregular Warfare Support program (program element line 0603121D8Z, SO/LIC Advanced Development).

SEC. 359. SENSE OF CONGRESS REGARDING PROCUREMENT AND USE OF MUNITIONS.

It is the sense of Congress that the Secretary of Defense should—

(1) in making decisions with respect to procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal; and

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness.

SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR COMBAT COMMAND MANAGEMENT HEADQUARTERS.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for Operation and Maintenance, Air Force, for fiscal year 2009, the amount that may be obligated for Air Force Commander, Air Combat Command Management Headquarters, Sub-Activity Group 012E, for any fiscal quarter of such fiscal year may not exceed 80 percent of the amount of such funds obligated for such purpose for the corresponding fiscal quarter of fiscal year 2008 until the Secretary of Defense certifies to the congressional defense committees that by not later than February 3, 2009, the Future Year's Defense Plan will include funding for 76 commonly configured B–52 aircraft.

SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY WORKING DOGS USED BY THE DEPARTMENT OF DEFENSE.

(a) INCREASED CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working Dogs (hereinafter in this section referred to as the ''Executive Agent''), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) take such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department's needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, or local agencies, nonprofit organizations, universities, or private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent shall work to ensure that military working dogs are procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding, with the ultimate goal of procuring all military working dogs through domestic breeders.

(c) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term ''military working dog'' means a dog used in any official military capacity, as defined by the Secretary of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.
(2) The Navy, 326,323.
(3) The Marine Corps, 194,000.
(4) The Air Force, 317,050.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 532,400.
''(2) For the Navy, 326,323.
''(3) For the Marine Corps, 194,000.
''(4) For the Air Force, 317,050.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,700.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,700.
(6) The Air Force Reserve, 67,400.
(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.
(2) The Army Reserve, 17,070.
(3) The Navy Reserve, 11,099.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,337.
(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,003.
(4) For the Air National Guard of the United States, 22,452.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.
(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123a of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''If at the end''; and

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

''(2) When a designation of a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) is in effect, the President may waive any statutory limit that would otherwise apply during the period of the designation on the number of members of a reserve component who are authorized to be on active duty under subparagraph (A) or (B) of section 115(b)(1) of this title, if the President determines the waiver is necessary to provide assistance in responding to the major disaster or emergency.''.

(b) TERMINATION OF WAIVER.—Subsection (b) of such section is amended—

(1) by striking the subsection heading and inserting the following: ''TERMINATION OF WAIVER.—(1)'';

(2) by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and

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

''(2) A waiver granted under subsection (a)(2) shall terminate not later than 90 days after the date on which the designation of the major disaster or emergency that was the basis for the waiver expires.''.

(c) CLERICAL AMENDMENTS.—

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

''§ 123a. Suspension of end-strength and other strength limitations in time of war or national emergency''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 123a and inserting the following new item:

''123a. Suspension of end-strength and other strength limitations in time of war or national emergency.''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2009 a total of $124,659,768,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.

Sec. 502. Requirements for issuance of posthumous commissions and warrants.

Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.

Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).

Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.

Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.

Sec. 514. Increase in mandatory retirement age for certain Reserve officers.

Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.

Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.

Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.

Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.

Sec. 523. Promotion policy objectives for Joint Qualified Officers.

Sec. 524. Length of joint duty assignments.

Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.

Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum reenlistment term.

Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.

Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.

Sec. 543. Compensation for civilian President of Naval Postgraduate School.

Sec. 544. Increased authority to enroll defense industry employees in defense product development program.

Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.

Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.

Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.

Subtitle F—Military Justice

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 552. Standing military protection order.

Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.

Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions

Sec. 561. Replacement of military decorations.

Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.

Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.

Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.

Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.

Subtitle H—Impact Aid

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 572. Calculation of payments under Department of Education's Impact Aid program.

Subtitle I—Military Families

Sec. 581. Presentation of burial flag.

Sec. 582. Education and training opportunities for military spouses.

Subtitle J—Other Matters

Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.

Sec. 592. Interest payments on certain claims arising from correction of military records.

Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.

Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.

Sec. 595. Senior Military Leadership Diversity Commission.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR REGULAR WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking ''A regular warrant officer who has at least 30 years of active service as a warrant officer that could be credited to him'' and inserting ''(1) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer''; and

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

''(2) In the case of a regular Army warrant officer, the calculation of years of active service under paragraph (1) shall include only years of active service as a warrant officer.''.

SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) in connection with the promotion of a deceased member to a higher commissioned grade shall require certification by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522(a) of such title is amended

(1) by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary of the military department concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.''.

SEC. 503. EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by inserting after ''December 31, 2008,'' the following: ''and

again during the one-year period beginning on October 1, 2013,''.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by inserting after ''December 31, 2008,'' the following: ''and again during the one-year period beginning on October 1, 2013,''.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by inserting after ''December 31, 2008,'' the following: ''and again during the one-year period beginning on October 1, 2013,''.

SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

(a) INCREASE.—Section 526(a)(4) of title 10, United States Code, is amended by striking ''80'' and inserting ''81''.

(b) CONFORMING AMENDMENTS REGARDING DISTRIBUTION OF MARINE GENERAL OFFICERS.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking ''that armed force'' and inserting ''the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,''; and

(2) in subsection (b)(2)(B), by striking ''17.5 percent'' and inserting ''19 percent''.

Subtitle B—Reserve Component Management

SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENTS OF AUTHORITY TO DEFER MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS).

Section 10216(f) of title 10, United States Code, is amended by striking ''Secretary of the Army'' and inserting ''Secretary concerned''.

SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 12011(a) of title 10, United States Code, relating to the number of officers of a reserve component who may be serving in certain grades given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Marine Corps Reserve and inserting the following:

''Marine Corps Reserve:	*Major*	*Lieutenant Colonel*	*Colonel*
1,100	*99*	*63*	*20*
1,200	*103*	*67*	*21*
1,300	*107*	*70*	*22*
1,400	*111*	*73*	*23*
1,500	*114*	*76*	*24*
1,600	*117*	*79*	*25*
1,700	*120*	*82*	*26*
1,800	*123*	*85*	*27*
1,900	*126*	*88*	*28*
2,000	*129*	*91*	*29*
2,100	*132*	*94*	*30*
2,200	*134*	*97*	*31*
2,300	*136*	*99*	*32*
2,400	*138*	*101*	*33*
2,500	*140*	*103*	*34*
2,600	*142*	*105*	*35''.*

SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NATIONAL GUARD OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) ADDITIONAL EXCEPTION.—Subsection (d) of section 14317 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''Except'' and inserting ''(1) Except'';

(B) by striking ''unless the officer is ordered'' and inserting ''unless the officer—

''(A) is ordered'';

(C) by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph:

''(B) has been ordered to or is serving on active duty in support of a contingency operation.''; and

(2) in the second sentence, by striking ''If'' and inserting the following:

''(2) If''.

(b) CONSIDERATION FOR PROMOTION BY EXAMINATION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B) of such section is amended by inserting before the period at the end the following: '', or by examination for Federal recognition under title 32''.

SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS.

(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) CERTAIN RESERVE OFFICERS IN GRADES OF MAJOR THROUGH BRIGADIER GENERAL.—

(1) INCREASED AGE.—Section 14702(b) of such title is amended—

(A) in the subsection heading, by striking ''AT AGE 60'' and inserting ''FOR AGE''; and

(B) by striking ''subsection (a)(1) or (a)(2).'' and all that follows through the period at the end of the last sentence and inserting the following: ''paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 14702 of such title is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.''.

SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE OFFICERS ON ACTIVE-STATUS LIST AS EXCEPTION TO REMOVAL FOR YEARS OF COMMISSIONED SERVICE.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.''.

SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer's consent, until the date on which the officer becomes 68 years of age.''.

SEC. 517. STUDY AND REPORT REGARDING PERSONNEL MOVEMENTS IN MARINE CORPS INDIVIDUAL READY RESERVE.

The Secretary of the Navy shall conduct a study to analyze the policies and procedures used by the Marine Corps Reserve during fiscal years 2001 through 2008 for the movement of personnel in and out of the Individual Ready Reserve. Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG OFFICER.

(a) IN GENERAL.—Section 619a of title 10, United States Code, is amended

(1) in subsection (a), by striking ''unless—'' and all that follows through ''the joint specialty'' and inserting ''unless the officer has been designated as a Joint Qualified Officer'';

(2) in subsection (b)—

(A) by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' in the matter preceding paragraph (1) and inserting ''subsection (a)''; and

(B) in paragraph (4), by striking ''within that immediate organization is not less than two years'' and inserting ''is not less than two years and the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title''; and

(3) by striking subsection (h).

(b) CLERICAL AMENDMENTS.—

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

"§ 619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions.''.

SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL CHANGES TO JOINT SPECIALTY TERMINOLOGY.

(a) REFERENCE TO JOINT QUALIFIED OFFICER.—

(1) IN GENERAL.—Subsection (a) of section 661 of title 10, United States Code, is amended in the second sentence by striking ''in such manner as the Secretary of Defense directs'' and inserting ''as a Joint Qualified Officer or in such other manner as the Secretary of Defense directs''.

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

"§ 661. Management policies for Joint Qualified Officers".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 661 and inserting the following new item:

''661. Management policies for Joint Qualified Officers.''.

(b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''JOINT SPECIALTY'' and inserting ''JOINT QUALIFIED''; and

(B) by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as a Joint Qualified Officer''.

(c) PROCEDURES FOR MONITORING CAREERS OF JOINT QUALIFIED OFFICERS.—

(1) IN GENERAL.—Section 665 of such title is amended—

(A) in subsection (a)(1)(A), by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(B) in subsection (b)(1), by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer''.

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

"§ 665. Procedures for monitoring careers of Joint Qualified Officers".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 665 and inserting the following new item:

''665. Procedures for monitoring careers of Joint Qualified Officers.''.

(d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL REPORT.—Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty'' and inserting ''designation as a Joint Qualified Officer,'';

(2) in paragraph (2), by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as a Joint Qualified Officer'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) a comparison of the number of officers who were designated as a Joint Qualified Officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a Joint Qualified Officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.'';

(5) by striking paragraphs (5) through (10), (13), and (16), and redesignating paragraphs (11), (12), (14) (15), (17), and (18) as paragraphs (7), (8), (9), (10), (12), and (13), respectively;

(6) by inserting after paragraph (4) the following new paragraphs:

''(5) The promotion rate for officers designated as a Joint Qualified Officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

''(6) An analysis of assignments of officers after their designation as a Joint Qualified Officer.''; and

(7) by inserting after paragraph (10), as redesignated by paragraph (5), the following new paragraph:

''(11) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above, certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.''.

SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT QUALIFIED OFFICERS.

Section 662 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''that—'' and all that follows through ''served in joint duty assignments'' and inserting ''that officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who are designated as a Joint Qualified Officer''; and

(2) in subsection (b), by striking ''officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1) and (2) of subsection (a).'' and inserting ''officers in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain) who are designated as a Joint Qualified Officer, especially with respect to the record of officer selection boards in meeting the objective of subsection (a).''.

SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph:

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph:

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) COMPLETION OF TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (3), by striking ''Cumulative service'' and inserting ''Accrued joint experience'';

(2) in paragraph (4), by striking ''(except'' and all that follows through ''any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph:

''(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF DUTY.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1), by striking ''subsection (f)(1), (f)(2), (f)(4), or (g)(2)'' and inserting ''paragraphs (1), (2), and (4) of subsection (f)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF AS POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.

Section 526(b)(2)(A) of title 10, United States Code, is amended by striking ''a general and flag officer position'' and inserting ''up to three general and flag officer positions''.

SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.''.

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10 or 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

(e) MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(f) REPORT ON DEFENSE OF THE HOMELAND.—

(1) REVIEW.—The Secretary of Defense, in consultation with the Chief of the National Guard Bureau, shall conduct a review of the role of the Department of Defense in the defense of the homeland. In conducting that review, the Secretary shall—

(A) assess section II of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled ''Transforming the National Guard and Reserves into a 21st-Century Operational Force''; and

(B) comment on recommendation number 2 under section II of the report described in subparagraph (A).

(2) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall issue to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

Subtitle D—General Service Authorities

SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLISTMENT TERM.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(ii) of title 37, United States Code, is amended by striking ''not to exceed six''.

SEC. 532. CAREER INTERMISSION PILOT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

''§ 708a. Career intermission pilot program

''(a) PROGRAM AUTHORIZED.—(1) The Secretary of a military department may establish a pilot program under which an officer or enlisted member of an armed force under the jurisdiction of the Secretary—

''(A) is released from active duty for a period not to exceed the period specified in subsection (c)(1) to meet personal or professional needs of the member;

''(B) is transferred to the Ready Reserve of that armed force during such period, as provided in subsection (d); and

''(C) is returned to active duty at the end of such period, as provided in subsection (c)(2).

''(2) The pilot program shall be known as the 'Career Intermission Pilot Program' (in this section referred to as the 'program').

''(b) NUMBER OF PARTICIPANTS.—No more than 20 officers and 20 enlisted members of each armed force under the jurisdiction of the Secretary of a military department may be selected per year for participation in the program.

''(c) MAXIMUM DURATION OF ABSENCE; RETURN TO ACTIVE DUTY.—(1) The period during which a member participating in the program will be released from active duty shall be agreed upon by the Secretary concerned and the member, but the period may not exceed three years from the date of the member's release from active duty.

''(2) A member participating in the program shall return to active duty at the end of the agreed-upon period or such earlier date as the member may request.

''(d) RESERVE AGREEMENT.—(1) Before being released from active duty under the program, a member participating in the program shall—

''(A) be appointed or enlisted in the Ready Reserve for the member's armed force; and

''(B) enter into an agreement with the Secretary concerned to serve on active duty in a regular or reserve component, as determined by the Secretary, for a period of not less than two months for every month of program participation following the member's return to active duty.

''(2) During the period of release from active duty, a member participating in the program shall report at least once per month to a location designated by the Secretary concerned and be required to maintain the job specialty qualifications the member held immediately before being released from active duty under the program.

''(3) The Secretary of Defense shall issue regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by this subsection. At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) while the member is released from active duty.

''(e) EXCLUSION OF TIME IN PROGRAM.—Time spent in the program shall not count toward—

''(1) determining eligibility for retirement or transfer to the Ready Reserve under chapter 367, 571, 867, or 1223 of this title;

''(2) computation of retired or retainer pay under chapter 71 or chapter 1223 of this title; or

''(3) computation of total years of commissioned service under section 14706 of this title.

''(f) MEDICAL AND DENTAL CARE.—While a member is participating in the program, the member shall remain entitled to medical and dental care on the same basis as a member of the armed forces on active duty, and dependents of a member participating in the program shall remain entitled to medical and dental care on the same basis as the dependents of a member of the armed forces on active duty.

''(g) PROMOTION ELIGIBILITY.—(1) An officer participating in the program shall not be eligible for consideration for promotion under chapter 36 or 1405 of this title during the period of the officer's release from active duty. Upon return to active duty—

''(A) the officer's date of rank shall be adjusted to a later date under regulations prescribed by the Secretary of Defense; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration.

''(2) An enlisted member participating in the program is ineligible for consideration for promotion during the period of the member's release from active duty and until such time after the member's return to active duty when the member becomes eligible for promotion by reason of time in grade and such other requirements as may be specified in regulations.

''(h) BASIC PAY.—For each month during which a member is released from active duty under the program, the member is entitled to two times one-thirtieth of the basic pay to which the member would be otherwise entitled based on grade and years of service if the member remained on active duty.

''(i) TRAVEL AND TRANSPORTATION ALLOWANCES.—(1) Notwithstanding any other provision of law, a member participating in the program is entitled to the travel and transportation allowances under section 404 of title 37 for travel—

''(A) performed from the member's location, at the time of the member's release from active duty under the program, to the location in the United States designated as the member's permanent residence; and

''(B) performed in connection with the member's return to active duty.

''(2) An allowance will be paid under this subsection for travel to and from only one residence.

''(j) SPECIAL AND INCENTIVE PAYS AND BONUSES.—While released from active duty under the program, a member may not receive any special or incentive pay or bonus under chapter 5 of title 37 to which the member would otherwise be entitled. When the member returns to active duty after the period of participation in the program, the member shall receive all of the special and incentive pays that the member was receiving before being released from active duty and for which the member remains qualified to receive upon the return to active duty.

''(k) DURATION OF PROGRAM AUTHORITY.—The authority to conduct the program commences on January 1, 2009, and no member may be released from active duty under the program after December 31, 2014.''.

(b) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Section 14706(a) of such title is amended by adding at the end the following new paragraph:

''(4) Service while participating in the Career Intermission Pilot Program under section 708a of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 708 the following new item:

''708a. Career intermission pilot program.''.

Subtitle E—Education and Training

SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN AND CADET STRENGTH LIMIT AT UNITED STATES NAVAL ACADEMY AND AIR FORCE ACADEMY.

(a) NAVAL ACADEMY.—Section 6954(h)(1) of title 10, United States Code, is amended by striking the last sentence.

(b) AIR FORCE ACADEMY.—Section 9342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by inserting after section 4345 the following new section:

"§ 4345a. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to persons receiving instruction at the Academy under section 4344 or 4345 of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

''(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4345 the following new item:

''4345a. Foreign and cultural exchange activities.''.

(b) NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6957a the following new section:

"§ 6957b. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Navy may authorize the Naval Academy to permit students, officers, and other representatives of a foreign country to attend the Naval Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of midshipmen.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Naval Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

''(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957a the following new item:

''6957b. Foreign and cultural exchange activities.''.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9345 the following new section:

"§ 9345a. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Air Force Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air Force Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Air Force Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

''(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9345 the following new item:

''9345a. Foreign and cultural exchange activities.''.

SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF NAVAL POSTGRADUATE SCHOOL.

Section 7042 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) If the individual holding the position of President of the Naval Postgraduate School is a civilian, the Secretary shall pay the individual such compensation for the individual's service as President as the Secretary prescribes, except that—

''(A) basic pay for the President may not exceed the rate of compensation authorized for positions in level I of the Executive Schedule under section 5312 of title 5; and

''(B) total aggregate compensation for the President, including bonuses, awards, allowances, or other similar cash payments, may not exceed the total annual compensation payable under section 104 of title 3.

''(2) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe the salary and other related benefits for the position of President of the Naval Postgraduate School.''.

SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.

Section 7049(a) of title 10, United States Code, is amended by striking ''25'' and inserting ''125''.

SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE UNDER HONORABLE CONDITIONS FOR PURPOSES OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENTS MEMBERS SUPPORTING CONTINGENCY OPERATIONS.

(a) REQUIREMENT OF HONORABLE SERVICE.—Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to persons described in section 16163 of title 10, United States Code, who separate on or after that date from a reserve component.

SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR HEALTH PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.

Section 16302(c) of title 10, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) The annual maximum amount of a loan that may be repaid under this section shall be the same as the maximum amount in effect for the same year under subsection (e)(2) of section 2173 of this title for the education loan repayment program under such section.''.

SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an up-dated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

Subtitle F—Military Justice

SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

SEC. 552. STANDING MILITARY PROTECTION ORDER.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 1567. STANDING MILITARY PROTECTIVE ORDER.

''The issuance of a military protective order by a military commander shall be deemed a standing order until—

''(1) the allegation prompting the protective order is resolved by investigation, courts martial, or other command determined adjudication; or

''(2) the military commander issues a new order.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1567. Standing military protective order.''.

SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1567, as added by section 552, the following new section:

''SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

''In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

''(1) the issuance of the protective order;

''(2) the duration of the protective order; and

''(3) the individuals involved in the order.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1567 the following new item:

''1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.''.

SEC. 554. IMPLEMENTATION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.

(a) DATABASE REQUIRED.—The Secretary of Defense shall implement a centralized, case-level database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting, and maintenance of information regarding sexual assaults involving a member of the Armed Forces, including information, if available, about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

(c) IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to provide for the implementation of the database.

(2) COMPLETION.—Not later than 15 months after the date of enactment of this Act, the Secretary shall complete implementation of the database.

(d) REPORTS.—The database shall be used to develop and implement congressional reports, as required by—

(1) section 577(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375);

(2) section 596(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163);

(3) section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364); and

(4) sections 4361, 6980, and 9361 of title 10, United States Code.

(e) TERMINOLOGY.—Section 577(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by adding at the end the following new paragraph:

''(12) The Secretary shall implement clear, consistent, and streamlined sexual assault terminology for use across the Department of Defense, to include a clear definition of the following terms:

''(A) Restricted reports.

''(B) Unrestricted reports.

''(C) Substantiated reports.''.

Subtitle G—Decorations, Awards, and Honorary Promotions

SEC. 561. REPLACEMENT OF MILITARY DECORATIONS.

(a) REPLACEMENT REQUIRED.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1135. Replacement of military decorations

''(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

''(b) EXCEPTION.—Subsection (a) does not apply to the medal of honor.

''(c) MILITARY DECORATION DEFINED.—In this section, the term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1135. Replacement of military decorations.''.

SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO RICHARD L. ETCHBERGER FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 8741 of such title to former Chief Master Sergeant Richard L. Etchberger for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Chief Master Sergeant Richard L. Etchberger as Ground Radar Superintendent of Detachment 1, 1043rd Radar Evaluation Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force cross.

SEC. 563. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 564. ADVANCEMENT OF REAR ADMIRAL WAYNE E. MEYER, UNITED STATES NAVY (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT AUTHORIZED.—The President is authorized and requested to appoint, by and with the advice and consent of the Senate, Rear Admiral Wayne E. Meyer, United States Navy (retired), to the grade of vice admiral on the retired list of the Navy.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Wayne E. Meyer on the retired list of the Navy under subsection (a) shall not affect the retired pay or other benefits from the United States to which Wayne E. Meyer is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 565. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

Subtitle H—Impact Aid

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE

STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. CALCULATION OF PAYMENTS UNDER DEPARTMENT OF EDUCATION'S IMPACT AID PROGRAM.

Paragraph (2) of section 8003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(c)) is amended to read as follows:

''(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment—

''(A) if such agency is newly established by a State (first year of operation only); or

''(B) if—

''(i) such agency was eligible to receive a payment under this section in the previous fiscal year;

''(ii) such agency has had an overall increase (as determined by the Secretary of Education in consultation with the Secretary of Defense, the Secretary of Interior, or other Federal agencies) of not less than 100 students or 10 percent as described in—

''(I) subparagraphs (A), (B), and (D) of subsection (a)(1); or

''(II) subparagraphs (C), (E), (F) and (G) of subsection (a)(1) if those children described in subparagraphs (C), (E), (F) and (G) are civilian dependents of employees of the Department of Defense; and

''(iii) such increase occurred during the period between the end of the school year preceding the fiscal year for which the application is being made and the beginning of the school year immediately preceding that fiscal year as the result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations.''.

Subtitle I—Military Families

SEC. 581. PRESENTATION OF BURIAL FLAG.

(a) INCLUSION OF SURVIVING SPOUSE; CONSOLIDATION OF FLAG-RELATED AUTHORITIES.—Subsection (e) of section 1482 of title 10, United States Code, is amended—

(1) by designating the current text as paragraph (2) and redesignating current paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting before paragraph (2), as so designated, the following:

''(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States—

''(A) to the person designated under subsection (c) to direct disposition of the remains;

''(B) to the parents or parent of the decedent, if the person presented a flag under subparagraph (A) is other than a parent of the decedent; and

''(C) to the surviving spouse (including a remarried surviving spouse) of the decedent, if the person presented a flag under subparagraph (A) is other than the spouse.''; and

(3) by inserting at the end the following new paragraphs:

''(3) A flag to be presented to a person under subparagraph (B) or (C) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

''(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

''(5) In this subsection, the term 'parent' includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Subsection (a) of such section is amended by striking paragraphs (10) and (11).

SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR MILITARY SPOUSES.

(a) EMPLOYMENT AND CAREER OPPORTUNITIES FOR SPOUSES.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784 the following new section:

''§ 1784a. Education and training opportunities for military spouses to expand employment and career opportunities

''(a) PROGRAMS AND TUITION ASSISTANCE.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in achieving—

''(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and career opportunities for the spouse; or

''(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and career opportunities for the spouse.

''(2) As an alternative to, or in addition to, establishing a program under this subsection, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

''(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces who is serving on active duty.

''(c) EXCEPTIONS.—Subsection (b) does not include—

''(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

''(2) a spouse of a member of the armed forces who is also a member of the armed forces.

''(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1784 the following new item:

''1784a. Education and training opportunities for military spouses to expand employment and career opportunities.''.

Subtitle J—Other Matters

SEC. 591. INCLUSION OF RESERVES IN PROVIDING FEDERAL AID FOR STATE GOVERNMENTS, ENFORCING FEDERAL AUTHORITY, AND RESPONDING TO MAJOR PUBLIC EMERGENCIES.

(a) FEDERAL AID FOR STATE GOVERNMENTS.—Section 331 of title 10, United States Code, is amended by striking ''armed forces, as he'' and inserting ''armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President''.

(b) ENFORCEMENT OF FEDERAL AUTHORITY.—Section 332 of such title is amended—

(1) by striking ''he may'' and inserting ''the President may''; and

(2) by striking ''armed forces, as he'' and inserting ''armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President''.

(c) RESPONSE TO PUBLIC EMERGENCIES.—Section 333(a)(1) of such title is amended by inserting after ''Federal service'' the following: ''and units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose''.

SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS.

(a) INTEREST PAYABLE ON CLAIMS.—Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) If the correction of military records under this section involves setting aside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at not less than the rate of interest in effect under section 1035 of this title at the time the payment is made. The interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.''.

(b) CONFORMING AMENDMENT REGARDING CORRECTIONS BOARD AUTHORITY TO OVERTURN CONVICTIONS.—Subsection (f) of such section is amended by inserting ''convened after May 4, 1950, and'' after ''court-martial cases''.

(c) CLERICAL AMENDMENTS.—Subsection (c) of such section is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting ''(1)'' after ''(c)'';

(3) by striking ''If the claimant'' and inserting the following:

''(2) If the claimant''; and

(4) by striking ''A claimant's acceptance'' and inserting the following:

''(3) A claimant's acceptance''.

(d) RETROACTIVE EFFECTIVENESS OF AMENDMENTS.—The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, that arose as a result of the conviction. In this subsection, the term ''Corrections Board'' has the meaning given that term in section 1557 of title 10, United States Code.

SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''December 31, 2010''.

SEC. 594. AUTHORITY TO ORDER RESERVE UNITS TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

Section 12304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''The authority''; and

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

''(2) The authority under subsection (a) includes authority to order any unit of the Selected Reserve of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve to active duty to provide assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).''.

SEC. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is hereby established a commission to be known as the ''Senior Military Leadership Diversity Commission''.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of 23 members, as follows:

(A) The Director of the Defense Manpower Management Center.

(B) The Director of the Defense Equal Opportunity Management Institute.

(C) 1 senior military leader from each of the Army, Navy, Air Force, and Marine Corps who serves or has served in a leadership position with either a military department command or combatant command shall be appointed by the Secretary of Defense.

(D) 1 retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(E) 1 retired senior noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(F) 5 retired senior officers who served in leadership positions with either a military department command or combatant command shall be appointed by the Secretary of Defense, of which no less than 3 shall represent the views of minority veterans.

(G) 4 individuals with expertise in cultivating diverse leaders in private or non-profit organizations shall be appointed by the Secretary of Defense.

(2) CHAIRMAN.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(4) DEADLINE FOR APPOINTMENT.—All members of the commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(5) QUORUM.—12 members of the commission shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

(1) INITIAL MEETING.—The commission shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the commission have been appointed.

(2) MEETINGS.—The commission shall meet at the call of the chairman.

(d) DUTIES.—

(1) STUDY.—The commission shall study the diversity within the senior leadership of the Armed Forces. The study shall be a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of minority members of the Armed Forces.

(2) SCOPE OF STUDY.—In carrying out the study, the commission shall examine the following:

(A) Efforts to develop and maintain diverse leadership at all levels of the Armed Forces.

(B) The successes and failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions.

(C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include service academy preparatory schools.

(D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs.

(E) The ability of current activities to increase continuation rates for ethnic and gender specific members of the Armed Forces.

(F) The benefits of conducting an annual conference attended by civilian military, active-duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces.

(H) The incorporation of private sector practices that have been successful in cultivating diverse leadership.

(I) The establishment and maintenance of fair promotion and command opportunities for ethnic and gender specific members of the Armed Forces at the O–5 grade level and above.

(J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces.

(K) An assessment of command selection of ethnic-specific members of the Armed Forces.

(3) CONSULTATION WITH PRIVATE PARTIES.—In carrying out the study under this subsection, the commission may consult with appropriate private, for profit, and non-profit organizations and advocacy groups to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date on which the commission first meets, the commission shall submit to the President and Congress a report on the study. The report shall include the following:

(A) the findings and conclusions of the commission;

(B) the recommendations of the commission for improving diversity within the Department of Defense; and

(C) other information and recommendations the commission considers appropriate.

(2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chairman of the commission, any department or agency of the Federal Government may provide information that the commission considers necessary to carry out its duties.

(h) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (e)(1).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.
Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.

Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.

Sec. 652. Requirements for private operation of commissary store functions.

Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.

Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.

Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.

Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.

Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.

Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.

Sec. 663. Providing injured members of the Armed Forces information concerning benefits.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

SEC. 602. PERMANENT PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended by striking paragraph (3).

SEC. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

Section 403(b)(2) of title 37, United States Code, is amended by adding at the end the following new sentence: ''After June 30, 2009, the determination of what constitutes adequate housing for members in the pay grade E–8 with dependents shall be equivalent to the higher standard in effect for members in the pay grade E–9 with dependents.''.

SEC. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.

(a) INCREASE.—Section 404a(e) of title 37, United States Code, is amended by striking ''$180 a day'' and inserting ''$290 a day''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY SEPARATION ALLOWANCE FOR MARRIED COUPLES WITH DEPENDENTS.

(a) AVAILABILITY.—Section 427(d) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''A member'';

(2) by striking ''Section 421'' and inserting the following:

''(3) Section 421'';

(3) by striking ''However'' and inserting ''Except as provided in paragraph (2)''; and

(4) by inserting before paragraph (3), as so designated, the following new paragraph:

''(2) If a married couple, both of whom are members of the uniformed services, with dependents are simultaneously assigned to duties described in subparagraph (A), (B), or (C) of subsection (a)(1) and the members resided together with their dependents immediately before their assignments, the Secretary concerned shall pay one of the members the full amount of the monthly allowance specified in such subsection and the other member one-half of the monthly allowance amount until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the partial allowance, paragraph (1) shall continue to apply to the remaining member so long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.''.

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) such section on or after October 1, 2008.

SEC. 606. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

''§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

''(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

''(1) the pay and allowances to which the officer is entitled as an officer; or

''(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

''(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

''(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

''(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

''(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

''(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

''(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

''907. Members appointed or reappointed as officers: no reduction in pay and allowances.''.

SEC. 607. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 910(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking ''fiscal years 2004, 2005, and 2006'' and inserting ''fiscal years 2010 through 2013''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended—

(1) by striking ''before'' and inserting ''on or before''; and

(2) by striking ''January 1, 2009'' and inserting ''December 31, 2009''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND AMOUNTS AUTHORIZED UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.

(a) ACCESSION BONUS.—Paragraph (1) of section 2130a(a) of title 10, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$20,000''; and

(2) by striking ''$5,000'' and inserting ''$10,000''.

(b) MONTHLY STIPEND.—Paragraph (2) of such section is amended by striking ''$1,000'' and inserting ''$1,250''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCENTIVE PAY AGREEMENTS FOR SERVICE.

Section 312(a)(3) of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFICER BONUS AND INCENTIVE PAY.—Section 333 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and operational''; and

(2) in subsection (b)(2), by striking ''and operational''.

(b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of such title is amended by striking ''section 351'' and inserting ''section 351(a)(2)''.

(c) HEALTH PROFESSIONS INCENTIVE PAY.—Section 335(e)(1)(D)(i) of such title is amended by striking ''dental surgeons'' and inserting ''dental officers''.

(d) NO PRO-RATED PAYMENT OF CERTAIN HAZARDOUS DUTY PAYS.—Section 351(c) of such title is amended by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)''.

(e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Section 351(f) of such title is amended—

(1) by striking ''in administering subsection (a)'' and inserting ''in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)''; and

(2) by striking the last sentence.

(f) TERMINATION PROVISION FOR HAZARDOUS DUTY PAY.—Section 351(i) of such title is amended by inserting before the period the following: '', unless receipt of the hazardous duty pay is specified in an agreement entered into between the member and the Secretary concerned before that date''.

SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PROFICIENCY BONUS AUTHORITIES TO ENCOURAGE TRAINING IN CRITICAL FOREIGN LANGUAGES AND FOREIGN CULTURAL STUDIES.

(a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—Subsection (b) of section 353 of title 37, United States Code, is amended to read as follows:

''(b) SKILL PROFICIENCY BONUS.—

''(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

''(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

''(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

''(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.''.

(b) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

''(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

''(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

''(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term 'critical foreign language' includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.''.

(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and

ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.

(d) EXPEDITED IMPLEMENTATION.—Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsections (a) and (b) in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsections, for persons enrolled in officer training programs.

SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

(1) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

(2) Registered nurses.

(b) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in subsection (a).

(c) EFFECTIVE PERIOD.—This section shall take effect on October 1, 2008. The designations made by subsection (a) and the authority to enter into an agreement under subsection (b) expire on September 30, 2010.

Subtitle C—Travel and Transportation Allowances

SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	*Without Dependents*	*With Dependents*
''E–9	*13,500*	*15,500*
E–8	*12,500*	*14,500*
E–7	*11,500*	*13,500*
E–6	*8,500*	*11,500*
E–5	*7,500*	*9,500''.*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF MATERIALS ASSOCIATED WITH EMPLOYMENT OF A MEMBER'S SPOUSE OR COMMUNITY SUPPORT VOLUNTEER OR CHARITY ACTIVITIES.

(a) ADDITIONAL WEIGHT ALLOWANCE.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H) In connection with a change of permanent station of a member, the Secretary concerned shall increase the weight allowance otherwise applicable under subparagraph (C) for the member by 200 pounds for the purpose of facilitating the shipment of materials associated with the employment of the member's spouse or community support volunteer or charity activities of the member and any dependents of the member.''.

SEC. 633. TRANSPORTATION OF FAMILY PETS DURING EVACUATION OF NONESSENTIAL PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by inserting after subparagraph (H), as added by section 632, the following new subparagraph:

''(I) In connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation of not more than two family household pets, including shipment and the payment of quarantine fees, if any. As an alternative to the provision of transportation for the pets, the Secretary concerned may reimburse the member or provide a monetary allowance under subparagraph (F) if other commercial transportation means are used. A member is not entitled to transportation under this subparagraph for horses, livestock, or pets weighing in excess of 150 pounds or for animals that the Secretary concerned determines are exotic pets or endangered species.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended—

(1) by striking ''A member'' and inserting ''(1) Except as provided in paragraph (2), a member''; and

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

''(2) If a member of the uniformed services who is not a member of a regular component is retired under this chapter or is placed on the temporary disability retired list under this chapter because of a disability incurred after the date of the enactment of this paragraph for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.''.

SEC. 642. EFFECT OF TERMINATION OF SUBSEQUENT MARRIAGE ON PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY TO SURVIVING SPOUSE OR FORMER SPOUSE WHO PREVIOUSLY TRANSFERRED ANNUITY TO DEPENDENT CHILDREN.

Section 1450(b)(3) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The payment of an annuity to a surviving spouse or former spouse under this paragraph shall be resumed even though the surviving spouse or former spouse previously transferred the annuity to a child or children under section 1448(d)(2)(B) of this title if, when the marriage is so terminated, the child or children, due to loss of dependent status, death, or other cause, are no longer eligible for the annuity under such section.''.

SEC. 643. EXTENSION TO SURVIVORS OF CERTAIN MEMBERS WHO DIE ON ACTIVE DUTY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) EXTENSION.—Subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008, is amended in paragraph (1)(B) by striking ''section 1448(a)(1) of this title'' and inserting ''subsection (a)(1) of section 1448 of this title or by reason of coverage under subsection (d) of such section''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the month beginning on October 1, 2008, and subsequent months as provided by paragraph (6) of subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 644. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if—

''(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

''(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters);

''(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

''(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.—Section 12731(a) of such title is amended—

(1) by inserting ''and'' at the end of paragraph (2);

(2) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

"§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(f) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION.—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

''(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

''(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) RETROACTIVE APPLICABILITY.—The amendment made by this section shall take effect as of January 1, 2008.

SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITIES DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.

Effective as of October 28, 2004, and as if included therein as enacted, section 644(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1961; 19 U.S.C. 1450 note) is amended by adding at the end the following new paragraph:

''(3) SAVINGS PROVISION.—If, as a result of the recomputation of annuities under section 1450 of title 10, United States Code, and supplemental survivor annuities under section 1457 of such title, as required by paragraph (1), the total amount of both annuities to be paid to an annuitant for a month would be less (because of the offset required by section 1450(c) of such title for dependency and indemnity compensation) than the amount that would be paid to the annuitant in the absence of recomputation, the Secretary of Defense shall take such actions as are necessary to adjust the annuity amounts to eliminate the reduction.''.

SEC. 647. PRESUMPTION OF DEATH FOR PARTICIPANTS IN SURVIVOR BENEFIT PLAN IN MISSING STATUS.

(a) CONDITIONS ON PRESUMPTION.—In the case of a participant in the Survivor Benefit Plan who has been determined by the Secretary of State to have been kidnapped in Iraq or Afghanistan on or after August 1, 2007, the Secretary of a military department may not make a determination under section 1450(l) of title 10, United States Code, that the participant is missing, with the presumption of death, until the earlier of—

(1) a period of at least 7 years expires after the date of the determination of the Secretary of State; or

(2) the date on which the participant is confirmed dead and a death certificate is delivered to the next of kin of the participant.

(b) RESUMPTION OF RETIRED PAY; PAYMENT OF BACK PAY.—In the case of a participant in the Survivor Benefit Plan described in subsection (a) who was presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of the Armed Forces pending satisfaction of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY COMMISSARY INITIATIVES FOR RESERVE COMPONENTS AND RETIRED MEMBERS.

Section 2484(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) in such paragraph (4), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

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

''(3)(A) The Secretary of Defense may use the proceeds derived from surcharges imposed under subsection (d) in connection with sales of commissary merchandise through initiatives described in subparagraph (B) to offset the cost of such initiatives.

''(B) Subparagraph (A) applies with respect to initiatives, utilizing temporary and mobile equipment, intended to provide members of reserve components, Retired members, and other persons eligible for commissary benefits, but without reasonable access to commissary stores, improved access to commissary merchandise.''.

SEC. 652. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended in the last sentence by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 653. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting ''REGULATIONS.—'' before ''The Secretary''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''; and

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

''(2) Subsection (a) does not apply to the purchase and maintenance of specialized golf carts designed to accommodate persons with disabilities and the use of the golf carts at a facility or installation where the Secretary determines the golf carts can be safely operated.''.

SEC. 654. ENHANCED ENFORCEMENT OF PROHIBITION ON SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF RESALE ACTIVITIES REVIEW BOARD.—Section 2495b of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

''(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

''(B) The Secretary of each of the military departments shall appoint one member of the board.

''(C) A vacancy on the board shall be filled in the same manner as the original appointment.

''(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

''(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

''(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.''.

(b) DEADLINE FOR ESTABLISHMENT AND INITIAL MEETING.—

(1) ESTABLISHMENT.—The board required by subsection (c) of section 2495b of title 10, United States Code, as added by subsection (a), shall be established, and its initial nine members appointed, not later than 120 days after the date of the enactment of this Act.

(2) MEETINGS.—The board shall conduct an initial meeting within one year after the date of the appointment of the initial members of the board. At the discretion of the board, the board may consider all materials previously reviewed under such section as available for reconsideration for a minimum of 180 days following the initial meeting of the board.

SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

''(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States.

''(b) EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Defense determines that—

''(1) a satisfactory quality and sufficient quantity of an item covered by such subsection and produced in the United States cannot be procured; or

''(2) the purchase of the item produced outside the United States is in the best interests of members of the armed forces.

''(c) CONGRESSIONAL NOTIFICATION.—As soon as practicable after an exception is granted under subsection (b), the Secretary of Defense shall submit to Congress a report explaining the reasons for the exception.

''(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.''.

SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST ALLOWANCES OR OVERSEAS COST OF LIVING ALLOWANCES TO NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES SERVING OVERSEAS.

(a) AUTHORITY TO USE APPROPRIATED FUNDS.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587a the following new section:

''§ 1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances

''(a) USE OF APPROPRIATED FUNDS TO PAY ALLOWANCES.—Subject to the availability of appropriated funds for this purpose, the Secretary of Defense may pay post allowances or cost of living allowances to an nonappropriated fund instrumentality employee who is a citizen of the United States and is employed in a full-time position at a location outside of the continental United States.

''(b) DURATION.—The Secretary of Defense may use the authority provided by this section to pay post allowances or cost of living allowances that have been due to an nonappropriated fund instrumentality employee or former employee since December 1, 2001, but have not been previously paid. No allowance may be provided under this section after December 31, 2011.

''(c) DEFINITIONS.—In this section:

''(1) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587 of this title.

''(2) The term 'continental United States' means the 48 contiguous States and the District of Columbia.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1587a the following new item:

''1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 657. STUDY REGARDING SALE OF ALCOHOLIC WINE AND BEER IN COMMISSARY STORES IN ADDITION TO EXCHANGE STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study evaluating the propriety, patron convenience, and financial utility of including alcoholic wine and beer as an authorized commissary merchandise category for sale in, at, or by commissary stores.

(b) PILOT PROGRAM.—

(1) AUTHORIZED.—In connection with the study required by subsection (a), the Secretary may conduct a pilot program involving the sale of alcoholic wine and beer in commissary stores if the Secretary determines that such a pilot program would be useful in making the evaluations required by such subsection.

(2) SCOPE.—If the Secretary determines that the pilot program would be useful, the Secretary shall conduct the pilot program at a minimum of 10 locations for a period of not less than four months nor greater than one year.

(c) REPORT.—Within 120 days after completion of the study required in subsection (a), the Secretary shall submit to Congress a report containing the findings and recommendations of the Secretary developed as a result of the study and the results of the pilot program, if conducted under subsection (b). The Secretary may delay the submission of the report pending the conclusion of the pilot program.

Subtitle F—Other Matters

SEC. 661. BONUS TO ENCOURAGE ARMY PERSONNEL AND OTHER PERSONS TO REFER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AVAILABILITY OF BONUS TO TRAINED CIVILIANS.—Subsection (a)(2) of section 3252 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member of the general public who has completed a training course provided by the Secretary, directly or through an entity contracted to provide such training, regarding the appropriate procedures used to recruit persons for enlistment in the Army.''.

(b) TIME FOR PAYMENT OF BONUS.—Subsection (b) of such section is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

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

''(3) when the individual concerned contacts an entity contracted to recruit persons for enlistment in the Army.''.

(c) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (d), by striking the second sentence; and

(2) by striking subsection (e) and inserting the following new subsection:

''(e) PAYMENT METHODS.—At the discretion of the Secretary, a bonus payable for a referral of a person under subsection (a) may be paid—

''(1) directly to the individual referred to in subsection (b) making the referral; or

''(2) through an entity contracted to make bonus payments under this section.''.

(d) CLERICAL AMENDMENTS.—

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

''§ 3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3252 and inserting the following new item:

''3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.''.

SEC. 662. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting ''; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS'' after ''MET'';

(2) in paragraph (1)—

(A) by striking ''A member'' and inserting ''(A) Except as provided in paragraph (2), a member''; and

(B) by striking ''the requirements, except in certain circumstances authorized by the Secretary concerned.'' and inserting ''the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.''; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

''(2)(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

''(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.''.

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting ''AND TERMINATION'' after ''REPAYMENT''; and

(ii) by inserting before the period at the end the following: '', and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement''; and

(B) by striking subsection (b) and inserting the following new subsection:

''(b) EXCEPTIONS.—

''(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO

REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

''(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.''.

(2) CLERICAL AMENDMENTS.—

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

''§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met''.

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

''373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.''.

SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED FORCES INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

''SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

''(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than March 31, 2009, the Secretary of Defense shall develop and maintain a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness. Such description shall be published—

''(1) in a handbook; and

''(2) on a publically available, searchable Internet website or comparable successor facility.

''(b) CONTENTS.—The comprehensive description shall include the following:

''(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

''(2) Information concerning the Disability Evaluation System of each military department, including—

''(A) an explanation of the process of the Disability Evaluation System;

''(B) a general timeline of the process of the Disability Evaluation System;

''(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

''(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

''(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

''(4) A list of State veterans service organizations and their contact information and Internet website addresses.

''(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

''(d) UPDATE.—The Secretary of Defense shall update—

''(1) the handbook on a periodic basis, but not less often than annually; and

''(2) the Internet website or comparable successor facility immediately after any change has been made to the compensation or other benefits described in subsection (a).

''(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

''(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 704. Chiropractic health care for members on active duty.

Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.

Sec. 706. Program for health care delivery at military installations projected to grow.

Sec. 707. Guidelines for combined Federal medical facilities.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.

Sec. 712. Military health risk management demonstration project.

Sec. 713. Smoking cessation program under TRICARE.

Sec. 714. Availability of allowance to assist members of the Armed Forces and their dependents procure preventive health care services.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.

Sec. 722. Clarification to center of excellence relating to military eye injuries.

Sec. 723. National Casualty Care Research Center.

Sec. 724. Peer-reviewed research program on extremity war injuries.

Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.

Subtitle D—Other Matters

Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.

Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.

Sec. 733. Sense of Congress regarding autism therapy services.

Subtitle A—Improvements to Health Benefits

SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2008, and ending on September 30, 2009, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2008.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that can be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''conversion'', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.

SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 705. REQUIREMENT TO RECALCULATE TRICARE RESERVE SELECT PREMIUMS BASED ON ACTUAL COST DATA.

(a) CALCULATION BASED ON ACTUAL COST DATA.—Paragraph (3) of section 1076d(d) of title 10, United States Code, is amended to read as follows:

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be not more than the lesser of—

''(A) the amount equal to 28 percent of the total average monthly amount for that coverage, as determined by the Secretary based on actual cost data for the preceding fiscal year; or

''(B) the amount in effect for the month of March 2006.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 1076d(d) of title 10, United States Code, as amended by this section, shall apply with respect to fiscal year 2009 and fiscal years thereafter.

SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.

(a) PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional non-military health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify and analyze health care delivery options involving the private sector and health care services in military facilities located on military installations;

(2) develop methods for determining the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector;

(3) develop requirements for Department of Defense health care providers to deliver health care in civilian community hospitals; and

(4) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and nonmilitary health care systems, personal health information, and data of military personnel and their families.

(c) COORDINATION WITH OTHER ENTITIES.—The plan shall include requirements for coordination with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around installations selected for participation in the program.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military departments.

(e) SELECTION OF MILITARY INSTALLATIONS.—The program shall be implemented at each installation participating in the pilot program conducted pursuant to section 721 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988) and other military installations selected by the Secretary of Defense. Each selected military installation shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The military population of an installation will significantly increase by 2013 due to actions related to either Grow the Force initiatives or recommendations of the Defense Base Realignment and Closure Commission.

(3) There is a military treatment facility on the installation that has—

(A) no inpatient or trauma center care capabilities; and

(B) no current or planned capacity that would satisfy the proposed increase in military personnel at the installation.

(4) There is a civilian community hospital near the military installation, and the military treatment facility has—

(A) no inpatient services or limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(f) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing the results of the program.

SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL FACILITIES.

Before a facility may be designated a combined Federal medical facility of the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a signed agreement that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Patient priority categories.

(2) Budgeting.

(3) Staffing.

(4) Construction.

(5) Physical plant management.

Subtitle B—Preventive Care

SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

(a) WAIVER OF CERTAIN COPAYMENTS.—Subject to subsection (b) and under regulations prescribed by the Secretary of Defense, the Secretary shall—

(1) waive all copayments under sections 1079(b) and 1086(b) of title 10, United States Code, for preventive services for all beneficiaries who would otherwise pay copayments; and

(2) ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover the beneficiary's deductible for the year.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a medicare-eligible beneficiary.

(c) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary excluded by subsection (b), subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for preventive services during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for preventive services had been waived pursuant to subsection (a) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV of this Act for the Defense Health Program, $10,000,000 is authorized for the purposes of the refund authorized under this subsection.

(d) DEFINITIONS.—In this section:

(1) PREVENTIVE SERVICES.—The term ''preventive services'' includes, taking into consideration the age and gender of the beneficiary:

(A) Colorectal screening.

(B) Breast screening.

(C) Cervical screening.

(D) Prostate screening.

(E) Annual physical exam.

(F) Vaccinations

(2) MEDICARE-ELIGIBLE.—The term ''medicare-eligible'' has the meaning provided by section 1111((b) of title 10, United States Code.

SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing incentives to encourage healthy behaviors on the part of eligible military health system beneficiaries.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) WELLNESS ASSESSMENT.—The Secretary shall develop a wellness assessment to be offered to beneficiaries enrolled in the demonstration project. The wellness assessment shall incorporate nationally recognized standards for health and healthy behaviors and shall be offered to determine a baseline and at appropriate intervals determined by the Secretary. The wellness assessment shall include the following:

(A) A self-reported health risk assessment.

(B) Physiological and biometric measures, including at least—

(i) blood pressure;

(ii) glucose level;

(iii) lipids; and

(iv) nicotine use.

(2) POPULATION ENROLLED.—Non-medicare eligible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demonstration project service area shall be enrolled in the demonstration project.

(3) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE Prime is offered, as determined by the Secretary. The area covered by the project shall be referred to as the demonstration project service area.

(4) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(5) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration project, the Secretary may offer monetary and non-monetary incentives to enrollees to encourage participation in the demonstration project.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evaluate the demonstration project for the following:

(1) The extent to which the health risk assessment and the physiological and biometric measures of beneficiaries are improved from the baseline (as determined in the wellness assessment).

(2) In the case of baseline health risk assessments and physiological and biometric measures that reflect healthy behaviors, the extent to which the measures are maintained.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit a plan to implement the health risk management demonstration project required by this section not later than 90 days after the date of the enactment of this Act.

(e) DURATION OF PROJECT.—The health risk management demonstration project shall be implemented for a period of three years, beginning not later than March 1, 2009, and ending three years after that date.

(f) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the effectiveness of the health risk management demonstration project in improving the health risk measures of military health system beneficiaries enrolled in the demonstration project. The first report shall be submitted not later than one year after the date of the enactment of this Act, and subsequent reports shall be submitted for each year of the demonstration project with the final report being submitted not later than 90 days after the termination of the demonstration project.

(2) MATTERS COVERED.—Each report shall address, at a minimum, the following:

(A) The number of beneficiaries who were enrolled in the project.

(B) The number of enrolled beneficiaries who participate in the project.

(C) The incentives to encourage healthy behaviors that were provided to the beneficiaries in each beneficiary category, and the extent to which the incentives encouraged healthy behaviors.

(D) An assessment of the effectiveness of the demonstration project.

(E) Recommendations for adjustments to the demonstration project.

(F) The estimated costs avoided as a result of decreased health risk conditions on the part of each of the beneficiary categories.

(G) Recommendations for extending the demonstration project or implementing a permanent wellness assessment program.

(H) Identification of legislative authorities required to implement a permanent program.

SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.

(a) TRICARE SMOKING CESSATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a smoking cessation program under the TRICARE program, to be made available to all beneficiaries under the TRICARE program who are not medicare-eligible. The Secretary may prescribe such regulations as may be necessary to implement the program.

(b) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) The availability, at no cost to the beneficiary, of pharmaceuticals used for smoking cessation, with a limitation on the availability of such pharmaceuticals to the national mail-order pharmacy program under the TRICARE program if appropriate.

(2) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(3) Access to printed and Internet web-based tobacco cessation material.

(c) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to implement the program.

(d) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary otherwise excluded by this section, subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (b) during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for smoking cessation services had been waived pursuant to subsection (b) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV for the Defense Health Program, $3,000,000 is authorized for the purposes of the refund authorized under this subsection.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report covering the following:

(1) The status of the program.

(2) The number of participants in the program.

(3) The cost of the program.

(4) The costs avoided that are attributed to the program.

(5) The success rates of the program compared to other nationally recognized smoking cessation programs.

(6) Findings regarding the success rate of participants in the program.

(7) Recommendations to modify the policies and procedures of the program.

(8) Recommendations concerning the future utility of the program.

(f) DEFINITIONS.—In this section:

(1) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning provided by section 1072(7) of title 10, United States Code.

(2) MEDICARE-ELIGIBLE.—The term ''medicare-eligible'' has the meaning provided by section 1111(b) of title 10, United States Code.

SEC. 714. AVAILABILITY OF ALLOWANCE TO ASSIST MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS PROCURE PREVENTIVE HEALTH CARE SERVICES.

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 438. Preventive health services allowance

''(a) DEMONSTRATION PROJECT.—During the period beginning on January 1, 2009, and ending on December 31, 2011, the Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing an annual allowance (to be known as a 'preventive health services allowance') to members of the armed forces described in subsection (b) to increase the use of preventive health services by such members and their dependents.

''(b) ELIGIBLE MEMBERS.—(1) Subject to the numerical limitations specified in paragraph (2), a member of the armed forces who is serving on active duty for a period of more than 30 days and meets the medical and dental readiness requirements for the armed force of the member may receive a preventive health services allowance.

''(2) Not more than 1,500 members of each of the Army, Navy, Air Force, and Marine Corps may receive a preventive health services allowance during any year, of which half in each armed force shall be members without dependents and half shall be members with dependents.

''(c) AMOUNT OF ALLOWANCE.—The Secretary of the military department concerned shall pay a preventive health services allowance to a member selected to receive the allowance in an amount equal to—

''(1) $500 per year, in the case of a member without dependents; and

''(2) $1,000 per year, in the case of a member with dependents.

''(d) AUTHORIZED PREVENTIVE HEALTH SERVICES.—(1) The Secretary of Defense shall specify the types of preventive health services that may be procured using a preventive health services allowance and the frequency at which such services may be procured.

''(2) At a minimum, authorized preventive health services shall include, taking into consideration the age and gender of the member and dependents of the member:

''(A) Colorectal screening.

''(B) Breast screening.

''(C) Cervical screening.

''(D) Prostate screening.

''(E) Annual physical exam.

''(F) Annual dental exam.

''(G) Vaccinations.

''(3) The Secretary of Defense shall ensure that members selected to receive the preventive health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

''(e) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

''(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical status of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the project.

''(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''438. Preventive health care allowance.''.

Subtitle C—Wounded Warrior Matters

SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury incurred by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertaining to additional treatments or surgical procedures and eventual hearing outcomes for veterans who were entered into the registry and

subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the ''Hearing Loss and Auditory System Injury Registry'' (hereinafter referred to as the ''Registry'').

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other hearing loss.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury described in that paragraph as follows (to the extent applicable):

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the hearing loss and auditory system injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the National Center for Rehabilitative Auditory Research (NCRAR) of the Department of Veterans Affairs and to the auditory system impairment services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing auditory system rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces with significant hearing loss or auditory system injury incurred while serving on active duty, including a member with auditory dysfunction related to traumatic brain injury.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on hearing loss or auditory system injury incurred by members of the Armed Forces.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred a hearing loss or auditory system injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RELATING TO MILITARY EYE INJURIES.

Section 1623(d) of Public Law 110–181 is amended by striking ''in combat'' at the end.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) REDESIGNATION OF RESEARCH PROGRAM AS CENTER.—Not later than October 1, 2009, the Secretary of Defense shall designate a center be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as the combat casualty care research program at the Army Medical Research and Materiel Command as modified in accordance with this section.

(b) DIRECTOR.—There shall be a director of the Center, who shall be appointed by the Secretary after consultation with the commanding general of the Medical Research and Materiel Command.

(c) ACTIVITIES OF THE CENTER.—In addition to the functions already performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to both civilians and members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes; and

(4) fund the full spectrum of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care;

(E) rehabilitation and reintegration into society; and

(F) coordinate multi-institutional civilian/military collaboration and trauma research.

(d) AUTHORIZATION.—In addition to amounts authorized for the combat casualty care research program of the Army Medical Research and Materiel Command, there is authorized to be appropriated $1,000,000 for the Center established pursuant to this section.

(e) FUNDING ADJUSTMENTS.—For the amounts authorized in subsection (d):

(1) The amount for the Defense Health Program, Research and Development, is hereby increased by $1,000,000, to be available for the United States Army Medical Research and Materiel Command.

(2) The amount for Weapons Procurement, Navy, is hereby reduced by $1,000,000, to be derived from other missiles.

SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EXTREMITY WAR INJURIES.

(a) ESTABLISHMENT OF PEER-REVIEWED ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a competitive, peer-reviewed research program within the Defense Health Program's research and development function to conduct peer-reviewed medical research at military and civilian institutions designed to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address military medical needs and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans for establishment, management, and operation of the Peer-Reviewed Research Program on Extremity War Injuries required under this section.

(c) EFFECTIVE DATE.—This section shall be in effect until September 30, 2013.

SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED TO THE DELIVERY OF MAIL TO WOUNDED MEMBERS OF THE ARMED FORCES.

(a) REVIEW OF DELIVERY POLICY AND PROCESSES.—The Secretary of Defense shall review the policies and processes related to the delivery of letters, packages, messages, and other communications that are intended as measures of support and addressed generally to wounded and injured members of the Armed Forces (such as ''To any Wounded Warrior'' or ''To Any Wounded Service Member'') in military medical treatment facilities and other locations where members of the Armed Forces are treated and rehabilitated.

(b) SPECIFIC PROCESSES.—In conducting the review under subsection (a), the Secretary of Defense shall determine the following:

(1) Whether the current Department of Defense prohibition on the direct delivery of such letters, packages, messages, and other communications to wounded and injured members of the Armed Forces should be modified.

(2) The adequacy, particularly from the perspective of wounded and injured members of the Armed Forces, of the current governmental and non-governmental delivery processes.

(c) CORRECTIVE ACTIONS.—Based on the review under subsection (a), the Secretary of Defense may take actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces as the Secretary determines appropriate.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under subsection (a) and the ongoing and projected actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces.

Subtitle D—Other Matters

SEC. 731. REPORT ON STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the Secretary has exercised the authority provided in section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note).

SEC. 732. REPORT ON PROVIDING THE EXTENDED CARE HEALTH OPTION PROGRAM TO AUTISTIC DEPENDENTS OF MILITARY RETIREES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for including autistic dependents of military retirees in the Extended Care Health Option program (hereafter in this section referred to as the ''ECHO program'').

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) The most current data on the number of military retirees with autistic dependents and an estimate of the number of future military retirees with autistic dependents.

(2) The cost estimates of providing extended benefits under the ECHO program to autistic dependents of all current and future military retirees.

(3) The feasibility of including autistic dependents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including autistic dependents of military retirees in the ECHO program.

SEC. 733. SENSE OF CONGRESS REGARDING AUTISM THERAPY SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should

ensure that the process in determining eligibility for autistic therapy services provided to the children of members of the Armed Forces is conducted in an expeditious manner and without delay.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Defense shall conduct a study on autistic therapy services in the Department of Defense. The study shall include—

(A) an evaluation of whether such services would be better managed under the TRICARE program; and

(C) the potential benefits and costs of a transition of the management of such services from the exceptional family member programs to the TRICARE program.

(2) REPORT.—Not later than July 30, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(c) DEFINITIONS.—In this section:

(1) AUTISTIC THERAPY SERVICES.—The term ''autistic therapy services'' includes applied behavior analysis.

(2) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning provided by section 1072 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC–45 aircraft.
Sec. 802. Assessment of urgent operational needs fulfillment.
Sec. 803. Preservation of tooling for major defense acquisition programs.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Domestic industrial base considerations during source selection.
Sec. 806. Commercial software reuse preference.
Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.
Sec. 812. Definition of system for Defense Acquisition Challenge Program.
Sec. 813. Career path and other requirements for military personnel in the acquisition field.
Sec. 814. Technical data rights for non-FAR agreements.
Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
Sec. 822. Development of guidance on personal services contracts.
Sec. 823. Limitation on performance of product support integrator functions.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.
Sec. 832. Foreign ownership control or influence.
Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.
Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
Sec. 844. Earned value management study and report.
Sec. 845. Report on market research.
Sec. 846. System development and demonstration benchmark report.
Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 848. Report relating to munitions.

Subtitle A—Acquisition Policy and Management

SEC. 801. REVIEW OF IMPACT OF ILLEGAL SUBSIDIES ON ACQUISITION OF KC–45 AIRCRAFT.

(a) REVIEW OF ILLEGAL SUBSIDIES REQUIRED.—The Secretary of the Air Force, not later than 10 days after a ruling by the World Trade Organization that either or both of the United States or the European Union, or any political entity within the United States or the European Union, has provided illegal subsidies to a manufacturer of large commercial aircraft, shall begin a review, as described in subsection (b), of the impact of such illegal subsidies on the source selection for the KC–45 Aerial Refueling Aircraft Program.

(b) PERFORMANCE OF THE REVIEW.—In performing the review required by subsection (a), the Secretary of Air Force shall comply with the following requirements:

(1) The Secretary shall seek information from the public on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program through a notice and comment process. The Secretary shall adopt such procedures for handling information provided under such notice and comment process as are necessary to protect national security and confidential business information.

(2) The Secretary shall consult with experts within the Department of Defense, the Office of Management and Budget, the Office of the United States Trade Representative, and other agencies and offices of the Federal government, as appropriate, on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program.

(3) The Secretary shall request information from each of the offerors in the source selection process for the KC–45 Aerial Refueling Aircraft Program on the potential impact of illegal subsidies on such process.

(c) COMPLETION OF REVIEW.—The Secretary of the Air Force shall complete the review required by subsection (a) not later than 90 days after the World Trade Organization has ruled on all illegal subsidy cases involving large commercial aircraft pending at the World Trade Organization as of the date of the enactment of this Act.

(d) DETERMINATION AND REMEDY REQUIRED.—If the Secretary of the Air Force determines, after performing the review required by subsection (a), that an illegal subsidy or subsidies had a material impact on the source selection process for the KC–45 Aerial Refueling Aircraft Program sufficient to bring into question the fairness of such source selection process, the Secretary shall take such measures as are necessary and appropriate to ensure that the effect of such subsidy or subsidies is removed and the source selection process for the KC–45 Aerial Refueling Aircraft Program is fair to all offerors.

(e) DEFINITIONS.—In this section:

(1) The term ''illegal subsidy'' means a subsidy found to constitute a violation of the Agreement on Subsidies and Countervailing Measures.

(2) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(3) The term ''source selection'', with respect to a program of the Department of Defense, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

SEC. 802. ASSESSMENT OF URGENT OPERATIONAL NEEDS FULFILLMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall commission a study and report by a federally funded research and development center to assess the effectiveness of the processes used by the Department of Defense for the generation of urgent operational need requirements, and the acquisition processes used to fulfill such requirements. Such assessment shall include the following:

(1) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the urgent operational need process.

(2) An evaluation of the extent to which urgent operational need statements are used to document required capability gaps or are used to request specific acquisition outcomes, such as specific systems or equipment.

(3) A description and evaluation of the effectiveness of the processes used by each of the military departments to prioritize and fulfill urgent operational needs, including the rapid acquisition processes of the military departments.

(4) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the joint urgent operational need process.

(5) An evaluation of the extent to which joint urgent operational need statements are used to document urgent joint capability gaps or are used—

(A) to avoid using service-specific urgent operational need and acquisition processes;

(B) to document non-urgent capability gaps; or

(C) to request specific acquisition outcomes, such as specific systems or equipment.

(6) A description and evaluation of the effectiveness of the processes used by the various elements of the Department of Defense to prioritize and fulfill joint urgent operational needs, including the Joint Improvised Explosive Device Defeat Organization and the Joint Rapid Acquisition Cell.

(7) An evaluation of the extent to which joint acquisition entities maintain oversight, once a military department or defense agency has been designated as responsible for execution and fielding of a capability in response to a joint urgent operational need statement, including oversight of—

(A) the responsiveness of the military department or agency in execution;

(B) the field performance of the capability delivered in response to the joint urgent operational need statement; and

(C) the concurrent development of a long-term acquisition and sustainment strategy.

(8) Recommendations regarding—

(A) common definitions and standards for urgent operational needs statements and joint urgent operational need statements;

(B) best practices and process improvements for the creation, evaluation, prioritization, and fulfillment of urgent operational need statements and joint urgent operational need statements; and

(C) the extent to which rapid acquisition processes should be consolidated or expanded.

(b) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the report resulting from the study conducted pursuant to subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''urgent operational need'' or ''urgent operational need statement'' means a

high priority capability gap from an ongoing, named operation—

(A) that is validated and resourced by a specific military department or defense agency; and

(B) that, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

(2) The term ''joint urgent operational need'' means a high priority capability gap from an ongoing, named operation—

(A) that is identified by a combatant commander;

(B) that requires validation and resourcing by the Joint Chiefs of Staff;

(C) that falls outside of the established processes of the military departments; and

(D) that, if not addressed immediately will seriously endanger personnel or pose a major threat to ongoing operations.

SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance requiring that all unique tooling associated with the production of hardware for a major defense acquisition program be preserved and stored through the end of the service life of the end item associated with such a program. Such guidance shall—

(1) provide that either a component of the Department of Defense or a contractor (or subcontractor at any tier) may be responsible for preservation and storage of such tooling;

(2) require that the milestone decision authority approve a plan for the preservation and storage of such tooling prior to granting a Milestone C approval;

(3) if such tooling is to be preserved and stored by a component of the Department of Defense, require the component to ensure adequate funds and facilities are available to preserve and store such tooling through the projected service life of the end item;

(4) if such tooling is to be preserved and stored by a contractor, or a subcontractor at any tier, require that any production contract (or subcontract) awarded in support of the major defense acquisition program include a contract clause regarding the preservation and storage of such tooling; and

(5) provide a mechanism for the Secretary of Defense to waive such requirement if—

(A) the Secretary determines that such a waiver is in the best interest of national security; and

(B) notifies the congressional defense committees at least 15 days before taking such action.

(b) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

(2) MILESTONE DECISION AUTHORITY.—The term ''milestone decision authority'' has the meaning provided in section 2366a(f)(2).

(3) MILESTONE C APPROVAL.—The term ''Milestone C approval'' has the meaning provided in section 2366(e)(8) of title 10, United States Code.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—Except as provided in subsections (c) and (d), the Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis, in whole or in part, that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the dispute before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) ADDITIONAL APPLICABILITY.—

(1) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(2) SUBCONTRACTS AND TASK AND DELIVERY ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders or delivery orders at any tier issued under the contract.

(c) EXCEPTIONS TO APPLICABILITY.—

(1) INAPPLICABILITY TO PROGRAMS WITH MILESTONE B APPROVAL.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) INAPPLICABILITY TO CERTAIN PROCUREMENTS.—The prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services from a foreign person being provided a subsidy if—

(A) in any case in which goods or services are the subject of the consultation requested by the United States (as described in subsection (a)(1)), the goods or services to be procured under the contract are not related to the goods and services that are the subject of the consultation; or

(B) in any case in which the subject of the consultation requested by the United States (as described in subsection (a)) is not a good or service (but is law, regulations, or other policies of the foreign country), the Department of Defense contracting officer for the contract has certified that the foreign person has demonstrated that the cost of the offeror's proposal is not materially affected by the subsidy.

(d) WAIVER.—The President may waive the prohibition in this section with respect to a specific contract if the President (without delegation) determines that failure to waive the prohibition would result in a significant and imminent threat to national security. The President shall submit to Congress a notice of any waiver granted under this subsection within 7 days after granting it.

(e) DURATION OF PROHIBITION.—In the case of a subsidy that the World Trade Organization has ruled is a prohibited subsidy as described in subsection (a)(2)(B), the prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services that were the subject of the consultation after—

(1) the dispute is resolved; and

(2) either—

(A) a mutual agreement has been reached between the United States and the foreign government with respect to the prohibited subsidy; or

(B) the foreign government has agreed to comply with the requirements of the ruling issued by the World Trade Organization in the dispute.

(f) DEFINITIONS.—In this section:

(1) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(4) The term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(5) The term ''Milestone B approval'' has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the application of a domestic industrial base evaluation factor during source selection for a major defense acquisition program of the Department of Defense. Such regulations shall—

(1) allow the source selection authority to consider impacts on the domestic industrial base as an evaluation factor during the source selection process;

(2) provide the source selection authority flexibility with regard to the importance assigned to such an evaluation factor; and

(3) provide defense acquisition officials with the authority to impose penalties on the contractor awarded the contract resulting from the source selection, including fines and contract termination, if—

(A) the domestic industrial base evaluation factor was used during source selection;

(B) the evaluation factor had a material effect on the outcome of the source selection; and

(C) the official determines that the potential contractor knowingly or willfully misrepresented impacts to the domestic industrial base during source selection.

(b) IMPACTS ON DOMESTIC INDUSTRIAL BASE.—For purposes of the regulations, the Secretary shall consider, at a minimum, the following to be impacts on the domestic industrial base:

(1) The creation or maintenance of domestic capability for production of critical supplies.

(2) The creation or maintenance of domestic jobs.

(3) The creation or maintenance of domestic scientific and technological competencies or manufacturing skills.

(c) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees at least 30 days before the issuance of a request for proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process. Such notification shall include—

(1) a brief description of the major defense acquisition program;

(2) a justification for not using a domestic industrial base evaluation factor; and

(3) an assessment of potential impacts on the domestic industrial base, if known, as a result of not using a domestic industrial base evaluation factor.

(d) DEFINITIONS.—In this section:

(1) DOMESTIC INDUSTRIAL BASE.—The term ''domestic industrial base'' means—

(A) persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and United States territories; and

(B) includes, at a minimum, prime contractors, as well as second and third tier subcontractors, engaged in such activities.

(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

(3) SOURCE SELECTION.—The term ''source selection'', with respect to a major defense acquisition program, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

(4) SOURCE SELECTION AUTHORITY.—The term ''source selection authority'', with respect to a

major defense acquisition program, means the official in the Department of Defense designated as responsible for the source selection for that program.

SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) IN GENERAL.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and, if practicable, use such software instead of developing new software.

(b) REGULATIONS.—The Secretary of Defense shall review and revise the Defense Federal Acquisition Regulation Supplement, Part 207.103, to clarify that the preference for commercial items in the acquisition process includes a preference for commercial computer software, and the preference applies at all stages of the acquisition process.

SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS REQUIRED DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the comprehensive evaluation of a proposal for a major defense acquisition program for which a significant proportion of the research, design, development, manufacturing, assembly, or test and evaluation will be performed outside the United States. Such regulations shall—

(1) require the offeror of such a proposal, in addition to providing a breakdown of costs as required by the Federal Acquisition Regulation, to provide a breakdown of costs not borne by the offeror as a result of activities performed outside the United States, and such costs shall—

(A) include, at a minimum, costs borne by a foreign government that are not borne by a local, State, or Federal Government in the United States, such as government-borne—

(i) health care;

(ii) retirement compensation; and

(iii) workman's compensation;

(B) not include direct labor and material costs; and

(C) be limited to those costs that would otherwise be allowable and allocable to the contract for the major defense acquisition program if all activities were performed in the United States;

(2) be applicable only to proposals submitted in response to a solicitation from the Department of Defense that requires cost or pricing data;

(3) require the contracting officer responsible for conducting proposal analysis to consider such costs in any cost and price analysis performed; and

(4) require the contracting officer to certify, prior to source selection, that the contracting officer has no reasonable grounds to believe that the final assessed price excludes any cost or other element of price (such as the monetary policy of a foreign government) that other offers performing in the United States could not also exclude.

(b) ADDITIONAL APPLICABILITY WITH RESPECT TO SUBCONTRACTORS.—The regulations under subsection (a) also shall apply with respect to any subcontractor (at any tier) of a prospective contractor if the subcontractor is expected to perform outside the United States a significant portion of the research, design, development, manufacturing, assembly, or test and evaluation under the proposal being evaluated.

(c) DEFINITION.—In this section, the term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for the purposes of section 2430 of title 10, United States Code.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 1705 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) EXPEDITED HIRING AUTHORITY.—

''(1) For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

''(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

''(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

''(2) The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.''.

SEC. 812. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) SYSTEM DEFINED.—In this section, the term 'system'—

''(1) means—

''(A) the organization of hardware, software, material, facilities, personnel, data, and services needed to perform a designated function with specified results (such as the gathering of specified data, its processing, and its delivery to users); or

''(B) a combination of two or more interrelated pieces (or sets) of equipment arranged in a functional package to perform an operational function or to satisfy a requirement; and

''(2) includes a major system (as defined in section 2302(5) of this title).''.

SEC. 813. CAREER PATH AND OTHER REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.

(a) ACQUISITION PERSONNEL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

''§ 1722a. Special requirements for military personnel in the acquisition field

''(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING MILITARY PERSONNEL IN ACQUISITION.—The Secretary of Defense shall require the Secretary of each military department (with respect to the military departments) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and Defense Field Activities), to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

''(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

''(1) A career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

''(2) A number of command positions and senior non-commissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

''(3) A number of qualified, trained members of the armed forces eligible for and active in the acquisition field sufficient to ensure the appropriate use of military personnel in contingency contracting.

''(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall establish for each military department a minimum number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers and shall ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of that military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers.

''(2) The Secretary of Defense shall ensure that a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities.

''(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting.

''(d) RELATIONSHIP TO LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.—Any designation or reservation of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722(b) of this title from the limitation in paragraph (1) of such section.

''(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722 the following new item:

''1722a. Special requirements for military personnel in the acquisition field.''.

(b) ADDITIONAL ITEM FOR INCLUSION IN STRATEGIC PLAN.—Section 543(f)(3)(E) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is amended by inserting after ''officer assignments and grade requirements'' the following: '', including requirements relating to the reservation of billets in the acquisition field for general and flag officers,''.

SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREEMENTS.

(a) RIGHTS IN TECHNICAL DATA FOR NON-FAR AGREEMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

''§ 2320a. Rights in technical data for non-FAR agreements

''(a) POLICY GUIDANCE.—

''(1) The Secretary of Defense shall issue policy guidance with respect to the use of a non-FAR agreement for the development of a major weapon system or an item of personnel protective equipment.

''(2) The guidance shall—

''(A) define the legitimate interest of the United States and a party to such an agreement in technical data pertaining to an item or process to be developed under the agreement, including, at a minimum, the interest of—

''(i) the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture;

''(ii) the United States in the ability to conduct emergency repair and overhaul; or

''(iii) the party to the agreement to restrict the release of technical data relating to an item or process developed at private expense; and

''(B) require that specific rights in technical data shall be established during agreement negotiations and be based upon negotiations between the United States and the potential party

to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable.

''(b) PROVISIONS IN NON-FAR AGREEMENTS.—Whenever practicable, a non-FAR agreement described in subsection (a) shall contain appropriate provisions relating to technical data, including provisions—

''(1) defining the respective rights of the United States and the party to the agreement regarding any technical data to be delivered under the agreement;

''(2) specifying the technical data to be delivered under the agreement and delivery schedules for such delivery;

''(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the agreement;

''(4) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

''(5) requiring the party to the agreement to revise any technical data delivered under the agreement to reflect engineering design changes made during the performance of the agreement and affecting the form, fit, and function of the items specified in the agreement and to deliver such revised technical data to an agency within a time specified in the agreement; and

''(6) establishing remedies to be available to the United States when technical data required to be delivered or made available under the agreement is found to be incomplete or inadequate or to not satisfy the requirements of the agreement concerning technical data.

''(c) ASSESSMENT OF LONG-TERM TECHNICAL DATA NEEDS.—The Secretary of Defense shall require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement described in subsection (a) to assess the long-term technical data needs of such systems and items, in accordance with the requirements of section 2320(e) of this title.

''(d) DEFINITIONS.—In this section:

''(1) The term 'non-FAR agreement' means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including—

''(A) a transaction authorized under section 2371 of this title; and

''(B) a cooperative research and development agreement.

''(2) The term 'party', with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

''(A) A contractor and its subcontractors (at any tier).

''(B) A joint venture.

''(C) A consortium.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2320 the following new item:

''2320a. Rights in technical data for non-FAR agreements.''.

(b) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include—

(1) a description of all relevant guidance or policies issued;

(2) the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems;

(3) a description of the data rights strategies developed prior to the issuance of contract solicitations released since October 17, 2006; and

(4) a characterization of the extent to which such strategies made use of priced contract options for the future delivery of technical data or acquired all relevant technical data upon contract award.

SEC. 815. CLARIFICATION THAT COST ACCOUNTING STANDARDS APPLY TO FEDERAL CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(A)) is amended by adding at the end the following: '', whether the contracts or subcontracts are performed inside or outside the United States''.

(b) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the cost accounting standards promulgated under section 26 of such Act shall be amended to take into account the amendment made by subsection (a).

Subtitle C—Provisions Relating to Inherently Governmental Functions

SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF DEPARTMENT OF DEFENSE CONTRACTORS.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a standard policy aimed at preventing personal conflicts of interest by employees of Department of Defense contractors that is similar to the policy of the Department of Defense aimed at preventing such conflicts by Department of Defense civilian employees.

(b) ELEMENTS OF POLICY.—The policy required under subsection (a) shall—

(1) provide a definition of the term ''personal conflict of interest'' as it relates to employees of Department of Defense contractors;

(2) identify types of contracts that raise heightened concerns for potential personal conflicts of interest; and

(3) require each contractor that participates in the Department's decision-making in such mission-critical areas as the development, award, and administration of Government contracts, and each contractor that is closely supporting inherently governmental functions, to—

(A) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(B) report any personal conflict-of-interest violation to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(C) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards; and

(D) have procedures in place to screen for potential conflicts of interest for all employees in a position to make or materially influence findings, recommendations, and decisions regarding Department of Defense contracts and other advisory and assistance functions, either by screening on a task-by-task basis or on an annual basis.

(c) CONTRACT CLAUSE.—The Secretary shall include in each contract entered into by the Secretary for the performance of functions described in subsection (b)(3) a clause that reflects the personal conflicts-of-interest policy developed under this section and that sets forth the contractor's responsibility under such policy.

(d) PANEL ON CONTRACTING INTEGRITY RECOMMENDATIONS.—The Department of Defense Panel on Contracting Integrity, established by the section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall consider and make recommendations on the feasibility of applying certain procurement integrity rules to employees of Department of Defense contractors to include such rules related to—

(1) improper business practices and personal conflicts of interest under Federal Acquisition Regulations 3.104;

(2) public corruption;

(3) financial conflicts of interest;

(4) seeking other employment conflicts of interest;

(5) gifts and travel; and

(6) misuse of position or endorsement.

SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance to—

(1) establish a clear definition of the term ''personal services contract'';

(2) require a clear distinction between employees of the Department of Defense and employees of Department of Defense contractors;

(3) provide appropriate safeguards with respect to when, where, and to what extent the Secretary may enter into a contract for the procurement of personal services; and

(4) assess and take steps to mitigate the risk that, as implemented and administered, non-personal services contracts may become personal services contracts.

SEC. 823. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Performance-based logistics arrangements: limitation on product support integrator functions

''(a) LIMITATION.—A function that is a product support integrator function may be performed only by a member of the armed forces or an employee of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'product support integrator function' means, with respect to a performance-based logistics arrangement, the function of integrating all sources of support, both public and private, to achieve the specific outcomes specified in the arrangement.

''(2) The term 'performance-based logistics arrangement' means a performance-based contract, task order, or other arrangement for the logistics support—

''(A) of a weapon system or major end item over the life cycle of the system or item; or

''(B) of parts, assemblies, subassemblies, or platforms of a weapon system or major end item.

''(3) The term 'performance-based' has the meaning given such term in section 2331(g) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

''2410r. Performance-based logistics arrangements: limitation on product support integrator functions.''.

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to performance-based logistics arrangements entered into after September 30, 2010.

Subtitle D—Defense Industrial Security

SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEARANCES.

Chapter 21 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—DEFENSE INDUSTRIAL SECURITY

''Sec. 438. Facility clearances: requirements.

''§ 438. Facility clearances: requirements

''(a) FACILITY CLEARANCES: GENERAL PROVISIONS.—

''(1) ACCESS TO CLASSIFIED INFORMATION BY CONTRACTORS.—A contractor of the Department

of Defense may not be granted custody of classified information unless the contractor has a facility clearance.

''(2) REQUIREMENTS FOR ENTITIES WITH FACILITY CLEARANCES.—An entity may not be granted a facility clearance by the Department of Defense or continue to hold such a facility clearance unless the entity agrees to comply with, and maintains compliance with, the requirements set forth in this subchapter.

''(3) AUTHORITY TO REVOKE OR SUSPEND FACILITY CLEARANCES.—The Secretary of Defense may revoke or suspend a facility clearance granted by the Department of Defense at any time.

''(b) GENERAL REQUIREMENTS FOR FACILITY CLEARANCES.—The Secretary of Defense shall require an entity granted a facility clearance by the Department of Defense to comply with the following requirements:

''(1) The entity shall safeguard classified information in its possession.

''(2) The entity shall safeguard covered controlled unclassified information in its possession.

''(3) The entity shall ensure that it complies with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security.

''(4) The entity shall ensure that its business and management practices do not result in the compromise of classified information or adversely affect the performance of classified contracts.

''(5) The entity shall undergo a determination under section 439 of this title of whether the entity is under foreign ownership control or influence and shall comply with ongoing notification requirements under that section related to foreign ownership and control.

''(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES WITH FACILITY CLEARANCES.—

''(1) REQUIREMENTS.—Except as provided in paragraph (3), the Secretary of Defense shall require an entity with a facility clearance to require the directors on the entity's board of directors to ensure, in their capacity as fiduciaries of the entity, that the entity employs and maintains policies and procedures that meet the general requirements for facility clearances listed in subsection (b).

''(2) BY-LAWS REQUIREMENT.—The requirements of paragraph (1) shall be set forth in the by-laws of the entity.

''(3) EXCEPTIONS.—(A) The Secretary of Defense may waive the requirements of paragraph (1) for reasons of national security. In the event the Secretary grants such a waiver, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification that such a waiver has been granted and a justification for granting the waiver.

''(B) The requirements of paragraph (1) shall not apply to an entity determined by the Secretary of Defense under section 439(a) of this title to be under foreign ownership control or influence.

''(d) REQUIREMENTS RELATING TO SECURITY MANAGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—

''(1) DESIGNATION OF EMPLOYEE RESPONSIBLE FOR SECURITY.—The Secretary of Defense shall require an entity, in consultation with and subject to the approval of the chairman of its board of directors, to designate an employee who meets the requirements of paragraph (2) to be responsible for the following:

''(A) Reporting to the board of directors of the entity as its principal advisor concerning the general requirements for facility clearances listed in subsection (b), the manner in which they are carried out through the policies and procedures required by subsection (c), and the related Federal requirements for classified information.

''(B) Supervising and directing security measures necessary for implementing such requirements, policies, and procedures.

''(C) Establishing and administering all intracompany procedures to prevent unauthorized disclosure and export of controlled unclassified information and ensuring that the entity otherwise complies with the requirements of Federal export control laws.

''(2) QUALIFICATIONS OF EMPLOYEE.—An employee may not be designated to be responsible for the matters described in paragraph (1) unless the employee—

''(A) is a citizen of the United States;

''(B) obtains a security clearance at the same level as the facility clearance; and

''(C) completes security training that meets the requirements of the Department of Defense.

''(e) REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITIES FOR ENTITIES WITH FACILITY CLEARANCES.—The Secretary of Defense shall require an entity with a facility clearance to provide a certification of security responsibilities to the Secretary. The certification of security responsibilities shall—

''(1) affirm the entity's responsibility—

''(A) to identify the key management personnel of the entity involved in the performance of classified contracts or in the setting of policies and practices for such contracts and to designate a security manager with primary responsibility for security functions;

''(B) to ensure that such key management personnel of the entity meet all eligibility requirements for the performance of classified contracts;

''(C) to provide such key management personnel of the entity with all the authority and capability necessary to safeguard classified information and covered controlled unclassified information in the performance of classified contracts in accordance with regulations prescribed by the Secretary; and

''(D) to manage all subcontractors and suppliers of the entity performing work on a classified contract to ensure that use of such subcontractors and suppliers does not result in the compromise of classified information or adversely affect the performance of classified contracts;

''(2) be signed by an appropriate member of the board of directors of the entity or a similar executive body determined by the Secretary to function as an equivalent to a board of directors;

''(3) be disseminated to all appropriate personnel of the entity; and

''(4) be updated as necessary according to procedures proscribed by the Secretary.

''(f) REPORTING REQUIREMENTS.—The Secretary of Defense shall require an entity with a facility clearance to submit to the Department of Defense a report on any event—

''(1) that affects the status of the facility clearance;

''(2) that affects proper safeguarding of classified information or that indicates classified information has been lost or compromised;

''(3) that affects the entity's compliance with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security; or

''(4) that is related to the entity's business and management practices that results in the compromise of classified information.''.

SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.

(a) IN GENERAL.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is amended by adding at the end the following new section:

''§ 439. Foreign ownership control or influence

''(a) DETERMINATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

''(1) IN GENERAL.—Before granting a facility clearance to an entity, and while such entity holds a facility clearance, the Secretary of Defense shall determine whether an entity is under foreign ownership control or influence (in this subchapter referred to as 'FOCI').

''(2) DESCRIPTION OF FOCI.—For purposes of paragraph (1), the Secretary shall determine an entity to be under FOCI if a foreign interest has the power, direct or indirect, whether or not exercised, and whether or not exercisable through the ownership of the entity's securities, by contractual arrangements or other means, to direct or decide matters affecting the management or operations of that entity in a manner that may result in—

''(A) unauthorized access to classified information;

''(B) unauthorized access to covered controlled unclassified information;

''(C) an adverse effect on the performance of classified contracts; or

''(D) an adverse effect on the entity's compliance with Department of Defense security agreements, appropriate contract provisions regarding security, and relevant Department regulations pertaining to industrial security.

''(b) FOCI FACTORS.—

''(1) IN GENERAL.—The following factors relating to an entity, a foreign interest, or a government of a foreign interest shall be considered by the Secretary of Defense in determining under this section whether an entity is under foreign ownership control or influence and the protective measures that may be required to mitigate the FOCI of the entity:

''(A) Record of economic and government espionage against United States targets by the entity, by any foreign interest in the entity, and by the government of any such foreign interest.

''(B) Record of enforcement of covered controlled unclassified information or engagement in unauthorized technology transfer.

''(C) The type and sensitivity of the information expected to be accessed in performing a classified contract.

''(D) The source, nature, and extent of FOCI, including whether foreign interests hold a majority or substantial minority position in the entity, taking into consideration the immediate, intermediate, and ultimate parent entities, sister entities, joint ventures, and hedge funds.

''(E) Record of compliance with pertinent United States laws, regulations, and contracts by the entity, by the foreign interest (if any) in the entity, and by parent entities, sister entities, joint ventures, and hedge funds.

''(F) The nature of any bilateral and multilateral security and information exchange agreements that may pertain to the entity, any foreign interest in the entity, and the government of any such foreign interest.

''(G) Ownership, control, or influence of the entity, in whole or in part, by a foreign government.

''(2) MINORITY POSITION.—For purposes of paragraph (1)(D), a minority position shall be considered substantial if—

''(A) it consists of greater than 5 percent of the ownership interests;

''(B) it consists of greater than 10 percent of the voting interest; or

''(C) the minority position controls a seat on the entity's board of directors.

''(c) MITIGATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

''(1) PROTECTIVE MEASURES AUTHORIZED FOR MITIGATION OF FOCI.—With respect to any entity with a facility clearance under FOCI, as determined under subsection (a), the Secretary of Defense may impose any security method, safeguard, or restriction the Secretary believes necessary to ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

''(2) GOVERNMENT SECURITY COMMITTEE REQUIREMENT FOR MITIGATION OF FOCI.—

''(A) IN GENERAL.—As part of the mitigation of foreign ownership control or influence of an entity determined to be under FOCI, the Secretary of Defense shall require the entity to establish a permanent committee of the entity's board of directors, or equivalent executive body, to be known as the entity's 'Government Security

Committee', for purposes of carrying out the requirements of this paragraph.

''(B) RESPONSIBILITIES OF GSC.—The responsibilities of the Government Security Committee of an entity are to ensure that the entity employs and maintains policies and procedures that ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

''(C) ROLE OF SECURITY MANAGER IN GSC.—The employee of the entity designated pursuant to section 438(c)(1)(A) as the security manager shall be the principal advisor to the Government Security Committee and attend committee meetings. The chairman of the Government Security Committee must concur with the appointment and replacement of persons filling the position of security manager selected by management of the entity. The functions of the security manager shall be carried out under the authority of the Government Security Committee.

''(3) RELATIONSHIP TO FACILITY CLEARANCE.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (a), the following provisions apply with respect to the status of the facility clearance of the entity:

''(A) CONTINUATION IN EFFECT WHILE NEGOTIATING MITIGATION MEASURE.—The facility clearance of the entity shall continue in effect if the entity is negotiating with the Secretary a mitigation measure and the Secretary determines that there is no indication that classified information or covered controlled unclassified information is at risk of compromise.

''(B) INVALIDATION IF NO MITIGATION MEASURE WITHIN SIX MONTHS.—(i) Subject to subparagraph (C), the Secretary shall invalidate the facility clearance of the entity if an acceptable mitigation measure has not been agreed to by the Secretary and the entity by the end of the six-month period beginning on the date of the determination by the Secretary that the entity is under FOCI.

''(ii) The six-month period described in clause (i) may be extended for one additional three-month period upon request by the entity if the Secretary approves an extension.

''(C) REVOCATION IF POSSIBILITY OF UNAUTHORIZED ACCESS OR ADVERSE EFFECT.—The Secretary shall revoke the facility clearance of the entity at any time if, regardless of whether the entity is negotiating a mitigation measure with the Secretary, the Secretary determines that security measures cannot be taken to remove the possibility of unauthorized access or an adverse effect on classified contracts.

''(d) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING CHANGE IN FOCI.—The Secretary of Defense shall require an entity to notify the Secretary when material changes occur to information previously submitted to the Department of Defense pertaining to the FOCI factors affecting the entity as soon as such information is known to the entity.

''(e) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING MERGERS, ACQUISITIONS, OR TAKEOVERS BY FOREIGN PERSONS.—The Secretary of Defense shall require that when an entity with a facility clearance enters into negotiations for a proposed merger, acquisition, or takeover by a foreign person, the entity shall submit to the Secretary of Defense a notification of the commencement of such negotiations and a plan to negate the FOCI resulting from the transaction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''Sec. 439. Foreign ownership control or influence.''.

SEC. 833. CONGRESSIONAL OVERSIGHT RELATING TO FACILITY CLEARANCES AND FOREIGN OWNERSHIP CONTROL OR INFLUENCE; DEFINITIONS.

(a) NOTIFICATIONS AND REPORTS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

''§ 440. Notifications and reports

''(a) NOTIFICATIONS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification within 30 days after the occurrence of any of the following:

''(1) The revocation or suspension by the Secretary of a facility clearance of an entity previously determined to be under foreign ownership control or influence.

''(2) The receipt by the Secretary of a notification under section 439(d) from an entity that the entity has entered into negotiations for a proposed merger, acquisition, or takeover by a foreign person.

''(b) BIANNUAL REPORT.—(1) The Secretary of Defense shall, not later than September 1, 2009, and biannually thereafter, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

''(A) Specific, cumulative, and, as appropriate, trend information on the numbers of entities—

''(i) holding facility clearances;

''(ii) that have reported a material change relating to FOCI factors;

''(iii) that have measures in place to mitigate foreign ownership control or influence; or

''(iv) that have had a facility clearance suspended or revoked.

''(B) Specific, cumulative, and, as appropriate, trend information, on—

''(i) the entities that have filed for or maintain facility clearances;

''(ii) the number of such entities determined to be under foreign ownership control or influence;

''(iii) the countries from which such entities have originated;

''(iv) the number that went through the Committee on Foreign Investment in the United States; and

''(v) the types of security arrangements and conditions that the Government Security Committees of entities have used to mitigate foreign ownership control or influence.

''(C) An analysis of trends in the Industrial Security Program, including an assessment of the number and types of errors found in compliance within the Program.

''(D) An analysis of the details of companies that have committed violations of the Industrial Security Program and the frequency of the violations, including the number of companies that have committed recurring violations.

''(E) A description of the corrective actions, if any, taken by the Defense Security Service to address the violations.

''(2) The information required under paragraph (1)(B) shall be organized and set forth separately in the report by defense sector within the defense industrial base.

''(3) The report shall be submitted in an unclassified form, but may contain a classified annex.''.

(b) DEFINITIONS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

''§ 440a. Definitions

''In this subchapter:

''(1) ENTITY.—The term 'entity' includes a corporation, company, association, firm, partnership, society, or joint stock company, but does not include an individual.

''(2) FACILITY CLEARANCE.—The term 'facility clearance', with respect to an entity, means an administrative determination by the Secretary of Defense that the entity is eligible for—

''(A) access to classified information; or

''(B) award of a classified contract.

''(3) CLASSIFIED INFORMATION.—The term 'classified information' means any information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and is so designated. The classifications 'top secret', 'secret', and 'confidential' are used to designate such information.

''(4) CLASSIFIED CONTRACT.—The term 'classified contract' means any contract requiring access to classified information by a contractor or the contractor's employees in the performance of the contract or in any phase of precontract activity or post-contract activity.

''(5) COVERED CONTROLLED UNCLASSIFIED INFORMATION.—The term 'covered controlled unclassified information' means unclassified information the export of which—

''(A) is controlled, in the case of technical data that is inherently military in nature, by the International Traffic in Arms Regulations (ITAR); and

''(B) is controlled, in the case of technical data that has both military and commercial uses, by the Export Administration Regulations (EAR).''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new items:

''Sec. 440. Notifications and reports.

''Sec. 440a. Definitions.''.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subchapter III of chapter 21 of title 10, United States Code, not later than September 1, 2009.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on investments in entities covered by subchapter III of chapter 21 of title 10, United States Code, as added by this title. The study shall examine investments in such entities by—

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries; and

(D) hedge funds.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

Subtitle E—Other Matters

SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof

''Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the Government.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.''.

SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''or the Secretary of Homeland Security'' after ''Secretary of Defense''; and

(2) in subsection (f)—

(A) by striking ''(f) DEFINITIONS.—In this section, the'' and inserting the following:

''(f) DEFINITIONS.—In this section:

''(1) The''; and

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

''(2) The term 'Secretary concerned' has the meaning provided in section 101(a)(9) of this title and also includes—

''(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

''(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.''.

SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING TO MILESTONE A AND MILESTONE B FOR CLARITY.

(a) REVERSAL OF ORDER OF SECTIONS.—Section 2366b of title 10, United States Code, is transferred so as to appear before section 2366a of such title.

(b) REDESIGNATION OF SECTIONS.—Section 2366b (relating to Milestone A) and section 2366a (relating to Milestone B) of such title, as so transferred, are redesignated as sections 2366a and 2366b, respectively.

(c) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the items relating sections 2366a and 2366b and inserting the following new items:

''2366a. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.

''2366b. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval.''.

(d) CONFORMING AMENDMENTS.—

(1) SECTION 181 OF TITLE 10, UNITED STATES CODE.—Section 181(b)(4) of title 10, United States Code, is amended by striking ''section 2366a(a)(4), section 2366b(b),'' and inserting ''section 2366a(b), section 2366b(a)(4),''.

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(A) in section 212(1) by striking ''2366a'' and inserting ''2366b''; and

(B) in section 816—

(i) in subsection (a)(2) by striking ''2366a'' and inserting ''2366b'';

(ii) in subsection (a)(3) by striking ''2366b of title 10, United States Code, as added by section 943 of this Act'' and inserting ''2366a of title 10, United States Code''; and

(iii) in subsection (c)(2) by striking ''2366a'' each place such term appears (including in the paragraph heading) and inserting ''2366b''.

(3) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking ''2366a'' and inserting ''2366b''.

SEC. 844. EARNED VALUE MANAGEMENT STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) assesses weaknesses in earned value management implementation, including a review of the methodology, accuracy of data, training, and information technology systems used to develop earned value management data;

(2) audits the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories I and II programs; and

(3) measures the success of utilizing earned value management to deliver program objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees a report that—

(1) identifies recommendations for improving the implementation of earned value management, including alternatives; and

(2) contains the findings of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) EARNED VALUE MANAGEMENT.—The term ''earned value management'' has the meaning given that term in section 300 of part 7 of Office of Management and Budget Circular A–11.

SEC. 845. REPORT ON MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the market research conducted by the Secretary in implementing section 2377 of title 10, United States Code.

(b) SAMPLE EXAMINED.—For purposes of the report, the Secretary shall examine a representative sample of contracts and task or delivery orders, each of which—

(1) is for an amount in excess of $5,000,000; and

(2) is for the acquisition of a mission critical or a complex military system in which computer software is a component or subcomponent.

(c) MATTERS COVERED.—The report shall contain the following:

(1) A statement of the total number of contracts and task or delivery orders awarded in fiscal year 2007 for a mission critical or complex military system in which software is a component or subcomponent.

(2) A statement of the number of contracts and task or delivery orders in the sample examined for purposes of the report (as described in subsection (b)), and a description of those contracts and orders.

(3) For the sampled contracts and orders, a description of how often market research was performed on the sampled contracts and orders.

(4) For the sampled contracts and orders, a description of whether a Government employee or a contractor employee performed the market research and how the market research was performed.

(5) For the sampled contracts and orders, an identification of—

(A) instances when the market research identified software that was available as a commercial item and that could be used to meet the Government's requirements;

(B) instances when the software was modified or proposed to be modified to meet the Department's requirements; or

(C) instances when the Department's requirements were modified to meet the capability of the commercial item software.

(6) An identification of the training tools the Secretary of Defense has developed to assist contracting officials in performing market research.

(7) An identification of actions the Department of Defense intends to take to further implement section 2377 of title 10, United States Code, and section 826(b) of the National Defense Authorization Act for Fiscal year 2007 (Public Law 110–181; 10 U.S.C. 2377 note), including dissemination of best practices and corrective actions where necessary.

SEC. 846. SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.

(a) SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.—

(1) BENCHMARK REPORT REQUIRED.—The Secretary of a military department shall submit a system development and demonstration benchmark report as an annex to the baseline description required in section 2435 of title 10, United States Code, for each major defense acquisition program identified in subsection (b). Such a system development and demonstration benchmark report shall be based upon the most recent contractor proposal, the capabilities development document, and the systems requirements document approved prior to Milestone B approval and shall include the following information:

(A) The key performance parameters and technical requirements identified in the capabilities development document and systems requirements document.

(B) A detailed description of performance capabilities proposed by the contractor, matched to the capabilities and requirements in the capabilities development document and systems requirements document.

(C) A target cost for system development and demonstration, excluding incentive or award fees and including both government and nongovernment costs.

(D) A detailed outline of negotiated contract incentive or award fees.

(E) A detailed outline of contract ceiling price, target cost, target profit, and contract share line.

(F) A schedule of key events.

(G) An identification of critical technologies and associated technology readiness levels estimated for each upon both the initiation and the conclusion of system development and demonstration.

(H) Estimated percentage completion of detail design at each scheduled design readiness review and the scheduled Milestone C approval date.

(I) A discussion of development risk and concurrency within the program.

(J) Any other factors that the milestone decision authority considers relevant.

(2) TIMELINE FOR SUBMISSION OF BENCHMARK REPORT.—A system development and demonstration benchmark report for a major defense acquisition program identified in subsection (b) shall be submitted to the congressional defense committees and prepared under this section—

(A) not later than 30 days after the date of the enactment of this Act, if the Department of Defense has entered into a contract for system development and demonstration for such a major defense acquisition program prior to the date of enactment of this Act; or

(B) in accordance with the requirements for the establishment of a baseline description required by section 2435 of title 10, United States Code, in any other case.

(3) ALTERATIONS.—No alterations or revisions may be made to a system development and demonstration benchmark report after the first such report is prepared in accordance with paragraph (2).

(b) MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDED.—For the purposes of this section, the major defense acquisition programs to be included in the pilot program are the following:

(1) BAMS, broad area maritime surveillance unmanned aerial vehicle.

(2) CSAR–X, combat search and rescue helicopter.

(3) JLTV, joint light tactical vehicle.

(4) KC–45A, aerial refueling tanker.

(5) VH–71, presidential helicopter, increment II.

(6) Warrior-Alpha, unmanned aerial vehicle.

(c) SYSTEM DEVELOPMENT AND DEMONSTRATION CHANGES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a Configuration Steering Board for each major defense acquisition program identified in subsection (b). The Board shall oversee any proposed alteration to the requirements or to the proposed technical configuration for such a major defense acquisition program during system development and demonstration. If such an alteration would increase the cost to the Government, extend the schedule by more than 30 days, or alter the proposed performance capabilities, as established in the system development and demonstration baseline required by subsection (a), the Configuration Steering Board shall not approve the alteration until—

(1) the chair of the Configuration Steering Board has submitted to the congressional defense committees a written description of the alteration and an explanation of the rationale for the alteration; and

(2) not less than 15 days have expired since the date of submission of such description and explanation to those committees.

(d) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of a military department shall submit a semi-annual contract performance assessment report to the milestone decision authority and to the congressional defense committees on each major defense acquisition program identified in subsection (b). The report shall be in unclassified form, but may have a classified annex or an annex that is restricted to protect source selection, business-sensitive, or proprietary information.

(2) CONTENTS.—Each such report shall describe contract execution regarding contract cost performance, schedule performance, and incentive or award fee reviews and outlays, and an estimated cost at completion of the end item compared to the system development and demonstration benchmark report required in subsection (a)(1).

(3) FIRST REPORT.—The first such report shall be submitted not later than 180 days after—

(A) system design and development contract award; or

(B) after enactment of this Act in the case of a system design and development contract that was awarded before the date of the enactment of this Act.

(4) TERMINATION OF REPORTING REQUIREMENT.—The reporting requirement shall terminate upon a full rate production decision for each major defense acquisition program identified in subsection (b).

(e) PROHIBITION ON MILESTONE C APPROVAL.—(1) Except as provided in paragraph (2), the Milestone C approval shall not be granted if the milestone decision authority determines, on the basis of a report submitted pursuant to subsection (d), or has other reason to believe, that—

(A) the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration has increased by more than 25 percent over the system development and demonstration baseline established in (a)(1), or

(B) the schedule for key events is delayed by more than 15 percent of the total number of months between the award of the system development and demonstration contract and the scheduled Milestone C approval date, as provided in the system development and demonstration baseline established in subsection (a)(1).

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in paragraph (1) upon certification to the congressional defense committees, along with supporting rationale, that proceeding to low rate initial production is in the best interest of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) CONFIGURATION STEERING BOARD.—The term ''Configuration Steering Board'' means the committee described in the memorandum regarding Configuration Steering Boards from the Under Secretary of Defense for Acquisition, Technology, and Logistics dated July 30, 2007, for the secretaries of the military departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense, and Commander, U.S. Special Operations Command.

(2) MILESTONE B APPROVAL.—The term ''Milestone B approval'' has the meaning provided in section 2366(e)(7) of title 10, United States Code.

(3) MILESTONE C APPROVAL.—The term ''Milestone C approval'' has the meaning provided in section 2366(e)(8) of title 10, United States Code;

(4) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

Section 862(a)(2)(D) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) by striking ''or'' at the end of clause (ii); and

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

''(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

''(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;''.

SEC. 848. REPORT RELATING TO MUNITIONS.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report detailing how 60mm and 81mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-domestic sources and the justification for awarding contracts to non-domestic sources. The report shall also include a plan to develop a domestic producer as the source for 60mm and 81mm munitions used by the Armed Forces by 2012.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.

Sec. 902. Requirement to designate officials for irregular warfare.

Sec. 903. Plan required for personnel management of special operations forces.

Sec. 904. Director of Operational Energy Plans and Programs.

Sec. 905. Corrosion control and prevention executives for the military departments.

Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.

Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.

Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 909. Support to Committee review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.

Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.

Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.

Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Department of Defense School of Nursing revisions.

Sec. 942. Amendments of authority for regional centers for security studies.

Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.

Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.

Sec. 945. Authorization of non-conventional assisted recovery capabilities.

Sec. 946. Report on United States Northern Command development of interagency plans and command and control relationships.

Subtitle A—Department of Defense Management

SEC. 901. REVISIONS IN FUNCTIONS AND ACTIVITIES OF SPECIAL OPERATIONS COMMAND.

Subsection (j) of section 167 of title 10, United States Code, is amended to read as follows:

''(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

''(1) Unconventional warfare.

''(2) Irregular warfare.

''(3) Counterterrorism.

''(4) Counterinsurgency.

''(5) Counterproliferation of weapons of mass destruction.

''(6) Direct action.

''(7) Strategic reconnaissance.

''(8) Foreign internal defense.

''(9) Civil-military defense.

''(10) Psychological and information operations.

''(11) Humanitarian assistance.

''(12) Theater search and rescue.

''(13) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 902. REQUIREMENT TO DESIGNATE OFFICIALS FOR IRREGULAR WARFARE.

The Secretary of Defense shall designate—

(1) a single executive agent for irregular warfare within the Department of Defense; and

(2) an Assistant Secretary of Defense to be responsible for overall management and coordination of irregular warfare.

SEC. 903. PLAN REQUIRED FOR PERSONNEL MANAGEMENT OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT FOR PLAN.—Not later than 30 days after the date of the enactment of this Act, the commander of the special operations command shall submit to the congressional defense committees a plan relating to personnel management of special operations forces.

(b) MATTERS COVERED.—The plan submitted under subsection (a) shall address the following:

(1) Coordination among the military departments in order to enhance the manpower management and improve overall readiness of special operations forces.

(2) Coordination by the commander of the special operations command with the Secretaries of the military departments in order to better execute his responsibility to maintain readiness of special operations forces, including in the areas of accessions, assignments, compensation, promotions, professional development, retention, sustainment, and training.

SEC. 904. DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

''§ 139b. Director of Operational Energy Plans and Programs

''(a) APPOINTMENT.—There is a Director of Operational Energy Plans and Programs in the

Department of Defense (in this section referred to as the 'Director'), appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

''(b) DUTIES.—The Director shall—

''(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

''(2) establish the operational energy strategy;

''(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—

''(A) implementation of the operational energy strategy;

''(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

''(C) research and development investments related to operational energy demand and supply technologies; and

''(4) monitor and review all operational energy initiatives in the Department of Defense.

''(c) PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—(1) The Director is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

''(2) The Director may communicate views on matters related to operational energy plans and programs and the energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(d) OPERATIONAL ENERGY STRATEGY.—(1) The Director shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

''(2) Not later than 90 days after the date on which the Director is first appointed, the Secretary of each of the military departments shall designate a senior official within each armed force under the jurisdiction of the Secretary who will be responsible for operational energy plans and programs for that armed force. The officials shall be responsible for coordinating with the Director and implementing initiatives pursuant to the strategy with regard to that official's armed force.

''(3) By authority of the Secretary of Defense, the Director shall prescribe policies and procedures for the implementation of the strategy. The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

''(4) The initial strategy shall be submitted to the congressional defense committees not later than 180 days after the date on which the Director is first appointed. Subsequent updates to the strategy shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

''(e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Director shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

''(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Director for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

''(3) The Director shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Director with respect to the proposed budget, together with the certification of the Director regarding whether the proposed budget is adequate for implementation of the strategy.

''(4) Not later than 10 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Director has not certified under paragraph (3). The report shall include the following:

''(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

''(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

''(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Director in carrying out the duties of the Director.

''(f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

''(2) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Director to carry out the duties of the Director.

''(g) STAFF.—The Director shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Director to carry out the duties and responsibilities of the Director.

''(h) DEFINITIONS.—In this section:

''(1) OPERATIONAL ENERGY.—The term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

''(2) OPERATIONAL ENERGY STRATEGY.—The terms 'operational energy strategy' and 'strategy' mean the operational energy strategy developed under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139a the following new item:

''139b. Director of Operational Energy Plans and Programs.''.

SEC. 905. CORROSION CONTROL AND PREVENTION EXECUTIVES FOR THE MILITARY DEPARTMENTS.

(a) REQUIREMENT TO DESIGNATE CORROSION CONTROL AND PREVENTION EXECUTIVE.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics shall designate an employee of the military department as the corrosion control and prevention executive. Such executive shall be the senior official in the department with responsibility for coordinating department-level corrosion control and prevention program activities (including budget programming) with the military department and the Office of the Secretary of Defense, the program executive officers of the military departments, and relevant major subordinate commands of the military departments.

(b) DUTIES.—(1) The corrosion control and prevention executive of a military department shall ensure that corrosion control and prevention is maintained in the department's policy and guidance for management of each of the following:

(A) System acquisition and production, including design and maintenance.

(B) Research, development, test, and evaluation programs and activities.

(C) Equipment standardization programs, including international standardization agreements.

(D) Logistics research and development initiatives.

(E) Logistics support analysis as it relates to integrated logistic support in the materiel acquisition process.

(F) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall be responsible for identifying the funding levels necessary to accomplish the items listed in subparagraphs (A) through (F) of paragraph (1).

(3) The corrosion control and prevention executive of a military department shall, in cooperation with the appropriate staff of the department, develop, support, and provide the rationale for resources—

(A) to initiate and sustain an effective corrosion control and prevention program in the department;

(B) to evaluate the program's effectiveness; and

(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the department for the formulation, management, and evaluation of personnel and programs for the entire department, including its reserve components.

(4) The corrosion control and prevention executive of a military department shall be the principal point of contact of the department to the Director of Corrosion Policy and Oversight (as assigned under section 2228 of title 10, United States Code).

(5) The corrosion control and prevention executive of a military department shall submit an annual report to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the military department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OFFICER RESPONSIBILITIES.

Section 192(e) of title 10, United States Code, is amended to read as follows:

''(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.''.

SEC. 907. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES.

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau, shall prepare a plan for enhancing the roles of the National Guard and Reserve—

(1) when federalized in the case of the National Guard, or activated in the case of the Reserves, in support of operations conducted under title 10, United States Code; and

(2) in support of operations conducted under title 32, United States Code, or in support of State missions.

(b) MATTERS TO BE ASSESSED.—In preparing the plan, the Secretary shall assess—

(1) the findings, conclusions, and recommendations of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled ''Transforming the National Guard and Reserves into a 21st-Century Operational Force''; and

(2) the provisions of H.R. 5603 of the 110th Congress, as introduced on March 13, 2008 (the National Guard Empowerment and State-National Defense Integration Act of 2008).

(c) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan required under this section. The report shall include recommendations on—

(1) any changes to the current Department of Defense organization, structure, command relationships, budget authority, procurement authority, and compensation and benefits;

(2) any legislation that the Secretary considers necessary; and

(3) any other matter the Secretary considers appropriate.

SEC. 908. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 909. SUPPORT TO COMMITTEE REVIEW.

(a) FINDINGS.—Congress finds the following:

(1) In accordance with section 118 of title 10, United States Code, the Department of Defense conducts a Quadrennial Defense Review as a comprehensive examination of ''the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years''.

(2) In submitting reports on these reviews to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary is mandated to include the threats to the assumed or defined national security interests of the United States, the threat-based scenarios developed to conduct the review, and other assumptions that impact the ability to counter such threats, including force readiness, cooperation of allies, warning times, and levels of engagement in operations other than war and smaller-scale contingencies.

(3) There is no statutory requirement to assume certain funding levels available to the Department of Defense in the conduct of this review because Congress reserves its prerogative to provide the resources necessary to address threats to United States national security interests and uses this review as a data point in determining the proper level of those resources.

(4) The reports associated with the 1997, 2001, and 2006 reviews clearly demonstrated that the Secretary made certain assumptions about anticipated funding.

(5) As a result, the reported recommendations were unnecessarily constrained by those funding assumptions.

(6) As the Department of Defense is preparing to conduct another Quadrennial Defense Review with a report due to the Congress by 2010, the Committee on Armed Services of the House of Representatives should review in a bipartisan, thorough manner the military capabilities required to address challenges to United States national security interests over the next 20 years.

(b) SUPPORT REQUIRED.—Within 15 days after receiving a request, the Secretary of Defense shall provide the Committee on Armed Services of the House of Representatives with any information or data requested by that Committee so that it can review in a comprehensive, threat-based, and bipartisan manner the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years, as well as preparing for the upcoming Quadrennial Roles and Missions Review and Quadrennial Defense Review.

Subtitle B—Space Activities

SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE CAPABILITIES.

(a) REQUIREMENT.—The Secretary of Defense shall conduct an assessment to determine a recommended investment and acquisition strategy for commercial satellite capabilities.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) Review of national and defense policy relevant to the requirements for, acquisition of, and use of commercial satellite capabilities, and the relationship with commercial satellite providers.

(2) Assessment of the manner in which commercial satellite capabilities are utilized by the Department of Defense and options for expanding such utilization or identifying new means to leverage commercial satellite capabilities, such as hosting payloads.

(3) Review of military requirements for satellite communications and remote sensing by quantity, quality, timeline, and any other metric considered appropriate.

(4) Description of current and planned commercial satellite capabilities and an assessment of their ability to meet the requirements identified in paragraph (3).

(5) Assessment of the ability of commercial satellite capabilities to meet other military requirements not identified in paragraph (3).

(6) Description of the utilization of and resources allocated to commercial satellite communications and remote sensing in the past (past five years), present (current date through Future Years Defense Plan (FYDP)), and future (beyond the FYDP) to meet the requirements identified in paragraph (3).

(7) Assessment of purchasing patterns that may lead to recommendations in which the Department may consolidate requirements, centralize operations, aggregate purchases, or leverage purchasing power (including the use of multiyear contracting).

(8) Assessment of various models for acquiring commercial satellite capabilities, including funding, management, and operations models.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the assessment required under subsection (a) and provide recommendations, to include—

(A) the recommended investment and acquisition strategy or strategies of the Department for commercial satellite capabilities;

(B) how the investment and acquisition strategy or strategies should be addressed in fiscal years after fiscal year 2009; and

(C) a proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite capabilities.

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

(d) DEFINITIONS.—In this section:

(1) The term ''commercial satellite capabilities'' means the system, capability, or service provided by a commercial satellite provider.

(2) The term ''commercial satellite provider'' refers to privately owned and operated space systems, their technology, components, products, data, services, and related information, as well as foreign systems whose products and services are sold commercially.

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by adding at the end the following:

''(i) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.—Notwithstanding subsections (b), (f), and (g), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (50 U.S.C. 1521 note), responsibilities for the Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky shall be transferred from the Secretary of the Army to the Program Manager for Assembled Chemical Weapons Alternatives. The Program Manager for Assembled Chemical Weapons Alternatives shall ensure the ability to receive citizen and State concerns regarding the ongoing chemical destruction program in these States. A representative from the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with these commissions not less often than twice a year. Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be used for travel and associated travel costs for these Citizens Advisory Commissioners, when such travel is conducted at the invitation of the Department of Defense Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs.''.

SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.

(a) PROHIBITION.—During fiscal year 2009, the Secretary of Defense may not transport hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for treatment, storage, or disposal.

(b) SAVINGS CLAUSE.—Nothing in this section limits or otherwise affects section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 50 U.S.C. 1521 note).

(c) REPORT.—Not later than February 15, 2009, the Secretary shall submit to the congressional defense committees a report on hydrolysate stockpiled at the Pueblo Chemical Depot, Colorado. The report shall include a comprehensive cost-benefit analysis between on-site and off-site methods for disposing of such hydrolysate.

Subtitle D—Intelligence-Related Matters

SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TECHNICAL CHANGES TO UNITED STATES CODE.—

(1) TITLE 5.—Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(2) TITLE 44.—Title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(b) TECHNICAL CHANGES TO OTHER ACTS.—

(1) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended—

(A) in subsection (a)(1)(A), by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''; and

(B) in subsection (g)(1), by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(3) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(4) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note), is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(5) HOMELAND SECURITY ACT OF 2002.—Section 201(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(2)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence'' in the following:

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'' in the following:

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''MILITARY SUPPORT'' and inserting ''MILITARY AFFAIRS''; and

(2) by striking ''Military Support'' and inserting ''Military Affairs''.

Subtitle E—Other Matters

SEC. 941. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—The text of section 2117 of title 10, United States Code, is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the University a School of Nursing, not later than July 1, 2010. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2012, not less than 50 in the second class, and not less than 100 annually thereafter.

''(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).''.

(b) RETIRED NURSE CORPS OFFICER DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

(2) ELIGIBILITY REQUIREMENTS.—

(A) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

(i) is a retired nurse corps officer of one of the Armed Forces;

(ii) has had at least 26 years of active Federal commissioned service before retiring; and

(iii) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

(B) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Reserve Officer Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent ROTC access or military recruiting on campus, as defined in section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with paragraph (4).

(3) COMPENSATION.—

(A) The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in paragraph (2)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

(i) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer

would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(ii) Notwithstanding any other provision of law contained in title 10, title 32, or title 37, United States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(4) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under paragraph (2)(B)(v), the following requirements apply:

(A) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this subsection shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

(B) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(C) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

(D) The Secretary concerned is authorized to discontinue the demonstration project authorized in this subsection at any institution of higher education that fails to fulfill the requirements of subparagraph (C).

(5) REPORT.—

(A) Not later than 24 months after the commencement of any demonstration project under this subsection, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project, if any.

(B) ELEMENTS.—The report shall also include, at a minimum, the following:

(i) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

(ii) The number of retired nurse corps officers participating in the demonstration project.

(iii) The number of accredited schools of nursing participating in the demonstration project.

(iv) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(v) The number of scholarships awarded to nurse officer candidates.

(vi) The number of nurse officer candidates who have failed to access into the military, if any.

(vii) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned nurse corps officers.

(viii) The funds expended in the operation of the demonstration project.

(ix) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(6) SUNSET.—The authority in this subsection shall expire on June 30, 2014.

(7) DEFINITIONS.—In this subsection, the terms ''school of nursing'' and ''accredited'' have the meeting given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to the Department of Defense for a Regional Center for any fiscal year (beginning with funds available for fiscal year 2009), including funds available under paragraphs (4) and (5), are available for use for programs that begin in such fiscal year but end in the next fiscal year.''.

(b) ESTABLISHMENT OF A PILOT PROGRAM FOR NONGOVERNMENTAL PERSONNEL.—

(1) IN GENERAL.—In fiscal years 2009 and 2010, the Secretary of Defense, with the concurrence of the Secretary of State, may waive reimbursement of the costs of activities of the Regional Centers for nongovernmental and international organization personnel who participate in activities that enhance cooperation of nongovernmental organizations and international organizations with Armed Forces of the United States, if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States. Costs for which reimbursement is waived pursuant to this subsection shall not exceed $1,000,000 in each of fiscal years 2009 and 2010 and shall be paid from appropriations available to the Regional Centers in each of those fiscal years.

(2) REPORT REQUIRED.—For each of fiscal years 2009 and 2010, the Secretary of Defense shall include in the annual report required under section 184(h) of title 10, United States Code, a description of the extent of nongovernmental and international organization participation in the programs of each regional center, including the costs incurred by the United States for the participation of each organization.

SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The mission of the Western Hemisphere Institute for Security Cooperation (hereafter in this section referred to as ''WHINSEC'') is to provide professional education and training to military personnel, law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations, and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

(2) WHINSEC supports the Security Cooperation Guidance of the Secretary of Defense by addressing the education and training needs of the United States Southern Command and United States Northern Command.

(3) In enacting legislation establishing WHINSEC, Congress specified that the curriculum of WHINSEC may include leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. Congress also mandated a minimum of eight hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. WHINSEC averages twelve hours of such instruction per course.

(4) On March 21, 2007, Admiral Stavridis, Commander of United States Southern Command, stated before the House Armed Services Committee that WHINSEC ''is the military's crown jewel for human rights training.''.

(5) WHINSEC does not select students for participation. A partner nation nominates students to attend WHINSEC, and in accordance with the law of the United States and the policies of the Departments of Defense and State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of WHINSEC nominees includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor. Further, the Abuse Case Evaluation System of the Department of State, a central database that aggregates human rights abuse data into a single, searchable location, is used as a resource for checking abuse allegations when conducting vetting requests.

(6) WHINSEC operates in accordance with the ''Leahy Law,'' which was first enacted in 1997 and has since expanded to prohibit United States military assistance to foreign military units that violate human rights including security assistance programs funded through foreign operations appropriations Acts and training programs made available pursuant to Department of Defense appropriations Acts.

(7) Independent review, observation, and recommendation regarding operations of WHINSEC is provided by a Board of Visitors which is chaired by Bishop Robert Morlino of Wisconsin and includes four Members of Congress, two from each political party.

(8) WHINSEC is open to visitors at any time. Anyone can visit, sit in classes, talk with students and faculty, and review instructional materials.

(9) On May 7, 2008, the Department of Defense provided Congress requested information regarding the students, instructors, and courses at WHINSEC.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) WHINSEC is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout the Western Hemisphere, influence the human rights records and democracy trajectory of countries in the Western Hemisphere, and mitigate the growing influence of non-hemispheric powers;

(2) WHINSEC is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(3) WHINSEC is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership that will ensure security and enhance stability and interoperability among the United States military and the militaries of participating nations.

SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTHERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) REPORT AND CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the development assistance activities carried out by the United States Southern Command during fiscal year 2008 and planned for fiscal year 2009 and containing a certification by the Secretary that such development assistance activities—

(1) will not adversely diminish the ability of the United States Southern Command or its components to carry out its combat or military missions;

(2) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the

Department of Defense under section 124 of title 10, United States Code, as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;

(3) are not unnecessarily duplicative of activities already conducted or planned to be conducted by any other Federal department or agency during fiscal year 2009; and

(4) are designed, planned, and conducted to complement joint training and exercises, host-country capacity building, or similar activities directly connected to the responsibilities of the United States Southern Command.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for operation and maintenance for the United States Southern Command, not more than 90 percent may be obligated or expended until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ''development assistance activities'' means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States under—

(1) chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2293, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a combatant commander that an action is necessary in connection with a non-conventional assisted recovery effort, an amount not to exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for ''Operation and Maintenance, Navy'' may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

(d) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456 and 3458), respectively; and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

(g) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through 2012.

SEC. 946. REPORT ON UNITED STATES NORTHERN COMMAND DEVELOPMENT OF INTER-AGENCY PLANS AND COMMAND AND CONTROL RELATIONSHIPS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal agencies, shall submit a report to Congress describing the progress made to address certain deficiencies in the United States Northern Command identified in the Comptroller General report 08–251/252. To prepare the report, the Secretary of Defense shall direct the United States Northern Command to perform the following:

(1) Provide a compendium of all roles, mission requirements and resources from all 50 States. Each role and mission in the docket will be accompanied by a brief explanation of the requirement and proof of endorsement by the respective State Adjutant Generals and the Department of Homeland Security.

(2) Synchronize and continually update its unit requirements with the deployment schedules of the units it depends on. The commander of the United States Northern Command shall develop plans for primary and secondary units to cover the roles and missions coordinated in paragraph (1).

(3) Coordinate with all source units and other commands. The report shall include copies of all these unit and command mission statements.

(4) Coordinate with its interagency partners to form charters that govern the agreements among them, including qualifications for personnel with liaison functions between interagency partners.

(b) IMPROVED COORDINATION.—The commander of the United States Northern Command shall coordinate with its Federal interagency partners to ascertain requirements for plans, training, equipment, and resources in support of—

(1) homeland defense;

(2) domestic emergency response; and

(3) military support to civil authorities.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Requirement for separate display of budget for Afghanistan.
Sec. 1003. Requirement for separate display of budget for Iraq.
Sec. 1004. One-time shift of military retirement payments.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
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Subtitle C—Counter-Drug Activities

Sec. 1021. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.
Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Boards and Commissions

Sec. 1031. Strategic Communication Management Board.
Sec. 1032. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.
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Subtitle E—Studies and Reports

Sec. 1041. Report on corrosion control and prevention.
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Sec. 1045. Report on nonstrategic nuclear weapons.
Sec. 1046. Study on national defense implications of section 1083.
Sec. 1047. Report on methods Department of Defense utilizes to ensure compliance with Guam tax and licensing laws.

Subtitle F—Congressional Recognitions

Sec. 1051. Sense of Congress honoring the Honorable Duncan Hunter.
Sec. 1052. Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives.
Sec. 1053. Sense of Congress honoring the Honorable Terry Everett.
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Subtitle G—Other Matters

Sec. 1061. Amendment to annual submission of information regarding information technology capital assets.
Sec. 1062. Restriction on Department of Defense relocation of missions or functions from Cheyenne Mountain Air Force Station.
Sec. 1063. Technical and clerical amendments.
Sec. 1064. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.
Sec. 1065. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1066. State Defense Force Improvement.
Sec. 1067. Barnegat Inlet to Little Egg Inlet, New Jersey.
Sec. 1068. Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions.

Sec. 1069. Sense of Congress relating to 2008 supplemental appropriations.
Sec. 1070. Sense of Congress regarding defense requirements of the United States.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $_____.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Afghanistan. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed description of the assumptions underlying the funding request.

SEC. 1003. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR IRAQ.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Iraq. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed description of the assumptions underlying the funding request.

SEC. 1004. ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REDUCTION OF PAYMENTS.—Notwithstanding any other provision of law, any amounts that would otherwise be payable from the fund to individuals for the month of August 2013 (with disbursements scheduled for September 2013) shall be reduced by 1 percent.

(b) REVERSION.—Beginning on September 1, 2013 (with disbursements beginning in October 2013), amounts payable to individuals from the fund shall revert back to amounts as specified in law as if the reduction in subsection (a) did not take place.

(c) REFUND.—Any individual who has a payment reduced under subsection (a) shall receive a one-time payment, from the fund, in an amount equal to the amount of such reduction. This one-time payment shall be included with disbursements from the fund scheduled for October 2013.

(d) FUND.—In this section, the term ''fund'' refers to the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code.

(e) TRANSFER.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $40,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the floating drydock AFDL–23, located in Aransas Pass, Texas, to Gulf Copper Ship Repair, that company being the current lessee of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Gulf Copper Ship Repair, at Aransas Pass, Texas, until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary. The Secretary shall take into account amounts paid by, or due and owing from, the lessee.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOREIGN SHIPYARDS.

Section 7310 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) REPORT.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report any time it is determined that a naval vessel (or any other vessel under the jurisdiction of the Secretary) is to undergo work for the repair of the vessel in a shipyard outside the United States or Guam. The report shall be submitted at least 30 days before the repair work begins and shall contain the following:

''(1) The justification under law for the repair in a foreign shipyard.

''(2) The vessel to be repaired.

''(3) The shipyard where the repair work will be carried out.

''(4) The cost of the repair.

''(5) The schedule for repair.

''(6) The homeport or location of the vessel prior to its voyage for repair.''.

SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by adding at the end the following:

''(D) Amphibious assault ships, including dock landing ships (LSD), amphibious transport–dock ships (LPD), helicopter assault ships (LHA/LHD), and amphibious command ships (LCC), if such vessels exceed 15,000 dead weight ton light ship displacement.''.

SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMENDMENTS.

Section 2218 of title 10, United States Code, is amended—

(1) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(2) in paragraph (2) of subsection (k) (as so redesignated), by striking subparagraphs (B) thru (I) and inserting the following new subparagraph (B):

''(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.''.

SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC SUPPLY OF STEEL AND OTHER METALS FROM SCRAPPING OF CERTAIN VESSELS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing—

(1) the estimated contribution to the domestic market for steel and other metals from the scrapping of each vessel over 50,000 tons displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy; and

(2) a plan for the sale and disposal of such vessels.

Subtitle C—Counter-Drug Activities

SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1024 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2383), is further amended by striking ''and February 15, 2008'' and inserting ''February 15, 2008, and February 15, 2009''.

SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is amended by striking ''2008'' and inserting ''2009''.

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a), by striking ''2008'' and inserting ''2009''; and

(2) in subsection (c), by striking ''2008'' and inserting ''2009''.

SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense

Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), and section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is further amended by striking ''2008'' and inserting ''2009''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(19) The Government of Guinea–Bissau.

''(20) The Government of Senegal.

''(21) The Government of Ghana.''.

(c) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' after ''2006,''; and

(2) by striking the period at the end and inserting '', or $65,000,000 during fiscal year 2009.''.

(d) CONDITION ON PROVISION OF SUPPORT.—Subsection (f) of such section is amended—

(1) in paragraph (2), by inserting after ''In the case of'' the following: ''funds appropriated for fiscal year 2009 to carry out this section and''; and

(2) in paragraph (4)(B), by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(e) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2004'' and inserting ''fiscal year 2009''; and

(2) in subparagraph (7), by striking ''For the first fiscal year'' and inserting ''For fiscal year 2009, and thereafter, for the first fiscal year''.

SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR WEST AFRICA AND THE MAGHREB.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa and the Maghreb. The Secretary of Defense shall prepare the strategy in consultation with the Secretary of State.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for Africa.

(2) The priorities for the Department of Defense to meet programmatic objectives one-year, three-years, and five-years after the end of fiscal year 2009, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of the governments eligible to receive support under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) and the counter-narcotics activities in Africa of European countries and other international and regional partners.

(c) PLANS.—The comprehensive strategy shall also include the following plans:

(1) A detailed and comprehensive plan to utilize the capabilities and assets of Joint Inter-Agency Task Force-South of the United States Southern Command for the counter-narcotics efforts and activities of the United States Africa Command on a temporary basis until the United States Africa Command develops its own commensurate capabilities and assets, including in the plan a description of what measures will be taken to effectuate the transition of the missions, which are accomplished using such capabilities and assets, from Joint Inter-Agency Task Force-South to United States Africa Command.

(2) A detailed and comprehensive plan to enhance cooperation with certain African countries, which are often geographically contiguous to other African countries that have a significant narcotics-trafficking challenges, to increase the effectiveness of the counter-narcotics activities of the Department of Defense and its international and regional partners.

SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS IN SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in the South and Central Asian regions, including the countries of Afghanistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as the countries of Armenia, Azerbaijan, and China.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for countries of the South and Central Asian regions and the other countries specified in subsection (a).

(2) The priorities for the Department of Defense to meet programmatic objectives for fiscal year 2010, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries, including a description of the accompanying allocation of resources of the Department of Defense to carry out these activities.

(4) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of such regions and countries and the counter-narcotics activities of other international partners in such regions and countries.

(5) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the production and trafficking of illicit narcotics in such regions and countries.

Subtitle D—Boards and Commissions

SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT BOARD.

(a) IN GENERAL.—The Secretary of Defense shall establish a Strategic Communication Management Board (in this section referred to as the ''Board'') to provide advice to the Secretary on strategic direction and to help establish priorities for strategic communication activities.

(b) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of members selected in accordance with this subsection.

(2) MEMBERS.—The Secretary of Defense shall appoint members within 30 days after the date of the enactment of this Act, selected from among organizations within the Department of Defense responsible for strategic communication, public diplomacy, and public affairs, including the following:

(A) Civil affairs, strategic communication, or public affairs offices of the military departments.

(B) The Joint Staff.

(C) The combatant commands.

(D) The Office of the Secretary of Defense.

(3) ADVISORY MEMBERS.—The Board shall appoint advisory members of the Board after the members have been selected under paragraph (2), upon petition from entities seeking advisory membership. Advisory members shall be selected from the broader interagency community, and may include representatives from the following;

(A) The Department of State.

(B) The Department of Justice.

(C) The Department of Commerce.

(D) The United States Agency for International Development.

(E) The Office of the Director of National Intelligence.

(F) The National Security Council.

(G) The Broadcasting Board of Governors.

(4) LEADERSHIP.—The Under Secretary of Defense for Policy (or his designee) shall chair the Board.

(c) DUTIES.—The duties of the Board are as follows:

(1) Provide strategic direction for efforts of the Department of Defense related to strategic communication and military support to public diplomacy.

(2) Establish Department of Defense priorities in these areas.

(3) Evaluate and select proposals for efforts that support the Department of Defense strategic communication mission.

(4) Such other duties as the Secretary may assign.

SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) EXTENSION OF DATES.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (e) by striking ''December 1, 2008'' and inserting ''March 1, 2009''; and

(2) in subsection (g) by striking ''June 1, 2009'' and inserting ''September 30, 2009''.

(b) INTERIM REPORT.—Not later than December 1, 2008, the Congressional Commission on the Strategic Posture of the United States shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the commission's initial findings, conclusions, and recommendations. To the extent practicable, the interim report shall address the matters required to be included in the report under subsection (e) of such section 1062.

SEC. 1033. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK.

(a) EXTENSION.—Section 1409 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(j) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is amended by striking ''The Commission shall terminate'' and all that follows through the period at the end and inserting ''The Commission shall terminate March 31, 2012.''.

(b) ANNUAL REPORTS.—Section 1403 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by adding at the end the following:

''(c) ANNUAL REPORTS.—The Commission shall, not later than March 1 of each of years 2010, 2011, and 2012, submit to Congress a report—

''(1) assessing the changes to the vulnerability of United States military systems and critical civilian infrastructures resulting from the EMP threat and changes in the threat;

''(2) describing the progress, or lack of progress, in protecting United States military systems and critical civilian infrastructures from EMP attack; and

''(3) containing recommendations to address the threat and protect United States military systems and critical civilian infrastructures from attack.''.

(c) FUNDING.—Section 1408 of that Act (114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(i) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law

109–163; 119 Stat. 3435), is amended by adding at the end the following: ''Such funds shall not exceed $3,000,000 per fiscal year.''.

(d) ADDITIONAL MEMBERS.—Effective as of the date that is 90 days after the date of the enactment of this Act—

(1) section 1401 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by striking subsections (c) and (d) and inserting the following:

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Commission shall be composed of eleven members.

''(2) DOD AND FEMA MEMBERS.—Seven of the members shall be appointed by the Secretary of Defense, and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In the event of a vacancy in the membership of the Commission under this paragraph, the Secretary of Defense shall appoint a new member. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

''(3) FCC AND HHS MEMBERS.—One of the members shall be appointed by the Chairman of the Federal Communications Commission, and one of the members shall be appointed by the Secretary of Health and Human Services. In the event of a vacancy in the membership of the Commission under this paragraph, the vacancy shall be filled in the same manner as the original appointment under this paragraph. In selecting an individual for appointment to the Commission, the Chairman of the Federal Communications Commission shall consult with the chairmen and ranking minority members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. In selecting an individual for appointment to the Commission, the Secretary of Health and Human Services shall consult with the chairmen and ranking minority members of the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

''(d) QUALIFICATIONS.—Members of the Commission appointed by the Secretary of Defense and the Director of the Federal Emergency Management Agency shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse effects referred to in subsection (b). The member of the Commission appointed by the Chairman of the Federal Communications Commission shall be appointed from among private United States citizens with knowledge and expertise in telecommunications, network infrastructure and management, information services, and emergency preparedness communications. The member of the Commission appointed by the Secretary of Health and Human Services shall be appointed from among private United States citizens with knowledge and expertise in public health, including preparedness for, and response to, public health emergencies.''; and

(2) section 1405 of that Act (114 Stat. 1654A–347; 50 U.S.C. 2301 note) is amended in subsection (b)(1) by striking ''Five'' and inserting ''Six''.

Subtitle E—Studies and Reports

SEC. 1041. REPORT ON CORROSION CONTROL AND PREVENTION.

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Corrosion Policy and Oversight, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on corrosion control and prevention in weapons systems and equipment.

(b) MATTERS COVERED.—The report shall include the comments and recommendations of the Department of Defense regarding potential improvements in corrosion control and prevention through earlier planning. In particular, the report shall include an evaluation and business case analysis of options for improving corrosion control and prevention in the requirements and acquisition processes of the Department of Defense for weapons systems and equipment. The evaluation shall include an analysis of the impact of such potential improvements on system acquisition costs and life cycle sustainment. The options for improved corrosion control and prevention shall include corrosion control and prevention—

(1) as a key performance parameter for assessing the selection of materials and processes;

(2) as a key performance parameter for sustainment;

(3) as part of the capability development document in the joint capabilities integration and development system; and

(4) as a requirement for weapons systems managers to assess their corrosion control and prevention requirements over a system's life cycle and incorporate the results into their acquisition strategies prior to issuing a solicitation for contracts.

(c) DEADLINE.—The report shall be submitted not later than February 1, 2009.

(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review the report required under subsection (a), including the methodology used in the Department's analysis, and shall provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days after the Department submits the report.

SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE FIGHTING SYSTEMS (MAFFS) IN A FEDERAL RESPONSE TO WILDFIRES.

(a) IN GENERAL.—The Secretary of Defense shall carry out a study to determine—

(1) how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFS) in all contingencies where there is a Federal response to wildfires; and

(2) how to decrease the costs of using the Department's MAFFS when supporting National Interagency Fire Center (NIFC) fire fighting operations.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study.

SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a study on Department of Defense rotorcraft survivability. The study shall—

(1) with respect to actual losses of rotorcraft in combat—

(A) identify the rates of such losses from 1965 through 2008, measured in total annual losses by type of aircraft and by cause, with rates for loss per flight hour and loss per sortie provided;

(B) identify by category of hostile action (such as small arms, Man-Portable Air Defense Systems, and so on), the causal factors for the losses; and

(C) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list with explanations, to mitigate each such causal factor, along with recommended funding adequate to achieve rates at least equal to the experience in the Vietnam conflict;

(2) with respect to actual losses of rotorcraft in combat theater not related to hostile action—

(A) identify the causal factors of loss in a ranked list; and

(B) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the Secretary's Mishap Reduction Initiative goal of not more than 0.5 mishaps per 100,000 flight hours;

(3) with respect to losses of rotorcraft in training or other non-combat operations during peacetime or interwar years—

(A) identify by category (such as inadvertent instrument meteorological conditions, wire strike, and so on) the causal factors of loss in a ranked list; and

(B) identify candidate solutions for survivability and performance (such as candidate solutions referred to in paragraph (2)(B) as well as maintenance, logistics, systems development, and so on) in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the goal of rotorcraft loss rates to non-combat causes being reduced to 1.0;

(4) identify the key technical factors (causes of mishaps that are not related to human factors) negatively impacting the rotorcraft mishap rates and survivability trends, to include reliability, availability, maintainability, and other logistical considerations; and

(5) identify what TACAIR is and has done differently to have such a decrease in losses per sortie when compared to rotorcraft, to include—

(A) examination of aircraft, aircraft maintenance, logistics, operations, and pilot and operator training;

(B) an emphasis on the development of common service requirements that TACAIR has implemented already which are minimizing losses within TACAIR; and

(C) candidate solutions, in a prioritized list, to mitigate each causal factor with recommended funding adequate to achieve the goal of rotorcraft loss rates stated above.

(b) REPORT.—Not later than August 1, 2009, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study.

SEC. 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF INTER-CONNECTED CYBERSPACE SYSTEMS.

(a) STUDIES REQUIRED.—

(1) FFRDC.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center (FFRDC) to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated or otherwise made available to the Secretary for fiscal year 2009 for operation and maintenance, Defense-wide.

(2) JOINT CHIEFS OF STAFF.—Concurrently, the Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a taxonomy for understanding the different yet key foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination.

(2) Mapping ongoing acquisition programs to this taxonomy.

(3) Development of alternative acquisition and funding models utilizing this network-centric taxonomy, which might include—

(A) a model under which a joint entity independent of any military service (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of

such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established that would manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive ownership or control of funding for such programs;

(C) a model under which the current approach to the acquisition and funding of technologies supporting network-centric operations is maintained; and

(D) any other models that the entity carrying out the study considers relevant and deserving of consideration.

(4) An analysis of each of the alternative models under paragraph (3) with respect to potential gains in—

(A) information sharing (collecting, processing, disseminating);

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the alternative models under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that would impede implementation.

(c) REPORT REQUIRED.—Not later than September 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nonstrategic nuclear weapons are held in the arsenals of various countries around the world and that their prevalence and portability make them attractive targets for theft and for use by terrorist organizations;

(2) the United States should identify, track, and monitor these weapons as a matter of national security;

(3) the United States should reevaluate the roles and missions of nonstrategic nuclear weapons within the United States nuclear posture;

(4) the United States should assess the security risks associated with existing stockpiles of nonstrategic nuclear weapons and should assess the risks of nonstrategic nuclear weapons being developed, acquired, or utilized by other countries, particularly rogue states, and by terrorists and other non-state actors; and

(5) the United States should work cooperatively with other countries to improve the security of nonstrategic nuclear weapons and to promote multilateral reductions in the numbers of nonstrategic nuclear weapons.

(b) REVIEW.—The Secretary of Defense, in consultation with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall conduct a review of nonstrategic nuclear weapons world-wide that includes—

(1) an inventory of the nonstrategic nuclear arsenals of the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, which indicates, as accurately as possible, the nonstrategic nuclear weapons that are known, or are believed, to exist according to nationality, type, yield, and form of delivery, and an assessment of the methods that are currently employed to identify, track, and monitor nonstrategic nuclear weapons and their component materials;

(2) an analysis of the reliance placed on nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, and an evaluation of nonstrategic nuclear weapons as deterrents against the use of nuclear weapons and other weapons of mass destruction by state or non-state actors;

(3) an assessment of the risks associated with the deployment, transfer, and storage of nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons and the risks of nonstrategic nuclear weapons being employed by rogue states, terrorists, and other state or non-state actors; and

(4) recommendations for—

(A) mechanisms and procedures to improve security safeguards for the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons;

(B) mechanisms and procedures for implementing transparent multilateral reductions in nonstrategic nuclear weapons arsenals; and

(C) methods for consolidating, dismantling, and disposing of the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, including methods of monitoring and verifying consolidation, dismantlement, and disposal.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings and recommendations of the review required under subsection (b).

(2) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

(d) DEFINITION.—For purposes of this section, the term ''nonstrategic nuclear weapon'' means a nuclear weapon employed by land, sea, or air (including, without limitation, by short, medium and intermediate range ballistic missiles, air and sea launched cruise missiles, gravity bombs, torpedoes, land mines, sea mines, artillery shells, and personnel carried devices) against opposing forces, supporting installations, or facilities in support of operations that contribute to the accomplishment of a military mission of limited scope.

SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS OF SECTION 1083.

The Department of Defense shall study the national defense implications of section 1083 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 338).

SEC. 1047. REPORT ON METHODS DEPARTMENT OF DEFENSE UTILIZES TO ENSURE COMPLIANCE WITH GUAM TAX AND LICENSING LAWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the steps that the Department is taking to ensure that all contractors of the Department performing work on Guam comply with local tax and licensing requirements. The report shall—

(1) include what language will be utilized in contract documents requiring compliance with local tax and licensing laws;

(2) identify what authorities the Department will use to compliance with such local laws; and

(3) also include the steps being taken by the Department to partner with the Government of Guam Department of Revenue and Taxation to ensure that there is transparency and a coordination of effort to ensure that the local government has visibility of contractors performing work on Guam.

Subtitle F—Congressional Recognitions

SEC. 1051. SENSE OF CONGRESS HONORING THE HONORABLE DUNCAN HUNTER.

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

(1) Representative Duncan Hunter was elected to serve northern and eastern San Diego in 1980 and served in the House of Representatives until the end of the 110th Congress in 2009, representing the people of California's 52d Congressional district.

(2) Previous to his service in Congress, Representative Hunter served in the Army's 173rd Airborne and 75th Ranger Regiment from 1969 to 1971.

(3) Representative Hunter was awarded the Bronze Star, Air Medal, National Defense Service Medal, and Vietnam Service Medal for his heroic acts during the Vietnam Conflict.

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

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

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

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

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

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

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

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1052. SENSE OF CONGRESS IN HONOR OF THE HONORABLE JIM SAXTON, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

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

(1) Representative Hugh James ''Jim'' Saxton was elected in November 1984 to fill both the unexpired term of Congressman Edwin B. Forsythe in the 98th Congress, and the open seat for the 99th Congress.

(2) Representative Saxton is a senior member of the Committee on Armed Services, having

served on the committee since 1989, and is today the ranking Member of its Air and Land Forces Subcommittee in the 110th Congress, 2007–2008.

(3) Representative Saxton is one of the few Members to have ever represented a district that included active-duty Army, Navy, and Air Force bases.

(4) Representative Saxton served as Chairman of the Military Installations and Facilities Subcommittee from 2001 to 2002, and Chairman of the Terrorism and Unconventional Threats and Capabilities Subcommittee from 2003 to 2006.

(5) Representative Saxton has served soldiers, sailors, airmen, and Department of Defense civilians and military families in New Jersey, the United States, and around the world, regarding issues of fair pay, housing modernization, benefits, health care, force protection, and other issues.

(6) Representative Saxton worked diligently and successfully to save all three military bases in southern New Jersey—Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station.

(7) Representative Saxton secured the future of the three bases by having the foresight to encourage them to participate in multiple interservice joint projects and exercises for more than 10 years prior to the 2005 base realignment and closure (BRAC) action that directed that they become a single, joint installation, the Nation's only Army-Navy-Air Force base, to be stood-up in 2009 as Joint Base McGuire-Dix-Lakehurst.

(8) Representative Saxton has helped modernize Fort Dix, McGuire Air Force Base, and Lakehurst Navy Base, by working with Secretaries and Chiefs of the Army, Navy, Marines, and Air Force, and other officials, and in particular the Army Reserve, Army National Guard, National Guard Bureau, Air National Guard, Air Mobility Command, and Air Force Reserve, to enhance the three bases' national security missions and bring $1,800,000,000 in infrastructure during his tenure.

(9) Representative Saxton saved the 1,400-member 108th New Jersey Air National Guard Air Refueling Wing from dismantlement in 2005 by directing that newer KC–135R Stratotanker aircraft be sent to replace retiring KC–135 E model aircraft.

(10) Representative Saxton saved the cargo airlift mission of McGuire Air Force Base by bringing a squadron of C–17 Globemasters to McGuire after the mandatory retirement of all of the bases' C–141 Starlifter transports, and worked to procure many other C–17s for other bases across the country to perform the Nation's airlift missions.

(11) Representative Saxton took the leadership role in bringing the mothballed battleship USS New Jersey home to the Delaware River from where it was launched in 1943, so it could become a naval museum and monument to the 20th Century conflicts in which the dreadnought served.

(12) Representative Saxton, a long time advocate of anti terrorism efforts, served as the Chairman of the House Task Force on Terrorism and Unconventional Warfare from 1996 to 2003.

(13) Representative Saxton in 1998 helped create and later expand the Weapons of Mass Destruction Civil Support Teams (WMD–CST) program in the National Guard, ultimately leading to a WMD–CST in each State and territory to respond to domestic terrorism.

(14) Representative Saxton was appointed by the Speaker of the House of Representatives in March 2000 to be chairman of the Committee on Armed Services' newly formed Special Oversight Panel on Terrorism, due to long advocacy of anti-terrorism preparedness.

(15) Representative Saxton is a long-time supporter of the warriors of the Special Operations Command (SOCOM), both before and after the attacks of September 11, 2001, and has met with special operators in Washington, DC, at SOCOM bases in the United States, and in theater.

(16) Representative Saxton worked for over a decade to create the first terrorism subcommittee on the Committee on Armed Services, becoming its first chairman when the Subcommittee on Terrorism and Unconventional Threats and Capabilities organized in 2003 with oversight of United States elite forces, including Army Rangers, Green Berets, Navy SEALS, and Marine Special Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jim Saxton, Representative from New Jersey, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1053. SENSE OF CONGRESS HONORING THE HONORABLE TERRY EVERETT.

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

(1) Representative Terry Everett was elected to represent Alabama's 2d Congressional district in 1992 and served in the House of Representatives until the end of the 110th Congress in 2008 with distinction, class, integrity, and honor.

(2) Representative Everett served on the Committee on Armed Services of the House of Representatives for 16 years, including service as Chairman of the Subcommittee on Strategic Forces from 2002 through 2006 and, from 2006 through 2008, as Ranking Member of the Subcommittee on Strategic Forces.

(3) Representative Everett's colleagues know him to be a fair and effective lawmaker who worked for the national interest while always serving Southeastern Alabama.

(4) Representative Everett's efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, military installations in Southeastern Alabama, including Maxwell-Gunter Air Force Base in Montgomery, home of Air University, and Fort Rucker in the Wiregrass area, home of the Army's Aviation Warfighting Center.

(5) Representative Everett has been a leader in efforts to develop and deploy robust and effective space and intelligence capabilities and missile defense systems to enhance the capabilities of the Armed Forces and protect the American people, the United States and its deployed troops, and allies of the United States.

(6) Representative Everett also has been a leader on issues relating to national security space activities and missile defense space activities.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Terry Everett, Representative from Alabama, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1054. SENSE OF CONGRESS HONORING THE HONORABLE JO ANN DAVIS.

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

(1) Representative Jo Ann Davis was elected to the House of Representatives in November 2000 following the late Congressman Herbert H. Bateman.

(2) Representative Davis was the second woman elected to Congress in the Commonwealth of Virginia, and the first Republican woman elected to Congress in the Commonwealth of Virginia.

(3) Representative Davis was a member of the Committee on Armed Services, serving as Ranking Member of the Readiness Subcommittee in the 110th Congress.

(4) Representative Davis served soldiers, sailors, airmen and Department of Defense civilians and military personnel regarding issues of health care, modernization, benefits, force protection and other issues.

(5) Representative Davis also served on the House Permanent Select Committee on Intelligence in the 109th Congress and as Chairwoman of the Subcommittee on Intelligence Policy.

(6) Representative Davis, a strong proponent of Naval Force Structure, helped secure construction on the Navy's next-generation aircraft carrier, CVN–21, during her tenure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jo Ann Davis, a late Representative from Virginia, performed her official duties with integrity and distinction, served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

Subtitle G—Other Matters

SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516), is amended to read as follows:

''(2) Information technology capital assets that—

''(A) have an estimated total cost for the fiscal year for which the budget is submitted in excess of $30,000,000;

''(B) have been determined by the Chief Information Officer of the Department of Defense and the Director of the Office of Management and Budget to be significant investments; and

''(C) with respect to which the Department of Defense is required to submit a capital asset plan to the Office of Management and Budget in accordance with section 300 of Office of Management and Budget Circular A–11.''.

SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE RELOCATION OF MISSIONS OR FUNCTIONS FROM CHEYENNE MOUNTAIN AIR FORCE STATION.

The Secretary of Defense may not relocate, make preparations for relocation, or undertake the relocation of any mission or function from Cheyenne Mountain Air Force Station until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees certification in writing that the Secretary intends to relocate the mission or function. Such certification shall be comprised of a report, which shall include—

(1) a description of the mission or function to be relocated;

(2) the validated requirements for relocation of the mission or function, and the benefits of such relocation;

(3) the estimate of the total costs associated with such relocation;

(4) the results of independent vulnerability, security, and risk assessments of the relocation of the mission or function; and

(5) the Secretary's implementation plan for mitigating any security or vulnerability risk identified through an independent assessment referred to in paragraph (4), including the cost, schedule, and personnel estimates associated with such plan.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by inserting after the item relating to 118a the following new item:

''118b. Quadrennial roles and missions review.''.

(2) The table of sections at the beginning of chapter 5 is amended in the item relating to section 156 by inserting a period at the end.

(3) The table of sections at the beginning of chapter 7 is amended in the item relating to section 183 by inserting a period at the end.

(4) Section 1477(e) is amended by inserting a period at the end.

(5) Section 2192a is amended—

(A) in subsection (e)(4), by striking ''title 11, United States Code,'' and inserting ''title 11''; and

(B) in subsection (f), by striking ''title 10, United States Code'' and inserting ''this title''.

(6) The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by striking the item relating to chapter 667 and inserting the following new item:

''667. Issue of Serviceable Material Other Than to Armed Forces ..... 7911''.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Effective as of January 28, 2008, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 371(c) is amended by striking ''operational strategies'' and inserting ''operational systems''.

(2) Section 585(b)(3)(C) (122 Stat. 132) is amended by inserting ''both places it appears'' before the period at the end.

(3) Section 703(b) is amended by striking ''as amended by'' and inserting ''as inserted by''.

(4) Section 805(a) is amended by striking ''Act ,'' and inserting ''Act,''.

(5) Section 883(b) is amended by striking ''Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by'' and inserting ''Section 832(b)(1) of such Act is amended by''.

(6) Section 890(d)(2) is amended by striking ''sections'' and inserting ''parts''.

(7) Section 904(a)(4) is amended by striking ''131(b)(2)'' and inserting ''131(b)''.

(8) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting '', as redesignated by section 524(a)(1)(A),'' after ''of such title''.

(9) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking ''2114(e) of such title'' and inserting ''2114(f) of such title, as redesignated by section 524(a)(1)(A),''; and

(B) by striking the period at the end and inserting ''and inserting 'President'.''.

(10) Section 1063(d)(1) (122 Stat. 323) is amended by striking ''semicolon'' and inserting ''comma''.

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking ''publically'' and inserting ''publicly''.

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(13) Section 1602(4) (122 Stat. 432) is amended by striking ''section 411 h(b)'' and inserting ''section 411h(b)(1)''.

(14) Section 1617(b) (122 Stat. 449) is amended by striking ''by adding at the end'' and inserting ''by inserting after the item relating to section 1074k''.

(15) Section 2106 (122 Stat. 508) is amended by striking ''for 2007'' both places it appears and inserting ''for Fiscal Year 2007''.

(16) Section 2826(a)(2)(A) (122 Stat. 546) is amended by striking ''the Army'' and inserting ''Army''.

(c) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Chapter 35 is amended by striking the first section 3557.

*(2) The second section 3557 is amended in the section heading by striking ''**Public-Private**'' and inserting ''**public-private**''.*

(3) The table of sections at the beginning of chapter 35 is amended by striking the second item relating to section 3557.

(d) TITLE 28, UNITED STATES CODE.—Section 1491(b) of title 28, United States Code, is amended by striking the first paragraph (5).

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended by striking ''fiscal years 2005'' and all that follows through ''2010'' and inserting ''fiscal years 2005 through 2010''.

(f) PUBLIC LAW 106–113.—Effective as of November 29, 1999, and as if included therein as enacted, section 553 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113 (113 Stat. 1535, 1501A–99)) is amended by striking ''five-year period'' and inserting ''eight-year period''.

SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINEES.

(a) SUBMISSION TO CONGRESS.—No activity relating to a successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997) may be carried out until the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives such successor regulation.

(b) SAVINGS CLAUSE.—Nothing in this section shall affect the continued effectiveness of Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997).

SEC. 1065. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to explicitly state the requirement that future increases in the pay of Portuguese nationals employed by the Department of Defense in Portugal are to be made in compliance with United States law and regulations prescribed by the Secretary of Defense.

(c) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropriated to the Secretary of Defense $240,000 for fiscal year 2009 for the purpose of the payments authorized by subsection (a).

SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.

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

(1) Domestic threats to national security and the increased use of National Guard forces for out-of-State deployments greatly increase the potential for service by members of State defense forces established under section 109(c) of title 32, United States Code.

(2) The efficacy of State defense forces is impeded by lack of clarity in the Federal regulations concerning those forces, particularly in defining levels of coordination and cooperation between those forces and the Department of Defense.

(3) The State defense forces suffer from lack of standardized military training, arms, equipment, support, and coordination with the Department of Defense as a result of real and perceived Federal regulatory impediments.

(b) RECOGNITION AND SUPPORT FOR STATE DEFENSE FORCES.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (c) the following new subsections:

''(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used exclusively at the local level and in accordance with State law.

''(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

''(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

''(A) impede the ability of the Department of Defense to execute missions of the Department;

''(B) take resources away from warfighting units;

''(C) incur nonreimbursed identifiable costs; or

''(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

''(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

''(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

''(A) excess to the needs of the Department of Defense; and

''(B) suitable for use by a force established under subsection (c).

''(2) The Secretary of Defense may transfer personal property under this section only if—

''(A) the property is drawn from existing stocks of the Department of Defense;

''(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

''(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

''(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

''(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

''(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

''(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

''(3) Any such training program shall be conducted in accordance with an agreement between—

''(A) the Secretary of Defense; and

''(B) the State or the force established under subsection (c) if so authorized by State law.

''(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense

and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

''(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.''.

(c) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(l) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking ''a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' each place it appears and inserting ''a State''.

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE WITHIN STATE BORDERS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''STATE DEFENSE FORCES AUTHORIZED.—'' after ''(c)'';

(4) in subsection (j), as redesignated by subsection (a)(1), by inserting ''EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—'' after ''(j)''; and

(5) in subsection (k), as redesignated by subsection (a)(1), by inserting ''PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—'' after ''(k)''.

(e) CLERICAL AMENDMENTS.—

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

''§ 109. Maintenance of other troops: State defense forces''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''109. Maintenance of other troops: State defense forces.''.

SEC. 1067. BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) PROJECT MODIFICATION.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army to undertake, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this section.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the costs incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized by subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301(13) of this Act, $7,175,000 is authorized to carry out subsection (a).

SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND OTHER NATIONAL SECURITY INSTITUTIONS.

It is the sense of Congress as follows:

(1) To ensure the future security of the United States, all of the national security organizations of the Federal Government must work together more effectively.

(2) The conflicts in Iraq and Afghanistan have demonstrated a need to expand the definition of national security organizations to include all departments and agencies that contribute to the relations of the United States with the world.

(3) As the largest national security organization, the Department of Defense must effectively collaborate in both a supported and supporting role with other departments and agencies.

(4) Section 941 of Public Law 110–181 created an opportunity for the Department of Defense to address internal assignments of functions.

(5) The Initial Perspectives report of the Panel on Roles and Missions of the Committee on Armed Services of the House of Representatives illustrated the following three levels of coordination that must be improved:

(A) Inter-agency coordination.

(B) Department of Defense-wide coordination.

(C) Inter-service coordination.

(6) Institutionalizing effective coordination within and among the national security organizations of the Federal Government may require fundamental reform.

SEC. 1069. SENSE OF CONGRESS RELATING TO 2008 SUPPLEMENTAL APPROPRIATIONS.

It is the sense of Congress that readiness shortfalls exist within the Armed Forces of the United States, thus increasing risk to the national security of the United States. Congress has provided, and will continue to provide, funds to address the readiness shortfalls in the Armed Forces of the United States.

SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE REQUIREMENTS OF THE UNITED STATES.

It is the sense of Congress that the defense requirements of the United States should be based upon a comprehensive national security strategy and fully funded to counter present and emerging threats.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.

Sec. 1102. Extension of authority to make lump-sum severance payments.

Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.

Sec. 1104. Technical amendment to definition of professional accounting position.

Sec. 1105. Expedited hiring authority for health care professionals.

Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.

Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.

Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.

SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL EMPLOYEES.

(a) WAIVER AUTHORITY.—Subject to subsection (b), the head of an agency may waive the limitation under section 5547(a) of title 5, United States Code, with respect to premium pay for any service which is performed by an employee of such agency—

(1) in an overseas location within the area of responsibility of the Commander of the United States Central Command; and

(2) in direct support of or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to an emergency declared by the President.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to premium pay for service performed in 2009, and only to the extent that its exercise would not cause an employee's total basic pay and premium pay for 2009 to exceed $212,100.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—Any amount of premium pay that would not have been payable but for a waiver under this section shall not be considered to be basic pay for any purpose and shall not be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations which may be necessary to ensure consistency among heads of agencies in the application of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the terms ''agency'' and ''employee'' have the respective meanings given such terms by section 5541 of title 5, United States Code;

(2) the term ''premium pay'' refers to any premium pay described in section 5547(a) of such title 5; and

(3) the term ''contingency operation'' has the meaning given such term by section 101(a)(13) of title 10, United States Code.

SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1103. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2014''.

SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, or 0511 (or an equivalent)''.

SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.

(a) EXPEDITED HIRING AUTHORITY.—Section 1599c(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense may''; and

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

''(2)(A) For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense may—

''(i) designate any category of medical or health professional positions within the Department of Defense as shortage category positions; and

''(ii) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

''(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter 1 of chapter 33 of title 5.''.

(b) TERMINATION OF AUTHORITY.—Section 1599c(c) of such title is amended—

(1) by inserting ''(1)'' before ''The authority of'';

(2) by striking ''September 30, 2010'' and inserting ''September 30, 2012''; and

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

''(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after September 30, 2012.''.

SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS ON PERSONNEL AND REPORTS ON SUCH ADJUSTMENTS.

(a) AUTHORITY TO ADJUST LIMITATIONS ON OSD PERSONNEL.—

(1) Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''The number'' and inserting ''Subject to subsection (b), the number'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

''(b) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the limitation on OSD personnel in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(2) The Secretary may adjust the baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year.''; and

(D) by amending subsection (c) (as so redesignated) to read as follows:

''(c) DEFINITIONS.—In this section:

''(1) The term 'OSD personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

''(2) The term 'baseline personnel limitation', with respect to OSD personnel, means—

''(A) for fiscal year 2009, the number described in subsection (a); and

''(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (b) during preceding fiscal years.''.

(b) DEFENSE AGENCIES AND FIELD ACTIVITIES.—Section 194 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking ''The total'' each place it appears and inserting ''Subject to subsection (c), the total'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

''(c) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the baseline personnel limitations in subsection (a) in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(2) The Secretary may adjust a baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year.''; and

(4) by amending subsection (g) (as so redesignated)—

(A) by striking ''In this section, the'' and inserting ''In this section:

''(1) The''; and

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

''(2) The term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in subsection (a) or subsection (b), means—

''(A) for fiscal year 2009, the number described in subsection (a) or (b), respectively; and

''(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (c) during preceding fiscal years.''.

(c) OFFICE OF THE SECRETARY OF THE ARMY AND ARMY STAFF.—Subsection (f) of section 3014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Army may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

''(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

''(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

''(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.''.

(d) OFFICE OF THE SECRETARY OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS, AND HEADQUARTERS, MARINE CORPS.—Subsection (f) of section 5014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Navy may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

''(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

''(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

''(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during any preceding fiscal years.''.

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE AND AIR STAFF.—Subsection (f) of section 8014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Air Force may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

''(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

''(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

''(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.''.

(f) REPORT REQUIRED.—The Secretary of Defense shall submit a report to the congressional defense committees at the same time that the defense budget materials for each fiscal year are presented to Congress. The report shall include the following information:

(1) During the preceding fiscal year, the average number of military personnel and civilian employees of the Department of Defense assigned to or detailed to permanent duty in—

(A) the Office of the Secretary of Defense;

(B) the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities;

(C) the Office of the Secretary of the Army and the Army Staff;

(D) the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps; and

(E) the Office of the Secretary of the Air Force and the Air Staff.

(2) The total increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year—

(A) attributable to the replacement of contract personnel with military personnel or civilian employees of the Department of Defense, including the number of positions associated with the replacement of contract personnel performing inherently governmental functions or performing lead system integrator functions; and

(B) attributable to reasons other than the replacement of contract personnel with military personnel or civilian employees of the Department, such as workload or operational demand increases.

(3) The number of military personnel and civilian employees of the Department of Defense assigned to the activities or entities described in paragraph (1) as of October 1 of the preceding fiscal year.

(4) An analysis and justification for any increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year, including an analysis of the workload of the activity or entity and the management of the workload.

(g) DEFINITIONS.—In this section:

(1) DEFENSE BUDGET MATERIALS.—The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year that is submitted to Congress by the President under section 1105 of title 31, United States Code.

(2) CONTRACT PERSONNEL.—The term ''contract personnel'' means persons hired under a contract with the Department of Defense for the performance of major Department of Defense headquarters activities.

(h) COMPTROLLER GENERAL EVALUATION.—Not later than April 15, 2009, the Comptroller General shall—

(1) conduct an evaluation of the overall management of the staffing processes and procedures for the personnel affected by the amendments made by this section; and

(2) submit to the congressional defense committees a report on the results of such evaluation, with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 1107. TEMPORARY DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

(a) IN GENERAL.—Section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443) is amended—

(1) by striking ''During fiscal years 2006, 2007, and 2008'' and inserting ''(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008''; and

(2) by adding at the end the following:

''(2) During fiscal years 2009, 2010, and 2011, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such individual is on official duty in a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DURING THE TIME OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subchapter I of chapter 35 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 3505. Furloughs within Department of Defense

''(a) For purposes of this section—

''(1) the term 'furlough' means the placing of an employee in a temporary status without duties and pay because of a lack of funds;

''(2) the term 'contingency operation' has the meaning given such term by section 101(a)(13) of title 10; and

''(3) the term 'defense committees' has the meaning given such term by section 119(g) of title 10.

''(b)(1) The Secretary of Defense may not issue notice of a furlough described in paragraph (2) until the Secretary has certified to the defense committees that the Secretary has no other legal measures to avoid such furloughs.

''(2) This subsection applies with respect to any furlough that impacts substantial portions of the civilian workforce of the Department of Defense commencing during the time of a contingency operation.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3504 the following new item:

''3505. Furloughs within Department of Defense.''.

SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code, appointment to which requires an advanced degree.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Military-to-military contacts and comparable activities.
Sec. 1203. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority for security and stabilization assistance.
Sec. 1208. Authority for support of special operations to combat terrorism.
Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Iraqi police training teams.

Subtitle C—Other Matters

Sec. 1221. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1222. Extension of Department of Defense authority to participate in multinational military centers of excellence.
Sec. 1223. Study of limitation on classified contracts with foreign companies engaged in space business with China.
Sec. 1224. Sense of Congress and congressional briefings on readiness of the Armed Forces and report on nuclear weapons capabilities of Iran.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) is amended by striking ''during fiscal year 2008'' and inserting ''during fiscal years 2008, 2009, and 2010''.

(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by striking ''for fiscal year 2008 to provide the assistance under subsection (a)'' and inserting ''for a fiscal year specified in subsection (a) to provide the assistance under such subsection for such fiscal year''.

SEC. 1202. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(e) of title 10, United States Code, is amended by adding at the end the following:

''(5) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

SEC. 1203. ENHANCED AUTHORITY TO PAY INCREMENTAL EXPENSES FOR PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—Subsection (b)(3) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of Public Law 110–181 (122 Stat. 402), is further amended by adding at the end the following:

''(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description of the terms of disposition of the equipment to the foreign force.

''(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.''.

(b) EXPIRATION.—Subsection (e) of such section is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 1205. ONE-YEAR EXTENSION OF AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) LIMITATIONS.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section that is otherwise prohibited by any other provision of law.

''(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section to the personnel referred to in subsection (b) of any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.''.

(b) ANNUAL REPORT.—Subsection (h)(1) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''and 2008'' and inserting '', 2008, and 2009''.

(c) TERMINATION.—Subsection (i) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''2008'' and inserting ''2009''.

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATIONS.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of Public Law 109–364 (120 Stat. 2418), is further amended by adding at the end the following new sentence: ''Amounts available under the authority of subsection (a) for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

(b) TWO-YEAR EXTENSION OF PROGRAM AUTHORITY.—Subsection (g) of such section is amended—

(1) in the first sentence, by striking ''2008'' and inserting ''2010''; and

(2) in the second sentence, by striking ''2006, 2007, or 2008'' and inserting ''2009 or 2010''.

SEC. 1207. EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law

109–163; 119 Stat. 3458), as amended by section 1210 of Public Law 110–181 (122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 1208. AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127d the following new section:

''§ 127e. Authority for support of special operations to combat terrorism

''(a) AUTHORITY.—The Secretary of Defense may expend up to $35,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

''(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

''(c) NOTIFICATION.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to that operation. Such a notification need be provided only once with respect to any such operation. Any such notification shall be in writing.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to make funds available under subsection (a) for support of a military operation may not be delegated.

''(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under subsection (a) during that fiscal year.

''(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

''(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

''(B) the respective dates and a summary of congressional notifications for each activity;

''(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

''(D) the total amount obligated to provide support;

''(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

''(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the type of follow-on support, if any, that may be necessary.

''(g) ANNUAL LIMITATION.—Support may be provided under subsection (a) from funds made available for operations and maintenance.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127d the following new item:

''127e. Authority for support of special operations to combat terrorism.''.

(c) REPEAL.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is hereby repealed.

SEC. 1209. REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

Section 2249c(b) of title 10, United States Code, is amended in the first sentence by striking ''$25,000,000'' and inserting ''$35,000,000''.

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this Act or any other Act for any fiscal year may be obligated or expended for a purpose as follows:

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

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

(b) DEFINITION.—In this section, the term ''permanent stationing of United States Armed Forces in Iraq'' means the stationing of United States Armed Forces in Iraq on a continuing or lasting basis, as distinguished from temporary, although the basis may be permanent even though it may be dissolved eventually at the request either of the United States or of the Government of Iraq, in accordance with law.

SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—(A) Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on each agreement between the United States and Iraq relating to—

(i) the legal status of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government;

(ii) the establishment of or access to military bases;

(iii) the rules of engagement under which United States Armed Forces operate in Iraq; and

(iv) any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.

(B) If, on the date that is 90 days after the date of the enactment of this Act, no agreement between the United States and Iraq described in subparagraph (A) has been completed, the President shall notify the appropriate congressional committees that no such agreement has been completed, and shall transmit to the appropriate congressional committees the report required under subparagraph (A) as soon as practicable after such an agreement or agreements are completed.

(2) UPDATE OF REPORT.—The President shall transmit to the appropriate congressional committees an update of the report required under paragraph (1) whenever an agreement between the United States and Iraq relating to the matters described in the report is entered into or is substantially revised.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, with respect to each agreement described in subsection (a), the following:

(1) A discussion of limits placed on United States combat operations by the Government of Iraq, including required coordination, if any, before such operations can be undertaken.

(2) An assessment of the extent to which conditions placed on United States combat operations are greater than the conditions under which United States Armed Forces operated prior to the signing of the agreement, and any constraints placed on United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A discussion of the conditions under which United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government could be tried by an Iraqi court for alleged crimes occurring both during the performance of official duties and during other such times. The discussion should include an assessment of the protections that such personnel would be extended in an Iraqi court, if applicable.

(4) An assessment of the protections accorded by the agreement to third country nationals who carry out work for the United States Armed Forces.

(5) An assessment of authorities under the agreement for United States Armed Forces and Coalition partners to apprehend, detain, and interrogate prisoners and otherwise collect intelligence.

(6) A description and discussion of any security commitment, arrangement, or assurance by the United States to respond to internal or external threats against Iraq, including the manner in which such commitment, arrangement, or assurance may be implemented.

(7) An assessment of any payments required under the agreement to be paid to the Government of Iraq or other Iraqi entities for rights, access, or support for bases and facilities.

(8) An assessment of any payments required under the agreement for any claims for deaths and damages caused by United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government in the performance of their official duties.

(9) An assessment of any other provisions in the agreement that would restrict the performance of the mission of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government.

(10) A discussion of how the agreement or modification to the agreement was approved by the Government of Iraq, and if this process was consistent with the Constitution of Iraq.

(11) A description of the arrangements required under the agreement to resolve disputes arising over matters contained in the agreement or to consider changes to the agreement.

(12) A discussion of the extent to which the agreement applies to other Coalition partners.

(13) A description of how the agreement can be terminated by the United States or Iraq.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) TERMINATION OF REQUIREMENT.—The requirement to submit the report and updates of the report under subsection (a) terminates on September 30, 2013.

SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.

(a) IN GENERAL.—The President shall—

(1) establish a strategy to ensure that United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq are supporting the operational and strategic goals of Coalition Forces in Iraq; and

(2) establish measures of effectiveness and performance in meeting PRT-specific work plans with clearly defined objectives in furtherance of the strategy required under paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a) and an assessment of the specific contributions PRTs are making in supporting the operational and strategic goals of Coalition Forces in Iraq. The initial report required under this subsection should include a description of the strategy and a general discussion of the measures of effectiveness and performance required under subsection (a).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1214. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of Public Law 110–181 (122 Stat. 366), is further amended in the matter preceding paragraph (1)—

(1) by striking ''$977,441,000'' and inserting ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009,''; and

(2) by striking ''in such fiscal year''.

(b) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—Such section is further amended by adding at the end the following:

''(f) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—

''(1) LIMITATION.—The amount obligated and expended under this section for the Commanders' Emergency Response Program in Iraq for fiscal year 2009 may not exceed twice the amount obligated by the Government of Iraq during calendar year 2008 under the Government of Iraq Commanders' Emergency Response Program (commonly known as 'I–CERP'), as established pursuant to the Memorandum of Understanding Between the Supreme Reconstruction Council of the Secretariat of Ministers and the Multi-National Force-Iraq Concerning Implementation of the Government of Iraq Commanders' Emergency Response Program (I–CERP), signed by the parties on March 25, 2008, and April 3, 2008, respectively.

''(2) WAIVER.—The Secretary of Defense may waive the limitation under paragraph (1) if the Secretary of Defense—

''(A) determines that such a waiver is required to meet urgent and compelling needs that would not otherwise be met and which, if unmet, could rationally be expected to lead to increased threats to United States military or civilian personnel; and

''(B) submits in writing to the appropriate congressional committees a notification of the waiver, together with a discussion of—

''(i) the unmet urgent and compelling needs and the impact on the threat level facing United States military or civilian personnel, if the waiver is not exercised;

''(ii) efforts undertaken by the Department of Defense to convince the Government of Iraq to provide funds to meet the urgent and compelling needs and the reason these efforts were unsuccessful; and

''(iii) efforts of the Department of Defense to convince the Government of Iraq to provide additional funds in the future to meet such urgent and compelling needs or to undertake other measures to meet such needs on their own.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committees on Armed Services of the House of Representatives and the Senate; and

''(B) the Committees on Appropriations of the House of Representatives and the Senate.''.

SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN.

(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a)—

(1) shall include PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386); and

(2) shall include comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional timetable for achieving such goals, consistent with the requirements of section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 388).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the command and control structure for military forces operating in Afghanistan, which consist of North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) forces and separate United States forces operating under Operation Enduring Freedom, should be modified to better coordinate and de-conflict military operations and achieve unity of command and unity of effort whenever possible in Afghanistan.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts.

(B) A comprehensive assessment of options for improving the command and control structure for military forces operating in Afghanistan, including—

(i) the establishment by the United States Central Command of a United States headquarters in Kabul, Afghanistan, led by a commander holding the grade of lieutenant general, or in the case of the Navy, vice admiral, and charged with—

(I) leading United States Armed Forces operating under Operation Enduring Freedom;

(II) leading country-wide Department of Defense–led initiatives; and

(III) closely coordinating efforts with NATO ISAF forces, the United States Embassy in Afghanistan, and other United States and international elements in Afghanistan; and

(ii) authorization for the highest-ranking United States commander of NATO ISAF forces to have additional command authority over separate United States forces operating under Operation Enduring Freedom.

(C) A detailed description of any United States or NATO ISAF plan or strategy for improving the command and control structure for military forces operating in Afghanistan.

(D) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(E) An assessment of how possible modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(3) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1217. REPORT ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended by striking paragraph (5).

(b) NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(1)(A) of such section is amended by striking ''congressional defense committees'' and inserting ''appropriate congressional committees''.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Such section is further amended by adding at the end the following:

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.''.

SEC. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING TEAMS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Government of Iraq, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(1) the number of advisors needed to sufficiently staff enough Iraqi police training teams to cover a majority of the approximately 1,100

Iraqi police stations in fiscal year 2009 and estimated levels in fiscal year 2010;

(2) the funding required to staff the Iraqi police training teams in fiscal year 2009 and estimated levels in fiscal year 2010; and

(3) the feasibility of transferring responsibility for the program to staff and support the Iraqi police training teams from the Department of Defense to the Department of State.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Subtitle C—Other Matters

SEC. 1221. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) IN GENERAL.—Section 1051 of title 10, United States Code, is amended—

*(1) in the heading, by striking ''**Bilateral or regional**'' and inserting ''**Bilateral, multilateral, or regional**'';*

(2) in subsection (a), by striking ''bilateral or regional'' and inserting ''bilateral, multilateral, or regional'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and within'' and inserting ''to, from, and within''; and

(ii) by striking ''bilateral or regional'' and inserting ''bilateral, multilateral, or regional''; and

(B) in paragraph (2), by striking ''bilateral or regional'' and inserting ''bilateral, multilateral, or regional''; and

(4) by adding at the end the following:

''(e) Funds available under this section for fiscal year 2009 and subsequent fiscal years may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following:

''1051. Bilateral, multilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1222. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416), as amended by section 1204 of Public Law 110–181 (122 Stat. 365), is further amended by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2007, 2008, and 2009''.

(b) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e)(2) of such section is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in fiscal year 2009, $5,000,000.''.

(c) REPORTS.—Subsection (g)(1) of such section is amended—

(1) by striking ''and October 31, 2008,'' and inserting ''October 31, 2008, and October 31, 2009,''; and

(2) by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2007, 2008, and 2009''.

SEC. 1223. STUDY OF LIMITATION ON CLASSIFIED CONTRACTS WITH FOREIGN COMPANIES ENGAGED IN SPACE BUSINESS WITH CHINA.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (b), no funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended under one or more contracts for classified work between the Department of Defense and a foreign-owned company if that company, or any parent, sister, subsidiary, or affiliate of that company, is engaged with China in the development, manufacture, or launch of ITAR-free satellites.

(2) EXCEPTION.—Paragraph (1) does not apply to a foreign-owned company if the Secretary of Defense, in consultation with the Secretary of State, submits to Congress a certification that—

(A) no satellite or space launch vehicle technology, technical information, or intellectual property gained by the foreign-owned company through the contracts for classified work referred to in paragraph (1) is being disclosed (intentionally or unintentionally) in a manner that may improve China's satellite, rocket, or missile capabilities; and

(B) it is in the national security interests of the Department to continue to enter into contracts for classified work with the foreign-owned company.

(b) STUDY AND SUSPENSION OF LIMITATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of the implications of imposing a limitation such as the limitation in subsection (a) and shall provide the study to the congressional defense committees not later than 60 days after the date of the enactment of this Act.

(2) SUSPENSION OF LIMITATION.—The Secretary shall suspend the application of the limitation in subsection (a) until—

(A) the Secretary has completed the study required by paragraph (1);

(B) the Secretary has determined, as a result of the study, that applying the limitation in subsection (a) promotes the national interest; and

(C) the Secretary has submitted to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study, including the rationale for the determination described in subparagraph (B).

(c) DEFINITIONS.—In this section:

(1) The term ''ITAR-free satellite'' applies to a satellite if no component of the satellite and no technical information relating to the satellite is subject to export controls specified in the International Traffic in Arms Regulations.

(2) The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 1224. SENSE OF CONGRESS AND CONGRESSIONAL BRIEFINGS ON READINESS OF THE ARMED FORCES AND REPORT ON NUCLEAR WEAPONS CAPABILITIES OF IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should return the Armed Forces to a state of full readiness so that they are fully prepared to execute the National Military Strategy, including the full range of contingencies that could occur in the Middle East region.

(b) REQUIREMENT FOR BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until July 1, 2010, the Secretary of Defense shall provide for briefings for the Committees on Armed Services of the Senate and the House of Representatives on matters pertaining to the preparation for contingencies described in subsection (a), including a comprehensive description of the information used in the preparation of contingency plans relating to the military and nuclear capabilities of countries in the Middle East that are part of the Central Command Area of Responsibility.

(c) REPORT ON NUCLEAR WEAPONS CAPABILITIES OF IRAN.—

(1) REPORT REQUIREMENT.—Not later than March 1 each year, the Secretary of Defense shall submit a report to the congressional defense committees, in both classified and unclassified form, on the elements identified in paragraph (2) addressing the current and future nuclear weapons capabilities of the Islamic Republic of Iran.

(2) ELEMENTS.—The elements that shall be included in the report, at a minimum, include—

(A) locations, types, and number of centrifuges that the Islamic Republic of Iran has installed and in operation to enrich uranium at the Natanz facility and any other facility to enrich uranium;

(B) locations, types, and number of centrifuges that the Islamic Republic of Iran plans to install and operate at the Natanz facility and any other facility to enrich uranium, estimated by time periods of near, mid, and far-term epochs;

(C) number of nuclear weapons that could be made from the enriched uranium that the Islamic Republic of Iran has produced to date and is anticipated to produce, estimated by time periods of near, mid, and far-term epochs;

(D) number of nuclear weapons that could be made from the plutonium produced by the Bushehr nuclear reactor and any other nuclear reactor in the Islamic Republic of Iran to date, and number of weapons that could be made in the future, estimated by time periods of near, mid, and far-term epochs;

(E) a description of the safeguard and security measures in place at the Bushehr nuclear reactor and at any other nuclear reactor in the Islamic Republic of Iran to prevent Iran from reprocessing spent plutonium;

(F) a description of weaponization activities, such as the design, development, or test of nuclear weapon or weapon related-components, estimated by time periods of near, mid, and far-term epochs;

(G) numbers, types, and performance of systems which could provide a means to deliver a nuclear warhead, estimated by time periods of near, mid, and far-term epochs; and

(H) a summary of assessments of other key nations, such as Israel and France, of the Islamic Republic of Iran's nuclear program, capabilities, and timelines for acquiring nuclear weapons capabilities, and their judgment of the threat.

(3) NOTIFICATION.—The Secretary of Defense shall provide the congressional defense committees with written notification within 15 days of assessing that the Islamic Republic of Iran produces enough enriched uranium or plutonium for a nuclear weapon.

(4) DEFINITION.—In this subsection, the term ''nuclear weapons capabilities'' means the nuclear material, weaponization activities, and delivery system.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 412).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat

Reduction programs shall be available for obligation for fiscal years 2009, 2010, and 2011.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $445,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,400,000.

(3) For nuclear weapons storage security in Russia, $24,101,000.

(4) For nuclear weapons transportation security in Russia, $40,800,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $70,286,000.

(6) For biological threat reduction in the former Soviet Union, $184,463,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $20,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

Sec. 1431. Inapplicability of Executive Order 13457.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,401,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,746,172,000, of which—

(1) $24,259,029,000 is for Operation and Maintenance;

(2) $198,738,000 is for Research, Development, Test, and Evaluation; and

(3) $288,405,000 is for Procurement.

(b) TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND TO SUPPORT DEFENSE HEALTH PROGRAM.—Of the total amount specified in subsection (a), up to $1,300,000,000 shall be derived, to the extent specifically provided in advance in an appropriations Act for fiscal year 2009, by transfer from the unobligated balances of the National Defense Stockpile Transaction Fund.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2009, the National Defense Stockpile Manager may obligate up to $41,153,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is further amended by striking ''$1,066,000,000 by the end of fiscal year 2015'' and inserting ''$1,476,000,000 by the end of fiscal year 2016''.

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 3302(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended by striking ''2008'' and inserting ''2009''.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

SEC. 1431. INAPPLICABILITY OF EXECUTIVE ORDER 13457.

Executive Order 13457, and any successor to that Executive Order, shall not apply to this Act or to the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany this Act or to H. Rept. _____ or S. Rept. _____.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Defense-wide activities procurement.
Sec. 1506. Rapid acquisition fund.
Sec. 1507. Joint Improvised Explosive Device Defeat Fund.
Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.

Sec. 1511. Other Department of Defense programs.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1516. Special transfer authority.
Sec. 1517. Treatment as additional authorizations.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For aircraft procurement, $84,000,000.

(2) For weapons and tracked combat vehicles procurement, $822,674,000.

(3) For ammunition procurement, $46,500,000.

(4) For other procurement, $1,255,050,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for other procurement for the Navy in the amount of $476,248,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $565,425,000.

SEC. 1504. AIR FORCE PROCUREMENT.

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

(1) For aircraft procurement, $4,624,842,000.

(2) For other procurement, $1,500,644,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide in the amount of $177,237,000.

SEC. 1506. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Rapid Acquisition Fund in the amount of $102,000,000.

SEC. 1507. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,496,300,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2009.

(d) FUNDS FOR ADDITIONAL ARMS PLATFORMS.—Of the funds appropriated pursuant to the authorization of appropriations in subsection (a), $50,000,000 shall be made available for the rapid fielding of additional Aerial Reconnaissance Multi-Sensor (ARMS) platforms for tactical operations in Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1508. LIMITATION ON OBLIGATION OF FUNDS FOR THE JOINT IMPROVISED EXPLOSIVE DEVICES DEFEAT ORGANIZATION PENDING NOTIFICATION TO CONGRESS.

(a) LIMITATION.—Of the amounts appropriated pursuant to each of the authorizations of appropriations described in subsection (b) for research, development, test, and evaluation for the Joint Improvised Explosive Devices Defeat Organization (in this section referred to as ''JIEDDO''), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until JIEDDO submits to the congressional defense committees a report describing the investment strategy of JIEDDO for science and technology.

(b) COVERED AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SCOPE OF LIMITATION.—The limitation contained in subsection (a) applies with respect to amounts appropriated pursuant to the authorizations of appropriations specified in paragraph (2) for all science and technology efforts within the account for research, development, test, and evaluation for JIEDDO applied to efforts of Technology Readiness Level 5 or lower.

(2) AUTHORIZATIONS.—Paragraph (1) applies to—

(A) the authorization of appropriations in section 1507 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 425); and

(B) the authorization of appropriations in section 1508 of this Act.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Navy, $113,228,000.

(2) For the Air Force, $72,041,000.

(3) For Defense-wide activities, $202,559,000.

SEC. 1510. OPERATION AND MAINTENANCE.

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

(1) For the Army, $37,363,243,000.

(2) For the Navy, $3,500,000,000

(3) For the Marine Corps, $2,900,000,000.

(4) For the Air Force, $5,000,000,000.

(5) For Defense-wide activities, $2,648,569,000.

(6) For the Army Reserve, $79,291,000.

(7) For the Navy Reserve, $42,490,000.

(8) For the Marine Corps Reserve, $47,076,000.

(9) For the Air Force Reserve, $12,376,000.

(10) For the Army National Guard, $333,540,000.

(11) For the Air National Guard, $52,667,000.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,100,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $188,000,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $1,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) PROHIBITION RELATED TO FACILITIES.—

(1) PROHIBITION.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), for the acquisition, conversion, rehabilitation, or installation of facilities.

(2) EXCEPTIONS.—Nothing in this section shall be construed as to forbid—

(A) the provision of technical assistance necessary to assist the Government of Iraq to carry out the acquisition, conversion, rehabilitation, or installation of facilities on its own behalf; or

(B) the acquisition, conversion, rehabilitation, or installation of facilities utilizing amounts

contributed to the Iraq Security Forces Fund under subsection (f) by the Government of Iraq or another foreign country.

(h) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(i) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Iraq Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Afghanistan Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2009 a total of $1,194,000,000.

SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

The Secretary of Defense may use the transfer authority provided by section 1516 to transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 from such authorizations to the Mine Resistant Ambush Protected Vehicle Fund in the total amount of $2,610,000,000.

SEC. 1516. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 1602. FINDINGS.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

SEC. 1603. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this title, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

"SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

''(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

''(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

''(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2008, 2009, and 2010, except that the authority may not be exercised to furnish more than $100,000,000 in any such fiscal year.''.

SEC. 1605. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the nonmilitary resources and capabilities of agencies (as such term is defined in section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

''(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this title, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

SEC. 1607. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1608. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this title. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments

from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1607 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$46,400,000
	Fort Rucker	$6,800,000
Alaska	Fort Richardson	$15,000,000
	Fort Wainwright	$110,400,000
Arizona	Fort Huachuca	$13,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field.	$432,300,000
Hawaii	Pohakuloa Training Area.	$9,000,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Kansas	Fort Leavenworth	$4,200,000
	Fort Riley	$158,000,000
Kentucky	Fort Campbell	$108,113,000
Louisiana	Fort Polk	$29,000,000
Missouri	Fort Leonard Wood	$33,850,000
New Jersey	Picatinny Arsenal	$9,900,000
New York	Fort Drum	$96,900,000
	USMA, West Point	$67,000,000
North Carolina.	Fort Bragg	$58,400,000
Oklahoma	Fort Sill	$63,000,000
	McAlester Army Ammunition Plant.	$5,800,000

Army: Inside the United States—*Continued*

State	Installation or Location	Amount
Pennsylvania.	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot.	$7,500,000
	Tobyhanna Army Depot.	$15,000,000
South Carolina.	Fort Jackson	$30,000,000
Texas	Camp Bullis	$4,200,000
	Corpus Christi Army Depot.	$39,000,000
	Fort Bliss	$1,044,300,000
	Fort Hood	$49,500,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$18,300,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base.	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,008,226,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,062,763,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $185,350,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $175,823,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $646,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504, $81,600,000.

(8) For the construction of increment 2 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000.

(9) For the construction of increment 2 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504) is amended—

(1) in the item relating to Hawthorne Army Ammunition Plant, Nevada, by striking ''$11,800,000'' in the amount column and inserting ''$7,300,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$311,200,000'' in the amount column and inserting ''$304,600,000''; and

(3) in the item relating to Fort Bliss, Texas, by striking ''$118,400,000'' in the amount column and inserting ''$111,900,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (122 Stat. 506) is amended—

(1) in the matter preceding paragraph (1), by striking ''$5,106,703,000'' and inserting ''$5,089,103,000''; and

(2) in paragraph (1), by striking ''$3,198,150,000'' and inserting ''$3,180,550,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) and section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 507), is further amended in the item relating to Fort Bragg, North Carolina, by striking ''$96,900,000'' in the amount column and inserting ''$75,900,000''.

(b) OUTSIDE THE UNITED STATES PROJECTS.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2446), as amended by section 2106(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended in the item relating to Vicenza, Italy, by striking ''$223,000,000'' in the amount column and inserting ''$208,280,000''.

(c) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2447), as amended by section 2105(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—

(1) in the matter preceding paragraph (1), by striking ''$3,275,700,000'' and inserting ''$3,239,980,000'';

(2) in paragraph (1), by striking ''$1,119,450,000'' and inserting ''$1,098,450,000''; and

(3) in paragraph (2), by striking ''$510,582,00'' and inserting ''$495,862,000''.

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (118 Stat. 2101) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Training Facility	$35,542,000

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.

Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.

Sec. 2207. Report on impacts of surface ship homeporting alternatives.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma.	$19,490,000
California.	Marine Corps Logistics Base, Barstow.	$7,830,000
	Marine Corps Base, Camp Pendleton.	$799,870,000
	Naval Air Facility, El Centro.	$8,900,000
	Marine Corps Air Station, Miramar.	$48,770,000
	Naval Post Graduate School Monterey.	$9,900,000
	Naval Air Station, North Island.	$60,152,000
	Naval Facility, San Clemente Island.	$34,020,000
	Naval Station, San Diego.	$51,220,000

***Inside the United States**—Continued*

State	Installation or Location	Amount
	Marine Corps Base, Twentynine Palms.	$155,310,000
Connecticut.	Naval Submarine Base, Groton.	$46,060,000
District of Columbia.	Naval Support Activity, Washington.	$24,220,000
Florida	Naval Air Station, Jacksonville.	$12,890,000
	Naval Station, Mayport.	$18,280,000
	Naval Support Activity, Tampa.	$29,000,000
Georgia	Marine Corps Logistics Base, Albany.	$15,320,000
	Naval Submarine Base Kings Bay.	$6,130,000
Hawaii	Pacific Missile Range, Barking Sands.	$28,900,000

***Inside the United States**—Continued*

State	Installation or Location	Amount
	Marine Corps Base, Hawaii.	$28,200,000
	Naval Station, Pearl Harbor.	$80,290,000
Illinois ..	Recruit Training Command, Great Lakes.	$62,940,000
Maine ...	Naval Shipyard Portsmouth.	$9,980,000
Maryland.	Naval Surface Warfare Center Carderock.	$6,980,000
	Naval Surface Warfare Center, Indian Head.	$25,980,000
Mississippi.	Naval Construction Battalion Center, Gulfport.	$12,770,000
New Jersey.	Naval Air Warfare Center, Lakehurst.	$15,440,000
North Carolina.	Marine Corps Air Station, Cherry Point.	$77,420,000
	Marine Corps Air Station, New River.	$86,280,000
	Marine Corps Base, Camp Lejeune.	$353,090,000
Pennsylvania.	Naval Support Activity, Philadelphia.	$22,020,000
Rhode Island.	Naval Station, Newport.	$39,800,000

***Inside the United States**—Continued*

State	Installation or Location	Amount
South Carolina.	Marine Corps Air Station, Beaufort.	$5,940,000
	Marine Corps Recruit Depot, Parris Island.	$64,750,000
Texas	Naval Air Station Corpus Christi.	$3,500,000
	Naval Air Station Kingsville.	$11,580,000
Virginia	Marine Corps Base, Quantico.	$150,290,000
	Naval Station, Norfolk.	$73,280,000
Washington.	Naval Air Station Whidbey Island.	$6,160,000
	Naval Base Kitsap	$5,110,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay.	$20,600,000

***Navy: Outside the United States**—Continued*

Country	Installation or Location	Amount
Diego Garcia.	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$31,410,000
Guam	Naval Activities, Guam.	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified.	Unspecified Worldwide.	$94,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Guantanamo Bay	Naval Air Station, Guantanamo Bay	146	$62,598.000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,996,449,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,518,152,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $175,500,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $94,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $247,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of the wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the submarine drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat.514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

SEC. 2207. REPORT ON IMPACTS OF SURFACE SHIP HOMEPORTING ALTERNATIVES.

(a) REPORT REQUIRED.—The Secretary of the Navy shall not issue a record of decision for the proposed action of homeporting additional surface ships at Naval Station Mayport, Florida, until at least 30 days after the date on which the Secretary submits to Congress a report containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport under the preferred alternative identified in the final environmental impact statement for the proposed action.

(b) ADDITIONAL REPORTING REQUIREMENT.—If the final environmental impact statement does not contain a preferred alternative or if the Secretary intends to select an alternative other than the preferred alternative in the record of decision, then the Secretary shall submit to Congress a report (in the case where no preferred alternative is identified) or an additional report (in the case where the preferred alternative is not selected) containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base.	$15,556,000
Alaska	Elmendorf Air Force Base.	$138,300,000
California	Edwards Air Force Base.	$9,100,000
Colorado	United States Air Force Academy.	$18,000,000
Delaware	Dover Air Force Base.	$19,000,000
Florida	Eglin Air Force Base.	$19,000,000
	MacDill Air Force Base.	$26,000,000
	Tyndall Air Force Base.	$11,600,000
Georgia	Robins Air Force Base.	$29,350,000
Kansas	McConnell Air Force Base.	$6,800,000
Maryland	Andrews Air Force Base.	$77,648,000
Mississippi	Columbus Air Force Base.	$8,100,000
Missouri	Whiteman Air Force Base.	$4,200,000
Nevada	Creech Air Force Base.	$48,500,000
	Nellis Air Force Base.	$53,300,000
New Jersey	McGuire Air Force Base.	$7,200,000
New Mexico	Cannon Air Force Base.	$8,300,000
	Holloman Air Force Base.	$25,450,000
Ohio	Wright Patterson Air Force Base.	$14,000,000
Oklahoma	Tinker Air Force Base.	$54,000,000
South Carolina.	Charleston Air Force Base.	$4,500,000
	Shaw Air Force Base.	$9,900,000
Texas	Fort Hood	$10,800,000
	Lackland Air Force Base.	$75,515,000
Utah	Hill Air Force Base.	$41,400,000
Washington	McChord Air Force Base.	$5,500,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Wyoming	Francis E. Warren Air Force Base.	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield.	$57,200,000
Guam	Andersen Air Force Base.	$10,600,000
Kyrgyzstan	Manas Air Base.	$6,000,000
United Kingdom.	Royal Air Force Lakenheath.	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Location.	$891,000
Worldwide Unspecified.	Specified Worldwide Locations.	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,966,868,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $749,619,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,314,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $594,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 519), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.

Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.

Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.

Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.

Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina.	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base.	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$14,000,000

Special Operations Command

State	Installation or Location	Amount
California.	Naval Amphibious Base, Coronado.	$9,800,000

***Special Operations Command**—Continued*

State	Installation or Location	Amount
Florida	Eglin Air Force Base.	$40,000,00
	Hurlburt Field	$8,900,000

Special Operations Command—*Continued*

State	Installation or Location	Amount
	MacDill Air Force Base.	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico.	Cannon Air Force Base.	$18,100,000
North Carolina.	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington.	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska ...	Fort Richardson ...	$6,300,000
Colorado	Buckley Air Force Base.	$3,000,000
Georgia ..	Fort Benning	$3,900,000
Kansas ...	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground.	$430,000,000
Missouri	Fort Leonard Wood.	$22,000,000
Oklahoma.	Tinker Air Force Base.	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation.	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece ..	Souda Bay	$8,000,000

Special Operations Command

Country	Installation or Location	Amount
Qatar ...	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam ...	Naval Activities	$30,000,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Project ..	$837,480,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,510,550,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $767,511,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $101,160,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,853,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $133,025,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(8) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(9) For the construction of increment 4 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,220,000.

(10) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $109,000,000.

(11) For the construction of increment 2 of the special operations forces operational facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the United States Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland).

(3) $80,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Interceptor Site).

(4) $60,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Midcourse Radar Site).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112) is amended—

(1) by striking the item relating to Defense Fuel Support Point, Naval Air Station, Oceana, Virginia; and

(2) by striking the amount identified as the total in the amount column and inserting ''$485,193,000''.

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (118 Stat. 2113) is amended—

(1) in the matter preceding paragraph (1), by striking ''$1,055,663,000'' and inserting ''$1,052,074,000''; and

(2) in paragraph (1), by striking ''$411,782,000'' and inserting ''$408,193,000''.

SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency.	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire

real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky.	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $57,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona ..	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation.	$24,000,000

***Army National Guard**—Continued*

State	Location	Amount
Arkansas	Cabot	$10,868,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut.	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida ...	Camp Blanding	$33,307,000
Georgia ..	Dobbins Air Reserve Base.	$45,000,000
Idaho	Orchard Training Area.	$1,850,000
Indiana ..	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
	Muscatatuck	$6,000,000
Iowa	Camp Dodge	$1,500,000
	Davenport	$1,550,000
	Mount Pleasant	$1,500,000
Kentucky	London	$7,191,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts.	Methuen	$21,000,000
Michigan	Camp Grayling	$4,000,000
Minnesota.	Arden Hills	$15,000,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
Ohio	Camp Perry	$2,000,000
	Ravenna	$2,000,000
Pennsylvania.	Honesdale	$6,117,000
South Carolina.	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
	Hemingway	$4,600,000
South Dakota.	Rapid City	$29,000,000
Tennessee	Tullahoma	$10,372,000
Utah	Camp Williams	$17,500,000
Virginia ..	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Washington.	Fort Lewis (Gray Army Airfield).	$32,000,000
West Virginia.	Camp Dawson	$9,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California.	Fort Hunter Liggett.	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho ...	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland.	Baltimore	$11,600,000
Massachusetts.	Fort Devens	$1,900,000
Michigan.	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey.	Fort Dix	$3,825,000

***Army Reserve—**Continued*

State	Location	Amount

Army Reserve—Continued—Continued

State	Location	Amount
New York.	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina.	Raleigh	$25,581,000
Pennsylvania.	Letterkenny Army Depot.	$14,914,000
Tennessee.	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington.	Seattle	$37,500,000
Wisconsin.	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base.	$4,000,000
Connecticut.	Bradley International Airport.	$7,200,000
Delaware	New Castle County Airport.	$3,200,000
Georgia	Savannah Combat Readiness Training Center.	$7,500,000
Indiana	Fort Wayne International Airport.	$5,600,000
Iowa	Fort Dodge	$5,600,000
Maryland	Martin State Airport.	$7,900,000
Minnesota.	Duluth	$4,500,000
	Minneapolis-St. Paul.	$1,500,000
New Jersey.	Atlantic City International Airport.	$8,400,000
New York	Gabreski Airport	$7,500,000
	Hancock Field	$10,400,000
Ohio	Springfield Air National Guard Base.	$12,800,000
South Dakota.	Joe Foss Field	$4,500,000
Texas	Ellington Field	$7,600,000
	Fort Worth Naval Air Station Joint Reserve Base.	$5,000,000
Vermont	Burlington International Airport.	$6,600,000
Washington.	McChord Air Force Base.	$8,600,000
Wyoming	Cheyenne Municipal Airport.	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Oklahoma.	Tinker Air Force Base.	$9,900,000
New York.	Niagara Falls Air Reserve Station.	$9,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $628,668,000; and

(B) for the Army Reserve, $282,607,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $142,809,000; and

(B) for the Air Force Reserve, $30,018,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
		Organizational Maintenance Shop #7	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.

Sec. 2712. Modification of annual base closure and realignment reporting requirements.

Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.

Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $7,138,021,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. REPEAL OF COMMISSION APPROACH FOR DEVELOPMENT OF RECOMMENDATIONS IN ANY FUTURE ROUND OF BASE CLOSURES AND REALIGNMENTS.

(a) REPEAL OF PROVISIONS RELATED TO DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.—Sections 2902, 2903(d), 2912(d), and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are repealed.

(b) CONFORMING AMENDMENTS.—Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''and to the Commission'';

(B) in paragraph (2), by striking ''and the Commission'';

(C) in paragraph (3)(C), by striking ''the Commission and'';

(D) in paragraph (5)(A), by striking ''or the Commission''; and

(E) by striking paragraph (6); and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commissions'' and inserting ''the Secretary makes recommendations under subsection (c), transmit to the Congress a report containing the President's approval or disapproval of the Secretary's'';

(B) in paragraphs (2), (4), and (5) and the second sentence of paragraph (3), by striking ''the Commission'' each place it appears and inserting ''the Secretary'';

(C) in the first sentence of paragraph (3), by striking ''the Commission, in whole or in part, the President shall transmit to the Commission and'' and inserting ''the Secretary, in whole or in part, the President shall transmit to the''.

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the validity of the recommendations submitted by the Defense Base Closure and Realignment Commission in the 2005 or earlier rounds of closures and realignments of military installations.

SEC. 2712. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

(a) TERMINATION OF REPORTING REQUIREMENTS AFTER FISCAL YEAR 2014.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

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

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

(b) EXCLUSION OF DESCRIPTIONS OF REALIGNMENT ACTIONS.—Subsection (a) of such section, as designated and amended by subsection (a)(1) of this section, is further amended—

(1) in paragraph (1), by striking ''and realignment'' both places it appears;

(2) in paragraph (2), by striking ''and realignments''; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking ''or realignment'' each place it appears.

SEC. 2713. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended—

(B) in subsection (a), by striking ''Section 2905A'' and inserting ''Section 2906A''; and

(C) in subsection (b), by striking ''section 2905A'' and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Subsection (f) of section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

Subtitle C—Other Matters

SEC. 2721. CONDITIONS ON CLOSURE OF WALTER REED ARMY MEDICAL HOSPITAL AND RELOCATION OF OPERATIONS TO NATIONAL NAVAL MEDICAL CENTER AND FORT BELVOIR.

(a) REQUIRED CERTIFICATION.—The Secretary of Defense may not commence the closure of Walter Reed Army Medical Hospital or continue with the construction at the National Naval Medical Center in Bethesda, Maryland, and Fort Belvoir, Virginia, of replacement facilities beyond the construction necessary to complete the foundations of the replacement facilities until—

(1) the Secretary certifies to the congressional defense committees that each of the conditions imposed by this section has been satisfied; and

(2) a period of 7 days has expired following the date on which the certification is received by the committees.

(b) PROGRESS ON DESIGN FOR REPLACEMENT FACILITIES.—

(1) PREPARATION.—The Secretary of Defense shall replace the conceptual design prepared for the new National Military Medical Center at the National Naval Medical Center with a design for the facility that is certified as at least 90 percent complete by an engineer or architect registered in the State of Maryland.

(2) COLLABORATIVE DESIGN PROCESS.—The Secretary of Defense may not delegate the responsibility for the preparation of the design for

the National Military Medical Center to the prime contractor selected for construction of the facility. The design for the National Military Medical Center shall be prepared through a collaborative process involving—

(A) personnel of the Department of Defense;

(B) representatives of premier health care facilities in the United States; and

(C) current and former patients of the military medical system.

(c) INDEPENDENT COST ESTIMATE.—

(1) PREPARATION.—The Cost Analysis Improvement Group of the Department of Defense shall prepare an independent cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Hospital, design and construct replacement facilities at the National Naval Medical Center and Fort Belvoir, and relocate operations to the replacement facilities. In preparing the cost estimate, the Cost Analysis Improvement Group shall not consider the possibility of private funds being obtained to construct the proposed traumatic brain injury treatment facility at the National Naval Medical Center.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting cost estimate to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

(d) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting milestone schedule and transition plan to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES FOR REFINERIES OR NUCLEAR POWER PLANTS.

Not later than October 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of using military installations selected for closure under the base closure and realignment process as locations for the construction of petroleum or natural gas refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.

Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.

Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.

Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.

Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.

Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.

Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.

Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.

Sec. 2813. Modification of utility system conveyance authority.

Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.

Sec. 2815. Defense access roads.

Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Guam Defense Policy Review Initiative Account.

Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.

Sec. 2823. Sense of Congress regarding Federal assistance to Guam.

Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.

Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.

Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.

Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.

Sec. 2828. Prevailing wage applicable to Guam.

Subtitle D—Energy Security

Sec. 2841. Certification of enhanced use leases for energy-related projects.

Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.

Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.

Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.

Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.

Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.

Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.

Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.

Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.

Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Subtitle F—Other Matters

Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.

Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.

Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.

Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.

Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.

Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAINABLE DESIGN IN DOCUMENTS SUBMITTED AS PART OF PROPOSED MILITARY CONSTRUCTION PROJECTS.

(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—Subsection (c) of section 2801 of title 10, United States Code, is amended—

(1) by transferring paragraph (4) to appear as the first paragraph in the subsection and redesignating such paragraph as paragraph (1);

(2) by redesignating the subsequent three paragraphs as paragraphs (2), (4), and (5), respectively; and

(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

''(3) The term 'life-cycle cost-effective', with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.''.

(b) INCLUSION.—Section 2802 of such title is amended by adding at the end the following new subsection:

''(c) In determining the scope of a proposed military construction project, the Secretary concerned shall submit to the President such recommendations as the Secretary considers to be appropriate regarding the incorporation and inclusion of life-cycle cost-effective practices as an element in the project documents submitted to Congress in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which a contract is proposed to be awarded for the project.''.

SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES TO REFLECT PREVIOUSLY MADE ANNUAL ADJUSTMENTS IN AMOUNT.

Section 2828(b)(7)(A) of title 10, United States Code, is amended by striking ''$18,620 per unit'' and inserting ''$35,000 per unit''.

SEC. 2804. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBERS WITHOUT DEPENDENTS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2835 the following new section:

"§ 2835a. Use of military family housing constructed under build and lease authority to house other members

''(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

''(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

''(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

''(2) The term of the lease contract for military unaccompanied housing converted from military family housing under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

''(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until—

''(A) the Secretary submits to the congressional defense committees a notice of the intent to undertake the conversion; and

''(B) a period of 21 days has expired following the date on which the notice is received by the committees or, if earlier, a period of 14 days has expired following the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

''(2) The notice required by paragraph (1) shall include—

''(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

''(B) a description of the long-term lease to be converted;

''(C) amounts to be paid under the lease; and

''(D) the expiration date of the lease.

''(d) APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.—This section also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the 'Build to Lease program'), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2835 the following new item:

''2835a. Use of military family housing constructed under build and lease authority to house other members.''.

SEC. 2805. LEASE OF MILITARY FAMILY HOUSING TO THE SECRETARY OF DEFENSE FOR USE AS RESIDENCE.

(a) LEASE OF HOUSING AUTHORIZED .—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2838. Lease of military family housing to the Secretary of Defense for use as residence

''(a) LEASE AUTHORIZED.—The Secretary of a military department may lease military family housing in the National Capital Region (as such term is defined in section 2674 of this title) to the person serving as the Secretary of Defense for the purpose of permitting the person to use the housing as a personal residence while the person is serving as Secretary of Defense. In determining the unit of military family housing to lease under this section, the Secretary of Defense and the Secretaries of the military departments should first consider any units then available that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) of a unit of military family housing shall provide for the payment by the person serving as the Secretary of Defense of consideration in an amount equal to the higher of the following:

''(1) 105 percent of the monthly rate for the basic allowance for housing prescribed under section 403(b) of title 37 for a member of the armed forces in the pay grade of O–10, with dependents, assigned to duty at the military installation on which the housing unit is located.

''(2) The assessed fair market value of the housing unit, offset by the security and infrastructure savings associated with housing the lessee on a military installation.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all money rentals received pursuant to a lease entered into by that Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into a special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, in such amounts as are provided in advance in appropriation Acts, for maintenance, protection, alteration, repair, improvement, or restoration of military housing on the installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Lease of military family housing to the Secretary of Defense for use as residence.''.

SEC. 2806. REPEAL OF REPORTING REQUIREMENT IN CONNECTION WITH INSTALLATION VULNERABILITY ASSESSMENTS.

Section 2859 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 2807. MODIFICATION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) PARTNERSHIP WITH ELIGIBLE ENTITY REQUIRED.—Section 2871(5) of title 10, United States Code, is amended by inserting before the period at the end the following: ''that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities''.

(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—Section 2872 of such title is amended—

(1) by inserting ''(a) AVAILABILITY OF ALTERNATIVE AUTHORITIES.—'' before ''In addition''; and

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

''(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—The Secretary concerned shall ensure that an eligible entity that will acquire or construct housing units or ancillary supporting facilities under this subchapter is fully bonded for the construction of the units or facilities by obtaining payment and performance bonds in an amount not less than 100 percent of the maximum price allowable under the contract for the overall project.''.

(c) COMPETITIVE PROCESS FOR CONVEYANCE OR LEASE OF PROPERTY.—Section 2878 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); respectively; and

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

''(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the conveyance or lease of property or facilities under this section permit full and free competition consistent with the value and nature of the property or facilities involved.''.

(d) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.—

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2882 of such title is amended to read as follows:

"§ 2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

''(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

''(b) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter that is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

''(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2882 and inserting the following new item:

''2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.''.

(e) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GENERAL AND FLAG OFFICER QUARTERS.—Section 2884(b) of such title is amended by adding at the end the following new paragraph:

''(7) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded $35,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.''.

SEC. 2808. REPORT ON CAPTURING HOUSING PRIVATIZATION BEST PRACTICES.

Section 2884(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) A separate report on best practices for the execution of housing privatization initiatives, covering the full range of issues that arise throughout the life of the project, from the identification of requirements, through construction, to sustainment of the public private venture following conclusion of the contract. Issues covered by this reporting requirement include project oversight requirements, community, subcontractor, bond holder, and project owner relations, and such other topics that are identified as pertinent by the Department of Defense.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended—

(1) by striking ''river and harbor projects or flood control projects'' and inserting ''Army civil works water resource development projects''; and

(2) by striking ''acquisition specifically authorized in a Military Construction Authorization Act'' and inserting ''transaction specifically authorized in a Military Construction Authorization Act or other Act authorizing or directing activities of the Department of Defense''.

SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES.

(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

(1) ESTABLISHMENT OF SINGLE AUTHORITY.—Subsection (a) of section 2667 of title 10, United States Code, is amended to read as follows:

''(a) LEASE AUTHORITY.—Whenever the Secretary concerned considers it advantageous to the United States, the Secretary concerned may lease to such lessee and upon such terms as the Secretary concerned considers will promote the national defense or to be in the public interest, real or personal property that—

''(1) is under the control of the Secretary concerned;

''(2) is not for the time needed for public use; and

''(3) is not excess property, as defined by section 102 of title 40.''.

(2) SECRETARY CONCERNED DEFINED.—Subsection (i) of such section is amended by adding at the end the following new paragraph:

''(4) The term 'Secretary concerned' means—

''(A) the Secretary of a military department, with respect to matters concerning that military department; and

''(B) the Secretary of Defense, with respect to matters concerning the Defense Agencies.''.

(b) LIMITATION ON DURATION OF LEASE.—Subsection (b)(1) of such section is amended by inserting '', but not to exceed 50 years,'' after ''longer period''.

(c) PROHIBITION ON LEASEBACK WITH EXCESSIVE ANNUAL PAYMENTS.—Subsection (b) of such section is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

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

''(7) may not provide for a leaseback by the Secretary concerned with an annual payment in excess of $500,000.''.

(d) IMPROVED CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

''(4)(A) Not later than 30 days before issuing a contract solicitation or other lease offering under this section for a lease whose annual payment, including any in-kind consideration to be accepted under subsection (b)(5) or this subsection, will exceed $500,000, the Secretary concerned shall submit to the congressional defense committees a report containing—

''(i) a description of the proposed lease, including the proposed duration of the lease;

''(ii) a description of the authorities to be used in entering the lease and the intended participation of the United States in the lease, including a justification of the intended method of participation;

''(iii) a statement of the scored cost of the lease, determined using the scoring criteria of the Office of Management and Budget;

''(iv) a determination that the property involved in the lease is not excess property, as required by subsection (a)(3), including the basis for the determination; and

''(v) a determination that the lease is directly compatible with the mission of the military installation or Defense Agency whose property is to be subject to the lease and the anticipated long-term use of the property at the conclusion of the lease.

''(B) In the case of a lease described in subparagraph (A), the Secretary concerned also shall submit to the congressional defense committees a report at least 30 days before the date on which the Secretary concerned enters into a lease the following information:

''(i) A copy of the report submitted under subparagraph (A).

''(ii) A description of the differences between the report submitted under that subparagraph and the new report.

''(iii) A description of the agreement reached with the local municipality on taxation issues and other development issues related to the proposed project, including payments-in-lieu-of taxes.

''(iv) A description of the lessee payment required under this section.''.

(e) PROHIBITION ON ACCEPTANCE OF IN-KIND TO SUPPORT CERTAIN MWR PROJECTS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) The Secretary concerned may not accept in-kind consideration under paragraph (1) with respect to a lease under this section to support the development of a project for a non-appropriated fund activity of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces if the revenues estimated to be generated from the resulting facility would generally cover the operating expenses of the facility.''.

(f) CONFORMING AMENDMENTS TO REFERENCES TO MILITARY DEPARTMENTS AND INSTALLATIONS.—

(1) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES.—Subsection (d) of such section is amended—

(A) in paragraph (2), by striking ''Secretary of a military department'' and inserting ''Secretary concerned''; and

(B) in paragraphs (3), (4), and (6), by striking ''of the military department'' each place it appears.

(2) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking ''Secretary of a military department'' and inserting ''Secretary concerned''; and

(II) by striking ''such military department'' and inserting ''that Secretary'';

(ii) in clause (iii), by striking ''military department'' and inserting ''Secretary''

(B) in paragraph (1)(B)(i), by striking ''Secretary of a military department'' and inserting ''Secretary concerned'';

(C) in paragraph (1)(C), by striking ''of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department'' and inserting ''established for the Secretary concerned shall be available to the Secretary'';

(D) in paragraph (1)(D)—

(i) by striking ''of a military department under subparagraph (A)'' and inserting ''established for the Secretary concerned''; and

(ii) by inserting ''or Defense Agency location'' after ''military installation'';

(E) in paragraph (1)(E), by striking ''installation'' and inserting ''military installation or Defense Agency location''; and

(F) in paragraph (3), by striking ''Secretary of a military department'' and inserting ''Secretary concerned''.

(3) BASE CLOSURE PROPERTY.—Subsection (g)(1) of such section is amended by striking ''Secretary of a military department'' and inserting ''Secretary concerned''.

(g) REPEAL OF SEPARATE DEFENSE AGENCY AUTHORITY.—

(1) REPEAL.—Section 2667a of such title is repealed.

(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or terms of any lease with respect to property of a Defense Agency entered into by the Secretary of Defense under such section before the date of the enactment of this Act.

(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall—

(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary of Defense by subsection (e) of section 2667 of such title, as amended by subsection (f)(2) of this section.

(h) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2667 of such title is amended to read as follows:

''§ 2667. Leases: non-excess property of military departments and Defense Agencies''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2667 and 2667a and inserting the following new item:

''2667. Leases: non-excess property of military departments and Defense Agencies.''.

SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

(a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUCTURE.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) CONVEYANCE OF UTILITY INFRASTRUCTURE AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The Secretary concerned may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate, in and to utility system infrastructure under the jurisdiction of the Secretary to the entity to which a utility system has been conveyed under subsection (a) if the infrastructure will be used as part of the utility system.

''(2) In making a conveyance under paragraph (1), the Secretary concerned may use other than competitive procedures. As consideration for the conveyance, the Secretary concerned shall receive an amount equal to the fair market value of the conveyed utility infrastructure, determined in the same manner as the consideration the Secretary could require under subsection (c) for the conveyance of a utility system under subsection (a).''.

(b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY INFRASTRUCTURE.—Subsection (h) of such section is amended—

(1) in the subsection heading, by striking ''SYSTEMS.—'' and inserting ''SYSTEMS OR INFRASTRUCTURE.—(1)''; and

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

''(2) In lieu of carrying out a military construction project to construct, repair, or replace utility infrastructure to be used with a utility system conveyed under subsection (a), the Secretary concerned may provide, from amounts authorized and appropriated for the project for fiscal year 2009 or subsequent fiscal years, funds to the entity to which the utility system has been conveyed for use by the entity to construct, repair, or replace the utility infrastructure if the

infrastructure will be used as part of the utility system. As consideration for the provision of such funds, the Secretary may require a reduction in charges for utility services in the same manner as a reduction in charges may be required under subsection (c) for the conveyance of a utility system under subsection (a).''.

SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

''§ 2465a. Contracts for procurement of municipal services for military installations in the United States

''(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary a military department may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States under the jurisdiction of the Secretary from a county or municipal government for the geographic area in which the installation is located.

''(b) COVERED MUNICIPAL SERVICES.—Only the following municipal services may be procured for a military installation under the authority of this section:

''(1) Refuse collection.

''(2) Refuse disposal.

''(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary may enter in a contract under subsection (a) using procedures other than competitive procedures if—

''(1) the term of the proposed contract does not exceed five years;

''(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair and reasonable and represents the least cost to the Federal Government; and

''(3) the business case supporting the Secretary's determination under paragraph (2)—

''(A) describes the availability, benefits, and drawbacks of alternative sources; and

''(B) establishes that performance by the county or municipal government will not increase costs to the Federal government, when compared to the cost of continued performance by the current provider of the services.

''(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment or another official of the Department of Defense at an equivalent level.

''(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the congressional defense committees of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department will be minimized.

''(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

''2465a. Contracts for purchase of municipal services for military installations in the United States.''.

(c) TERMINATION OF PILOT PROGRAM.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed. The repeal of such section shall not affect the terms or validity of any contract entered into before the date of the enactment of this Act under the pilot program authorized by such section.

SEC. 2815. DEFENSE ACCESS ROADS.

(a) BASIS FOR TRANSPORTATION NEEDS ASSESSMENT.—Section 210(a) of title 23, United States Code, is amended—

(1) by striking ''(a)'' and inserting ''(a)(1)''; and

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

''(2) If it is determined that an action of the Department of Defense will cause a significant transportation impact to access to a military reservation, the Secretary of Defense shall conduct a transportation needs assessment to assess the magnitude of the improvement required to address the impact.''.

(b) REPORT ON RECENTLY IDENTIFIED TRANSPORTATION IMPACTS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the significant transportation impacts resulting from actions of the Department of Defense since January 1, 2005. In the report, the Secretary shall assess the funding requirements necessary to address transportation needs resulting from these significant transportation impacts.

SEC. 2816. PROTECTING PRIVATE PROPERTY RIGHTS DURING DEPARTMENT OF DEFENSE LAND ACQUISITIONS.

(a) PROTECTION OF PRIVATE PROPERTY.—The Secretary of Defense and the Secretaries of the military departments shall make every reasonable effort to acquire real property expeditiously by negotiation. Real property offered shall meet the requirements of Secretary-approved real property acquisition plans.

(b) WILLING SELLERS.—The Secretary of Defense or the Secretary of a military department shall not be precluded from acquiring real property from willing sellers so long as the real property offered meet the requirements of Secretary-approved real property acquisition plans

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. GUAM DEFENSE POLICY REVIEW INITIATIVE ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established on the books of the Treasury an account to be known as the ''Guam Defense Policy Review Initiative Account'' (in this section referred to as the ''account'').

(b) CREDITS TO ACCOUNT.—

(1) AMOUNTS IN FUND.—There shall be credited to the account all contributions received during fiscal year 2009 and subsequent fiscal years under section 2350k of title 10, United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—The Secretary of Defense shall submit to the congressional defense committees written notice of the receipt of contributions referred to in paragraph (1), including the amount of the contributions, not later than 30 days after receiving the contributions.

(c) USE OF ACCOUNT.—

(1) AUTHORIZED USES.—Subject to paragraph (2), to the extent provided in advance in appropriations Acts, amounts in the account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section in connection with the realignment of military installations and the relocation of military personnel on Guam, including military construction, military family housing, unaccompanied housing, general facilities constructions for military forces, and utilities improvements.

(B) To carry out improvements of property or facilities on Guam as part of such a transaction.

(C) To obtain property support services for property or facilities on Guam resulting from such a transaction.

(D) To develop military facilities or training ranges in the Commonwealth of the Northern Mariana Islands.

(2) COMPLIANCE WITH GUAM MASTER PLAN.—Transactions authorized by paragraph (1) shall be consistent with the Guam Master Plan, as incorporated in decisions made in the manner provided in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(3) LIMITATION REGARDING MILITARY HOUSING.—To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of Defense, the Secretary shall use such authorities to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities in connection with the relocation of military personnel on Guam.

(4) SPECIAL REQUIREMENTS REGARDING USE OF CONTRIBUTIONS.—

(A) TREATMENT OF CONTRIBUTIONS.—Except as provided in subparagraph (C), the use of contributions referred to in subsection (b)(1) shall not subject to conditions imposed on the use of appropriated funds by chapter 169 of title 10, United States Code, or contained in annual military construction appropriations Acts.

(B) NOTICE OF OBLIGATION.—Contributions referred to in subsection (b)(1) may not be obligated for a transaction authorized by paragraph (1) until the Secretary of Defense submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 21 days has elapsed after the date on which the notification is received by the committees or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(C) COST AND SCOPE OF WORK VARIATIONS.—Section 2853 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(D) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(d) TRANSFER AUTHORITY.—

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Guam Defense Policy Review Initiative Account to the following funds:

(A) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(B) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of such title.

(2) TREATMENT OF TRANSFERRED AMOUNTS.—Amounts transferred under paragraph (1) to a fund referred to in that paragraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code for activities on Guam authorized under subchapter IV of chapter 169 of such title.

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing information on each military construction project included in the budget submission for the next fiscal year related to the realignment of military installations and the relocation of military personnel on Guam. The Secretary shall present the information in manner consistent with the presentation of projects in the military construction accounts for each of the military departments in the budget submission. The report shall also include projects associated with the realignment of military installations and relocation of military personnel on Guam that are included in the future-years defense program pursuant to section 221 of title 10, United States Code.

SEC. 2822. SENSE OF CONGRESS REGARDING USE OF SPECIAL PURPOSE ENTITIES FOR MILITARY HOUSING RELATED TO GUAM REALIGNMENT.

(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is the sense of Congress that any Special Purpose Entity established to assist in the provision of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam should—

(1) be operated, to the extent practicable, in the manner provided for public-private ventures under subchapter IV of chapter 169 of title 10, United States Code; and

(2) be conducted as joint ventures between Japanese and United States private firms, except that any military family housing venture carried out by such a joint venture should be primarily managed by a United States private firm.

(b) SCOPE OF ACTIVITIES.—It is the sense of Congress that funding for such a Special Purpose Entity should not be limited to only utility improvements and the construction of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam.

(c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is the sense of Congress that funding for such a Special Purpose Entity should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system.

(d) MILITARY FAMILY HOUSING.—It is the sense of Congress that the building requirements imposed for any military family housing constructed by such a Special Purpose Entity in connection with the realignment of military installations and the relocation of military personnel on Guam should be established by the Department of Defense in accordance with current building standards that are used with other projects.

(e) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''Special Purpose Entity'' means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

SEC. 2823. SENSE OF CONGRESS REGARDING FEDERAL ASSISTANCE TO GUAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in coordination with the Interagency Group on Insular Areas, should enter into a memorandum of understanding with the Government of Guam to identify, before the realignment of military installations and the relocation of military personnel on Guam, local funding requirements for civilian infrastructure development and other needs related to the realignment and relocation. The memorandum of understanding would stipulate the commitment of Federal agencies to assist the Government of Guam in carrying out the Guam realignment in a responsible and consistent manner.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term ''Interagency Group on Insular Areas'' means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2824. COMPTROLLER GENERAL REPORT REGARDING INTERAGENCY REQUIREMENTS RELATED TO GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the status of interagency coordination through the Interagency Group on Insular Areas of budgetary requests to assist the Government of Guam with its budgetary requirements related to the realignment of military forces on Guam. The report shall address to what extent and how the Interagency Group on Insular Areas will be able to coordinate interagency budgets so the realignment of military forces on Guam will meet the 2014 completion date as stipulated in the May 2006 security agreement between the United States and Japan.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term ''Interagency Group on Insular Areas'' means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2825. ENERGY AND ENVIRONMENTAL DESIGN INITIATIVES IN GUAM MILITARY CONSTRUCTION AND INSTALLATIONS.

(a) LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PRINCIPLES.—With respect to all new military construction projects on Guam and military housing to be constructed on Guam related to the realignment of military forces on Guam, the Secretary of Defense shall require the incorporation of design criteria promulgated in the Leadership in Energy and Environmental Design Green Building Rating System, as developed by the United States Green Building Council, to achieve not less than the silver standard. This requirement shall apply regardless of the source of funds for the project.

(b) RENEWABLE ENERGY GOAL.—The Secretary of Defense shall establish a goal for the use of renewable energy sources on all military installations on Guam. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the plan of the Secretary to achieve the renewable energy goal. The report shall identify the renewable sources of energy that will be utilized and describe how the renewable sources will be utilized and installed at military installations on Guam.

SEC. 2826. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT REGARDING GUAM REALIGNMENT.

Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the efforts of the Inspector General to address potential waste and fraud associated with the realignment of military forces on Guam.

SEC. 2827. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

(a) INCLUSION IN DEFINITION OF MILITARY INSTALLATION.—Section 2687(e)(1) of title 10, United States Code, is amended by inserting after ''Virgin Islands,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

(b) INCLUSION OF FACILITIES OWNED AND OPERATED BY COMMONWEALTH.—Section 2391(d)(1) of title 10, United States Code, is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

SEC. 2828. PREVAILING WAGE APPLICABLE TO GUAM.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§2816. Application of prevailing wage for construction on Guam

''Subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction authorized under this chapter of any facilities on Guam. In order to carry out the requirements of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2816. Application of prevailing wage for construction on Guam.''.

Subtitle D—Energy Security

SEC. 2841. CERTIFICATION OF ENHANCED USE LEASES FOR ENERGY-RELATED PROJECTS.

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a proposed lease under subsection (a) involves a project related to energy production and the term of the lease exceeds 20 years, the Secretary concerned may not enter into the lease until at least 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a certification that the lease is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

SEC. 2842. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

Section 2925(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—''

(2) in paragraph (1), by inserting '', the Energy Independence and Security Act of 2007 (Public Law 110–140),'' after ''58)''; and

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

''(6) A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations.''.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, FORMER NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the redevelopment authority for the former Naval Air Station Alameda, California (in this section referred to as the ''redevelopment authority''), all right, title and interest of the United States in and to the real and personal property comprising Naval Air Station Alameda, except those parcels identified for public benefit conveyance and certain surplus lands at the Naval Air Station Alameda described in the Federal Register on November 5, 2007. In this section, the real and personal property to be conveyed under this section is referred to as the ''NAS Property''.

(b) MULTIPLE CONVEYANCES.—The conveyance of the NAS Property may be conducted through multiple parcel transfers.

(c) CONSIDERATION OPTIONS.—As consideration for the conveyance of the NAS Property under subsection (a), the Secretary of the Navy and the redevelopment authority shall agree upon one of the following options:

(1) Not later than nine months after the date of the enactment of this Act, the redevelopment authority shall accept the consideration terms described in the document negotiated between the redevelopment authority and the Secretary of the Navy known as the draft ''Summary of Acquisition Terms and Conditions'' and dated September 18, 2006, as such language may be amended, with value to be determined for the portion of the NAS Property known as Parcel 3, and subsequently make payments to the Secretary in accordance with such document.

(2)(A) The redevelopment authority shall ensure that the entity that acquires title to the NAS Property for development (in this paragraph referred to as the ''development entity'') submits to the Secretary of the Navy a down payment of $10,000,000 dollars at the time the initial portion of the NAS Property is conveyed to the development entity.

(B) In addition, the redevelopment entity shall submit to the Secretary 12 percent of all

gross residential and commercial building sales to the first bona-fide, arms-length third-party buyer, whether as new construction or the sale of rehabilitated existing structures. In the event that the development entity transfers all or any portion of the NAS Property to a third party, including any subsidiaries, before the completion of new or rehabilitated construction, the development entity shall satisfy the payment requirement as prescribed in this paragraph at such time as the NAS Property is conveyed to a bona-fide, arms-length third-party buyer. This obligation shall not apply to the sale of any buildings on land held in the public trust by the State of California or sales of land or buildings for the purposes of constructing or otherwise providing affordable housing, as determined by the Secretary.

(3)(A) The redevelopment authority shall submit 80 percent of the gross proceeds received by the redevelopment authority from the redevelopment authority's competitive solicitation of any portion of the NAS Property not encumbered by the public trust.

(B) To comply with this paragraph, the redevelopment authority shall—

(i) prepare, for review and approval by the Secretary of the Navy, commercially reasonable solicitation materials consisting of a request for qualifications and a request for proposals for the conveyance or lease of the NAS Property, as appropriate, in accordance with established contract principles, and such approval by the Secretary shall not be unreasonably withheld; and

(ii) pay to the Secretary the required share of monies received by the redevelopment authority by reason of any contract or agreement executed as a result of the solicitation.

(d) EXISTING USES.—During the three-year period beginning on the date on which the first conveyance under this section is made, the redevelopment authority shall make reasonable efforts to accommodate the continued use by the United States of those portions of the NAS Property covered by a request for Federal Land Transfer so long as the accommodation of such use is at no cost or expense to the redevelopment authority. Such accommodations shall provide adequate protection for the endangered California Least Tern in accordance with the requirements of the existing Biological Opinion for Naval Air Station Alameda dated March 22, 1999, and any future amendments to the Biological Opinion.

(e) REMEDIATION.—The Secretary of the Navy shall, to the extent practicable, remediate the NAS Property to the standard included by the Secretary and the redevelopment authority in the document referred to in subsection (c)(1).

(f) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Department.

(h) MASTER LEASE.—The Lease in Furtherance of Conveyance, dated June 2000, as amended, between the Secretary of the Navy and the redevelopment authority shall remain in full force and effect until conveyance of the NAS Property in accordance with this section, and a lease amendment recognizing this section shall be offered by the Secretary.

(i) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States under this section shall be credited to the fund or account intended to receive proceeds from the disposal of the NAS Property pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Norwalk, California (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 10 acres of the Norwalk Defense Fuel Supply Point in Norwalk, California, for the purpose of permitting the City to utilize the property for recreational purposes as an addition to the adjacent Holifield Park. In connection with the conveyance, the Secretary may make a payment to the City to assist the City in making municipal upgrades in the vicinity of the Norwalk Defense Fuel Supply Point.

(b) ENVIRONMENTAL REMEDIATION.—The Secretary shall manage and carry out environmental remediation activities with respect to the property to be conveyed under subsection (a) that, at a minimum, achieve the standard sufficient to allow the property to be used for the purposes specified in such subsection. The Secretary shall endeavor to enter into an agreement with the holder of an easement on the property to ensure that the easement holder participates in the remediation of the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, FORMER NAVAL STATION, TREASURE ISLAND, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey to the redevelopment authority for former Naval Station, Treasure Island, California (in this section referred to as the ''redevelopment authority''), all right, title, and interest of the United States in and to a parcel of real property consisting of those portions of the former Naval Station still retained by the Navy as of the date of the enactment of this Act and personal property and related utilities and improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance of the property under subsection (a), the Secretary and the redevelopment authority shall agree upon at least one of the following options:

(1) Subject to subsection (c), the redevelopment authority shall assume the remaining obligations of the Department of Defense to address releases or threatened releases of hazardous substances and petroleum and its constituents, to the extent necessary to obtain regulatory closure from relevant California and Federal environmental regulatory agencies, including a CERCLA covenant deferral by the Governor of the State of California.

(2) The redevelopment authority shall pay the United States a share of the gross revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property.

(c) ENVIRONMENTAL REMEDIATION EXCEPTIONS.—Under the consideration option provided by subsection (b)(1), the redevelopment authority shall not be required to accept any responsibility for—

(1) ordnance, explosives, munitions or similar devices or materials located on the conveyed property;

(2) radiological materials located on the conveyed property, where those materials were not identified before the conveyance under subsection (a) and were authorized to remain in place subject to the establishment of institutional controls enforced by a covenant with the California Department of Toxic Substances Control and deed restrictions to the property recipient;

(3) chemical or biological weapons or constituents thereof located on the conveyed property; and

(4) releases of hazardous substances and petroleum and its constituents located on the conveyed property, if the release of the hazardous substances or petroleum and its constituents was not discovered at the time of the conveyance and the costs of remediation of such unknown releases is not covered by environmental insurance procured by or benefitting the redevelopment authority.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the redevelopment authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, and other costs related to the conveyance. If amounts are collected from the redevelopment authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the redevelopment authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a), and not refunded under such paragraph, shall be—

(A) counted toward the consideration otherwise required from the redevelopment authority under subsection (b); and

(B) credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance.

(3) USE OF AMOUNTS RECEIVED.—Amounts credited to a fund or account under paragraph (2)(B) shall be merged with amounts in the fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States, so long as such additional terms and conditions do not materially change the terms and conditions of this section, including the consideration to be provided the United States under subsection (b).

SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR STATION, BARBERS POINT, HAWAII.

As a condition of any lease executed by the Secretary of the Navy pursuant to section 2843 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2482) with Ford Island Properties/Hunt Development involving the former Naval Air Station, Barbers Point, Hawaii, the Secretary of the Navy shall require that Ford Island Properties/Hunt Development enter into a memorandum of understanding with the Hawaii Community Development Authority to ensure that the development plan for the real property covered by the lease conforms with the final Kalaeloa Master Plan and appropriate land use controls of the Hawaii Community Development Authority.

SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS M.L. DOWNS ARMY RESERVE CENTER, SPRINGFIELD, OHIO.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Sergeant First Class M.L. Downs Army Reserve Center at 1515 West High Street in Springfield, Ohio, the Secretary of the Army may convey, without consideration, to the City of Springfield, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, containing the Reserve Center for the purpose of permitting the City to utilize the property for municipal government activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX COUNTY, TENNESSEE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to the State of Tennessee all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 124 acres known as the John Sevier Range in Knox County, Tennessee, if the State agrees to use such real property as a public firing range and for associated recreational activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the terms of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—In accordance with section 2695 of title 10, United State Code, the Secretary may accept amounts provided by the State to cover administrative expenses incurred by the Secretary with respect to the conveyance authorized under subsection (a), including survey expenses, expenses related to environmental documentation, and other administrative expenses related to such conveyance. Such amounts shall be credited, pursuant to subsection (c) of section 2695 of such title, to the appropriation, fund, or account from which such expenses were paid. If amounts are collected from the State in advance of the Secretary incurring such expenses, and the amount collected exceeds the expenses actually incurred by the Secretary, the Secretary shall refund the excess amount to the State.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled ''Proposed Camp Williams Land Transfer'' and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2858. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the ''State'') all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under

paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL SCENIC TRAIL THROUGH FORT BELVOIR, VIRGINIA.

(a) AGREEMENT AUTHORITY.—The Secretary of the Army may enter into a revocable at will easement with the Secretary of the Interior to provide land along the perimeter of Fort Belvoir, Virginia, to be used as a segment the Potomac Heritage National Scenic Trail.

(b) SELECTION CRITERIA.—In determining the extent of the easement, the Secretary of the Army shall provide for a single trail, and select alignments of the trail, along the perimeter of Fort Belvoir. In making that determination, the Secretary shall consider—

(1) the perimeter security requirements to protect the assets, people, and agency missions located at Fort Belvoir;

(2) the appropriate setback from adjacent roadways to provide for a safe and enjoyable experience for users of the trail; and

(3) any planned future expansion of roadways, including United States Route 1, so that the trail will not be adversely impacted by roadway construction.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—Any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be administered by the Secretary of the Interior, acting through the National Park Service, and shall be managed by the Secretary of the Army, by an appropriate local agency, or by any other party mutually acceptable to the Secretary of the Army and the National Park Service. A written agreement confirming this management arrangement shall be co-signed by the parties to the easement agreement.

Subtitle F—Other Matters

SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h)(1) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2871 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 561), is further amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 2872. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2873. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the ''Director''), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN RANGERS AT FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO ESTABLISH MEMORIAL.—The Secretary of the Army may permit the American Ranger Memorial Association, Inc., to establish and maintain, at a suitable location on Fort Belvoir, Virginia, a national memorial to honor the sacrifice and service of American Rangers during their almost four hundred years of existence.

(b) LOCATION AND DESIGN.—The actual location and final design of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the location, the Secretary shall seek to maximize visitor access to the resulting memorial.

(c) MAINTENANCE.—The maintenance of the memorial authorized by subsection (a) by the American Ranger Memorial Association, Inc., shall be subject to such conditions regarding access to the memorial, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the memorial authorized by subsection (a).

SEC. 2875. LEASE INVOLVING PIER ON FORD ISLAND, PEARL HARBOR NAVAL BASE, HAWAII.

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to authorize the USS Missouri Memorial Association to use the pier Foxtrot Five and related real property on Ford Island, Pearl Harbor Naval Base, Hawaii, during calendar years 2009 and 2010.

(b) CONSIDERATION.—The lease required by subsection (a) shall be made without consideration.

(c) CONDITION ON USE OF LEASED PROPERTY.—As a condition on the lease under subsection (a), the USS Missouri Memorial Association shall agree to preserve and maintain the USS Missouri for education purposes, historic preservation, and community outreach.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the condition imposed by subsection (c), the Secretary may terminate the lease referred to in subsection (a). Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER, ALABAMA.

The health facility located at 301 Andrews Avenue in Fort Rucker, Alabama, shall be known and designated as the ''Lyster Army/VA Health Clinic''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/VA Health Clinic.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Benning	$30,500,000
	Fort Gordon	$39,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
Missouri	Fort Leonard Wood.	$50,000,000

***Army: Inside the United States**—Continued*

State	Installation or Location	Amount
North Carolina.	Fort Bragg	$8,500,000
Oklahoma.	Fort Sill	$9,000,000
South Carolina.	Fort Jackson	$27,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$54,000,000
Virginia	Fort Eustis	$50,000,000
	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Various Locations	$54,000,000
Iraq	Baghdad	$13,000,000
	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $440,700,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $367,700,000.

(2) For military construction projects outside the United States authorized by subsection (b), $67,000,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California.	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms.	$11,250,000
Florida	Elgin Air Force Base.	$780,000
Mississippi.	Gulfport	$6,570,000
North Carolina.	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	$22,390,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For military construction projects outside the United States authorized by subsection (b), $22,390,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

(4) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California.	Beale Air Force Base.	$17,600,000
Florida	Eglin Air Force Base.	$11,000,000
New Jersey.	McGuire Air Force Base.	$6,200,000
New Mexico.	Cannon Air Force Base.	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Masirah Air Base	$6,300,000
Qatar	Al Udeid	$100,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $150,927,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $42,800,000.

(2) For military construction projects outside the United States authorized by subsection (b), $106,700,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Country	Installation or Location	Amount
Georgia	Fort Benning	$350,000,000
Kansas	Fort Riley	$404,000,000
North Carolina.	Camp Lejeune	$122,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $956,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $876,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $80,000,000.

SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570) is amended—

(1) in the item relating to Bagram Air Base, Afghanistan, by striking ''$249,600,000'' in the amount column and inserting ''$195,600,000'';

(2) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(3) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(4) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(5) by striking the item relating to Tikrit, Iraq; and

(6) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,301,922,000, to be allocated as follows:

(1) For weapons activities, $6,609,639,000.

(2) For defense nuclear nonproliferation activities, $1,455,148,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $409,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization, Phase 2, Sandia National Laboratories, New Mexico, $3,000,000.

Project 08–D–806, Ion Beam Laboratory Refurbishment, Sandia National Laboratories, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactor Facilities Production Support Complex, Naval Reactors Facility, Idaho, $8,300,000.

Project 09–D–190, KAPL Infrastructure Upgrades, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,317,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $1,321,461,000, of which $487,008,000 is for construction of the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina, and associated program activities and functions.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $247,371,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for energy security and assurance programs necessary for national security in the amount of $7,622,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE RUSSIAN PLUTONIUM DISPOSITION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate, under which the person contributes funds for the effective and transparent disposition of excess weapon-grade Russian plutonium in the Russian Federation, known as the Russian Plutonium Disposition Program.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Energy may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Russian Plutonium Disposition Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN 5 YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(d) NOTICE TO APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 30 days after the receipt of an amount contributed under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use such amount until 15 days after the notice is submitted.

(e) ANNUAL REPORT.—Not later than October 31 of each year, beginning in the fiscal year in which the first contributions are retained under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(2) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(3) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) EXPIRATION.—The authority to accept, retain, and use contributions under this section shall expire on December 31, 2013.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3112. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

Section 3124(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 580) is amended by striking ''Not later than 180 days after the date of the enactment of this Act,'' and inserting ''No later than March 1, 2009,''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $25,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $19,099,000 for fiscal year 2009 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

Funds are hereby authorized to be appropriated for fiscal year 2009, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $117,848,000, of which—

(A) $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and

(B) $8,306,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, Unites States Code, $193,500,000, of which $19,500,000 will be available for costs associated with the maintenance reimbursement pilot program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C 53101 note).

(4) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $25,000,000.

(5) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $18,000,000.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(7) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,531,000.

SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.

(a) IN GENERAL.—Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to a vessel if the Administer of the Maritime Administration certifies that—

(1) a compelling need for dismantling, recycling, or scrapping the vessel exists;

(2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;

(3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and

(4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

(c) CERTIFICATION.—The certification required in subsection (b) must be provided to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 90 days before any vessel is approved for transport to a foreign country for purposes of dismantling, recycling, or scrapping.

(d) UNITED STATES DEFINED.—In this section the term ''United States'' means the States of the United States, Puerto Rico, and Guam.

SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''$4,000'' and inserting ''$8,000'';

(2) by inserting ''tuition,'' after ''uniforms,''; and

(3) by inserting ''before the start of each academic year'' after ''and be paid''.

SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2380) is amended to read as follows:

''SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.

''(a) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that—

''(1) subject to paragraph (2), allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

''(2) require that riding gang members hold a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

''(b) EXEMPTION.—

''(1) IN GENERAL.—In accordance with regulations issued by the Secretary of Defense, an individual shall not be treated as a riding gang member for the purposes of section 8106 of title 46, United States Code, and this section if—

''(A) the individual is aboard a vessel that is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel; and

''(B) the individual—

''(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel;

''(ii) is one of the force protection personnel of the vessel;

''(iii) is a specialized repair technician; or

''(iv) is otherwise required by the Secretary of Defense to be aboard the vessel.

''(2) BACKGROUND CHECK.—

''(A) IN GENERAL.—This section shall not apply to an individual unless—

''(i) the name and other necessary identifying information for the individual is submitted to the Secretary for a background check; and

''(ii) except as provided in subparagraph (B), the individual successfully passes a background check by the Secretary prior to going aboard the vessel.

''(B) WAIVER.—The Secretary may waive the application of subparagraph (A)(ii) for an individual who holds a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

''(3) EXEMPTED INDIVIDUAL NOT TREATED AS IN ADDITION TO THE CREW.—An individual who, under paragraph (1), is not treated as a riding gang member shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.''.

SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT PROGRAM FOR THE MARITIME SECURITY FLEET.

Section 3517(a) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note; as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3548)) is amended by adding at the end the following:

''(3) EXISTING OPERATING AGREEMENTS.—The Secretary of Transportation shall, subject to the availability of appropriations, seek to enter into an agreement under this section with one or more contractors under an operating agreement under that chapter that is in effect on the date of the enactment of this paragraph, regarding maintenance and repair of all vessels that are subject to the operating agreement.''.

SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—The Maritime Administrator may establish a temporary program for the purpose of, subject to the availability of appropriations, contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

(b) CONTRACT REQUIREMENTS.—Each contract under the program—

(1) must be approved by the Maritime Administrator;

(2) subject to paragraph (3), shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year; and

(3) shall terminate not later than 6 months after the termination of contract authority under subsection (d).

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under the program, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under the program.

(d) TERMINATION OF CONTRACTING AUTHORITY.—The authority to award contracts under the program shall terminate upon the expiration of December 31, 2009.

(e) EXISTING CONTRACTS.—Any contract entered into before the effective date of this section for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.

(f) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the United States Merchant Marine Academy.

(2) MARITIME ADMINISTRATOR.—The term ''Maritime Administrator'' means the Administrator of the Maritime Administration, or a designee of the Administrator.

(3) PROGRAM.—The term ''program'' means the program established under subsection (a).

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 110–666 and amendments en bloc described in section 3 of the resolution.

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

□ 1345

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

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

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

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–666.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

In section 201(1), strike the dollar amount and insert the following: ''$10,688,695,000''.

In section 201(2), strike the dollar amount and insert the following: ''$19,764,738,000''.

In section 595(a), strike ''(1) IN GENERAL.—''.

In section 713(d)(1)(B), strike ''copayments for smoking cessation services had been waived pursuant to subsection (b) during that year'' and insert ''if the beneficiary had not been excluded under subsection (a) from the smoking cessation program under that subsection''.

In section 714, amend the section heading to read as follows:

SEC. 714. PREVENTIVE HEALTH ALLOWANCE.

In section 832, page 329, line 12, strike ''438(c)(1)(A)'' and insert ''438(d)(1)''.

In section 1001(a)(2), in lieu of the blank underscore after the dollar sign, insert ''4,000,000,000''.

In section 2902, strike subsection (a) and insert the following new subsection:

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$19,962,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$17,930,000
	San Diego, Marine Corps Recruit Depot.	$43,200,000
	Twentynine Palms	$12,324,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina.	Camp Lejeune	$27,980,000
	Parris Island Marine Corps Recruit Depot.	$16,000,000
Virginia	Yorktown	$8,070,000

In section 2902(c), strike the dollar amounts in the matter preceding paragraph (1) and in paragraph (1) and insert ''$197,618,000'' and ''$171,176,000'', respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is a technical corrections amendment to H.R. 5658, as reported by the Committee on Armed Services on May 16 of this year, and I certainly hope it will be adopted and I so move.

Mr. HUNTER. Would the gentleman yield?

Mr. SKELTON. I yield.

Mr. HUNTER. We've obviously cleared this on our side, and we totally support the distinguished gentleman from Missouri's amendment.

Mr. SKELTON. I yield back, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–666.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SKELTON:

At the end of title X, add the following new section:

SEC. 1071. STANDING ADVISORY PANEL ON IMPROVING INTEGRATION BETWEEN THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.

(a) ESTABLISHMENT OF ADVISORY PANEL.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly establish an advisory panel to review the respective roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development in the national security collaborative system.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;

(B) three shall be appointed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the Administrator;

(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and

(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator that appointed the chairman to the advisory panel under paragraph (1).

(4) EXPERTISE.—Members of the advisory panel shall be private citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the advisory panel have been made under subsection (b).

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(4) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall enter into a contract with a federally funded research and development center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (c)(3).

(2) DEADLINE FOR CONTRACT.—The Secretary of Defense shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(e) DUTIES OF PANEL.—

(1) The advisory panel shall analyze the roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development regarding—

(A) stability operations;

(B) non-proliferation;

(C) foreign assistance (including security assistance);

(D) strategic communications;

(E) public diplomacy;

(F) the role of contractors; and

(G) other areas the Secretary of Defense, the Secretary of State, and the Administrator consider appropriate.

(2) In providing advice, guidance, and recommendations to improve the national security collaborative system, the advisory panel shall review—

(A) the structures and systems that coordinate policy-making;

(B) the roles and responsibilities of the departments and agencies of the Federal Government involved in the national security collaborative system;

(C) integrating the expertise of the departments and agencies of the Federal Government involved in the national security collaborative system; and

(D) coordinating personnel assigned abroad as part of the national security collaborative system.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—

(A) Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report that identifies—

(i) aspects of the national security collaborative system that should take priority during the improvement of integration between the Department of Defense, the Department of State, and the United States Agency for International Development; and

(ii) methods to better integrate the national security collaborative system.

(2) ANNUAL REPORT.—

(A) Not later than December 31 of each year, the advisory panel shall submit to the

Secretary of Defense, the Secretary of State, and the Administrator, a report on—

(i) the activities of the advisory panel;

(ii) any deficiencies in the national security collaborative system;

(iii) any improvements made to the national security collaborative system;

(iv) methods to better integrate the national security collaborative system; and

(v) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate committees of Congress the reports under this subsection and any additional information considered appropriate.

(4) CONGRESSIONAL BRIEFINGS.—Not later than 30 days after the submission of each report under this subsection, the advisory panel shall meet with the appropriate committees to brief such committees on the matters contained in the report.

(5) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate committees of Congress are the following:

(A) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(B) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on September 30, 2013.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) NATIONAL SECURITY COLLABORATIVE SYSTEM.—The term ''national security collaborative system'' means the structures, mechanisms, and processes by which the Department of Defense, the Department of State, and the United States Agency for International Development coordinate and integrate their policies, capabilities, expertise, and activities to accomplish national security missions overseas.

(3) STABILITY OPERATIONS.—The term ''stability operations'' means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security Presidential Directive 1, or National Security Presidential Directive 44.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is an amendment that deals with a very difficult situation that has arisen in recent years: the cooperation, or I should say, the lack of cooperation between various departments of our government that relate to national security. This in particular, however, deals with just the Defense Department and the State Department. We had a historic hearing in our committee touching on this subject with the Secretary of Defense and the Secretary of State testifying side by side.

This amendment provides both the Congress and the executive branch with specific recommendations by a specified panel to key issues based on practical experience. It will also serve as a useful tool to guide future congressional efforts in this area and demonstrate congressional commitment to long-term solutions and cooperation.

I wish to compliment my friend and colleague from California for his assistance on this as well, Mr. BERMAN, and I might say this also is a bipartisan amendment. Several people, the gentleman on the Armed Services Committee on the other side of the aisle, are strongly in favor of it, as well as on the Democratic side.

I also wish to thank, besides Mr. BERMAN, NITA LOWEY for her cosponsorship of this particular amendment.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would yield to myself such time as I might consume.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I would simply say that this is an important amendment and one that I support strongly, and I think most of the members of the committee support strongly.

This is a joint effort. It's not just a DOD effort, when we discussed the two warfighting theaters and the standing up of a government that will be an ally of the United States and will have a modicum of democracy. It's important to have the other agencies that are so critical to this effort, to the coordination of this effort, that is, the Department of State and the USAID administrator, to be involved to ensure that we do have coordination and cooperation.

At this time, Mr. Chairman, I'd like to yield to Mr. FORBES, the gentleman from Virginia, 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of the amendment to create an advisory panel between the Department of Defense and the State Department.

Under the leadership of Chairman SKELTON, Chairman BERMAN and Chairwoman LOWEY, I believe we've taken the first of what I hope will be many steps to reform the Interagency process.

As Chairman SKELTON said yesterday, reforming the way our Federal agencies cooperate is not going to happen in 1 year.

We have 19 Federal departments that have Cabinet-level authority, each with their own mission, culture, and priorities. But whether it is coordinating a uniform and united response to a natural disaster such as Hurricane Katrina, whether it's organizing counterterrorism efforts between the CIA, FBI and the Department of Homeland Security, or whether it's coordinating food safety efforts between the Department of Agriculture and the Department of Homeland Security, it's critical that our agencies are not restricted by regulations or cultures that lead to distrust rather than one of cooperation.

The American people expect their government agencies to work together to be responsive and effective in carrying out the duties of government: keeping America safe, enforcing justice, and providing assistance in times of crisis. Americans expect this to be the case in our government's dealing, both at home and around the world.

So I urge my colleagues to support this amendment, which establishes an advisory panel between two of our largest departments. This panel will identify ways those departments can collaborate more effectively to address national security challenges we face.

I want to thank Chairman SKELTON for his leadership and his commitment to this issue.

Mr. SKELTON. At this time, I yield 3 minutes to my friend, the coauthor of this amendment, the gentleman from California (Mr. BERMAN) who is the distinguished chairman of the Foreign Affairs Committee and, as I mentioned, a cosponsor of the amendment.

Mr. BERMAN. I thank the gentleman for yielding.

I'm very proud to cosponsor this amendment with Mr. SKELTON, the Chair of the committee, along with the Chair of the Subcommittee on State and Foreign Operations, Mrs. LOWEY.

Among the many lessons learned from the wars in Iraq and Afghanistan is the stark fact that the State Department and Defense Department have failed to coordinate on critical policy issues in these two war zones. In fact, throughout the U.S. Government, there is a misalignment between resources and missions, expertise and funding.

The problems are most evident in the arena of stability and reconstruction operations, where the Defense Department has assumed the lion's share of responsibilities.

However, the Defense Department is now playing a greater role in a wide range of foreign assistance programs. By some estimates, more than 20 percent of foreign aid now flows through the Pentagon.

Some of this can be attributed to a lack of capacity at State and USAID, a problem we're trying to address through legislation authored by Mr. FARR, which the House passed and is now a part of this bill.

But to the extent these problems result from a lack of coordination, we need to take steps to help ensure that the day-to-day plumbing of our national security agencies is sufficiently welded so that personnel from different departments have incentive to work together, and that the objectives of these departments are properly calibrated with overall U.S. Government priorities.

This amendment constitutes a first step in that direction. It establishes an advisory panel, structured to ensure that the three key agencies charged with protecting U.S. national security and promoting American interests abroad, State, Defense and USAID, have equal presence. I hope that the panel will work closely with these agencies to produce a report that is

practical, well-informed and, most important, directly applicable to their day-to-day operations.

The one thing I know is that if this panel creates a dynamic where these agencies work as well together as I have found the ability to work with the chairman of the House Armed Services Committee, we can make a lot of progress here. It's a real honor to have been engaged with Chairman SKELTON, as well as Chairwoman LOWEY on the appropriations side, in trying to come to grips with this problem.

I think this is a good first step, and I urge my colleagues to adopt this amendment.

Mr. HUNTER. Mr. Chairman, we have one more speaker who I think is on his way. So if the gentleman from Missouri has another speaker, if we could pass and see if we can get our other speaker down here.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, my colleague, the gentlelady from California (Mrs. DAVIS) who is the chairwoman of the Subcommittee on Military Personnel of our Armed Services Committee.

Mrs. DAVIS of California. I rise in support of the Skelton-Berman-Lowey amendment.

Mr. Chairman, the wars in Iraq and Afghanistan have highlighted why Congress and the executive branch must do a better job of marshalling all elements of national power in support of U.S. goals abroad and ensure that future missions are not military-centric but joint interagency efforts.

The creation of an interagency advisory panel required to make recommendations to each department is an excellent first step.

As important as the creation of this new panel is, the coordination between the committees that we see here today is also critical.

We know that part of the interagency problem is the rigid stovepipe structure found right here in this body. So while this amendment seeks to influence the executive branch, it will take reforms on both ends of Pennsylvania Avenue to have the type of interagency coordination we need to address the challenges of the 21st century.

I applaud the sponsors of this bill, Chairman SKELTON, Chairman BERMAN and Chairwoman LOWEY. They deserve an enormous amount of credit for bringing this forward, and I urge all of my colleagues to support it.

□ 1400

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I support this amendment. I want to commend Chairman SKELTON and Chairman BERMAN and Chairwoman LOWEY for working together. It is something that does not often happen in this body to have three different Chairs work together on a common purpose. In addition, Mrs. DAVIS from California and Mr. DAVIS from Kentucky have been pushing this very same issue.

Mr. Chairman, if we're going to be successful against the terrorists or any other number of challenges we face, we have to have all the instruments of national power and influence working together, not only coordinated, but integrated, so that it is a seamless unit.

I hope, as others have said, this is a first step. But it is clearly only one step towards greater reforms that need to take place to ensure that it is one integrated unit when this country seeks to accomplish things. I appreciate the spotlight being shown on the problem through this amendment. And I hope that we have this sort of cooperation going forward in the future as well.

Mr. SKELTON. At this time, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), who is a member on leave from our Armed Services Committee.

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

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of the Skelton-Berman-Lowey amendment, and I want to commend the sponsors for proposing this amendment.

Having served on the Armed Services, Intelligence, and Homeland Security Committees, I have seen firsthand the stovepiping that occurs in the various parts of government responsible for national security. I recognize the urgent need to encourage greater interagency cooperation, both in strategic planning and at the operational level.

Our Nation has many ways to promote stability and peace throughout the world and protect our Nation. We often see a focus on our hard power assets, such as use of our military, but we also use our diplomacy, financial assistance, or other ''soft power'' assets such as cultural exchanges and communications. We need far better coordination and cooperation between our hard and soft power assets to truly achieve a comprehensive national security strategy for the United States.

This amendment would create an advisory panel to encourage collaboration among Department of Defense, State Department, and USAID. This is an important first step in promoting a comprehensive view of national security, and I'm confident that the sponsors of this amendment will build on this effort.

I look forward to working with them to encourage more interagency cooperation so that the United States can be more effective in reaching our national security goals.

Mr. SKELTON. Mr. Chairman, may I inquire as to the remaining time, please.

The Acting CHAIRMAN. The gentleman from Missouri has 3½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. SKELTON. Mr. Chairman, let me take this opportunity to say a special thanks to those who worked so hard and so long on this issue. Number one is recognizing the problem, number two is doing something about it.

Now, it really crosses more than two departmental lines or two committee lines, the Defense and the Foreign Affairs. This is a major step in the right direction, and Congress is doing something about it.

Let me say special thanks, first, to our ranking member, Mr. HUNTER, to Dr. SNYDER, Mrs. DAVIS of California, Mr. THORNBERRY of Texas, Mr. MURTHA, of course cosponsor Mr. BERMAN, cosponsor Mrs. LOWEY, Mr. COOPER, who chaired the panel on Roles and Missions, Mr. SCHIFF, Mr. LANGEVIN and Mr. GEOFF DAVIS. I'm sure there are others that have worked on it, but those need special recognition for the efforts that they put forth in this.

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

Mr. HUNTER. Mr. Chairman, at this time, I yield back the balance of my time unless the gentleman from Missouri needs it. I would yield it to his side.

Mr. SKELTON. I do have at least one additional speaker, Mr. Chairman.

Mr. HUNTER. Mr. Chairman, my speaker did just arrive. If I could impose on the gentleman, he is ready to go.

I would ask unanimous consent that I be allowed to retrieve my time.

The Acting CHAIRMAN (Mr. ROSS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I would yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Thank you, Congressman HUNTER, Chairman SKELTON.

I just want to make a statement that I rise in very strong support of this amendment. It is critical right now that we address the challenges between the agencies and the Federal Government.

Over a year ago, Congresswoman SUSAN DAVIS and I formed the bipartisan National Security Reform Caucus to begin to address these issues in a new flavor from what now Chairman SKELTON began to address as a young Member of Congress in the 1980s, leading to sweeping reforms in the Defense Department, and leading to the concept of jointness between our services that we have today.

We've seen this caucus grow. We've seen terrific hearings that have been done on the Oversight and Investigations Committee pointing to the need for better interoperability between the State Department and the Defense Department. We have many dedicated civil servants and many dedicated military personnel who are actually blocked, in many aspects, from working together because of the silos of the agencies, statutes and regulations in accounting that prevents them from interacting effectively.

I think that one of the things that we need to do as a Nation is to have the ability to more flexibly and agilely use our instruments of national power so that putting troops on the ground, using our kinetic power, is the last thing we do; that we can begin on the soft end with humanitarian efforts, peacekeeping, peace enforcement, reaching out with information, and using very powerful and often unheralded assets like the Agency for International Development, more expeditionary Foreign Service, and allow this interaction to take place in an effective manner. I think that by having this standard advisory panel, we can take the politics out of this and continue to work closely.

I appreciate the chairman's leadership, leading in a bipartisan manner on such a critical issue, convening many meetings and forums, and also participating over a year ago with us on this Council of Foreign Relations effort that brought together much of the interagency community.

Again, I encourage my colleagues to support this. Thank you for your time, and the chairman for his graciousness and procedure.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Pursuant to section 4 of House Resolution 1218, and as the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the en bloc amendments, the following amendments be considered in the following order: amendment No. 6, amendment No. 23, amendment No. 33, amendment No. 8, amendment No. 15, amendment No. 26, amendment No. 50, amendment No. 53.

Mr. Chairman, I yield 1 minute to my friend from Tennessee, (Mr. COOPER).

Mr. COOPER. I thank the chairman, IKE SKELTON of Missouri, who has done a tremendous job of leading this important bill through this Congress and including this very, very important amendment that I urge my colleagues to support.

No Member of this body has done more to promote roles and missions reform than IKE SKELTON. He was present at the creation of Goldwater-Nichols back in the 1980s, and he is pushing the Pentagon hard today to keep America number 1, to make sure that we're getting our roles and missions right.

I am personally grateful that he sponsored the panel in which seven Members, on a bipartisan basis, reached unanimous agreement that we need to tackle this important subject.

I want to thank, in particular, my ranking member, PHIL GINGREY, but all of the panel members, whether it's Mr. LARSEN, Ms. GILLIBRAND, Admiral Sestak, Mr. CONAWAY and Mr. DAVIS. It was a very important effort to work on. I look forward to the passage of this amendment, when we can have a standing committee within the Pentagon itself to focus on this important issue.

So I congratulate all of my colleagues in the House. This is the Duncan Hunter Defense Authorization bill. This is a landmark bill for the strength and safety of our country. This amendment will make that bill even stronger for future generations.

Mr. HUNTER. Mr. Chairman, I just want to say that the gentleman from Tennessee had it right in that the chairman has been a prime mover in forcing jointness with the military services. And it's only appropriate that, because this is an effort that requires other agencies, besides DOD, that we have a mechanism to get them together, move them together in a true jointness. I want to commend the chairman for his authorship of this.

At this point, Mr. Chairman, we have no more requests for time on this side. Unless the gentleman needs our time, I yield back our time.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–666.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. AKIN:

At the end of subtitle A of title II, add the following new section:

SEC. 203. INCREASED FUNDING FOR FUTURE COMBAT SYSTEMS.

(a) INCREASE.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $193,000,000, of which—

(1) $101,000,000 shall be available for Future Combat Systems, MGV; and

(2) $92,000,000 shall be available for Future Combat Systems, SoS Engineering.

(b) CORRESPONDING OFFSETS.—The amount in section 201(2) for research, development, test, and evaluation, Navy, is hereby reduced by $30,000,000, to be derived from PE 0305205N, line 198 Endurance Unmanned Aerial Vehicles, Broad Area Maritime Surveillance. The amount in section 421, military personnel, is hereby reduced by $138,000,000, to be derived from unobligated balances. The amount in section 1403, Defense Health Program, is hereby reduced by $25,000,000, to be derived from unobligated balances.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today on a subject that is of great deal of interest to the Army, and that is what's called the Future Combat Systems.

The Army has one basic modernization program, the only comprehensive modernization program that they've had in the last more than 30 years. So obviously this is of great interest to the Army, and the Army would like to see it funded at the level that it came across from the administration. And what we've done is we've cut over $200 million from Future Combat Systems. My amendment simply restores a portion, $100 million plus, of that $200 million cut.

Now the thing that we have to understand about this is this is a very complicated program. And next year, at least in theory, there is a ''go, no go,'' either we're going to support this program or we're going to cancel it, and there is no fallback position. So here we are, 1 year before the final decision, and what we're doing is one more time inflicting a death of 1,000 slashes. Now, last year we tried to just slit its throat with $800 million, but this year we're simply cutting it a little over $200 million. It seems to be a very bad time when we are just 1 year away from making the final decision, go or no go, to cut money from it.

Now, if there is one way that you want to make a scheduled slip, the best way to do it is cut money out because then you don't have as many people working on it, it causes delays in the program. So do we want to cause delays in the program? I think not.

The one question might be, well, how do you fund this extra $100 million? Well, we're getting the money from the same place where we got $1 billion. The committee took $1 billion earlier, so this is a small amount more.

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

Mr. ABERCROMBIE. Mr. Chairman, I claim the time for those who oppose this amendment.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to Mrs. Davis.

Mrs. DAVIS of California. Mr. Chairman, I rise in strong opposition to the Akin amendment.

Our men and women in uniform and their families are bearing the brunt of the wars. Those who volunteer to protect our freedom face deployment after deployment, and we know that. Their families at home are facing difficulty getting the health care they need from military hospitals because of resource shortages.

This amendment was offered in committee and failed by a vote of 33–24. The question, Mr. Chairman, for Members on the Akin amendment is clear, how much do we support our military families? Are they really our high priority?

I urge my colleagues to stand with our troops and their families and oppose the Akin amendment.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MCHUGH).

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Mr. MCHUGH. Mr. Chairman, with all due respect to my Chair, on which I

serve as ranking on Personnel, it's really a case of ''Do as I say, not as I do.''

It's very important to recognize, whatever you feel about this amendment, the facts are these: The offsets both from the Defense Health Program that the gentlewoman just spoke in great emotional terms about as well as the cuts with respect to other offsets come from unexpended balances. And I think it's important to note as well, while our friends on the other side of the aisle are saying ''absolutely not'' to this very modest offset, that when it comes to these very same unexpended accounts, they spent $250 million out of the DHP, the Defense Health Program, while at the same time they took over $1 billion of unexpended balances.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. AKIN. I yield the gentleman an additional 30 seconds.

Mr. MCHUGH. So the gentleman from Missouri's efforts to cut very modest amounts would not in any way diminish the onboard dollars that are spent in support of our men and women in uniform. No one on this side of the aisle is proposing to do that. The gentleman from Missouri is not.

Quite frankly, the protestations that I'm hearing on the floor as I heard in the full committee markup coming from people that took over $1¼ billion of those same funds to spend on other accounts is rather disingenuous.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the chairman of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I strongly oppose this amendment.

Back in law school when you had a question, the instructor would say, ''Read it. What does it say?'' And this amendment says that $163 million is attained from a military personnel account and from the health care account for our troops. That's what it says.

Let's be clear. The personnel account deals with pay and benefits and the health care for our military community. Cutting that is not acceptable.

Let me explain. The subcommittee system in the Armed Services Committee does a good job. This particular program, the Future Combat System, was scrubbed. As a matter of fact, some items in it were plussed up by several millions of dollars. Nothing well beyond 2015 was touched. It has come in at an estimate of nearly actually twice what the original estimate was.

I just think it's wrong to take this money or attempt to take this money from these accounts which take care of our troops. We are doing our best to increase the readiness of our troops, and readiness also touches families, families' attitude whether someone will reenlist and keep the skills in uniform or whether they will go home and not remain part of our military.

Consequently, I think this is just a wrong amendment and I do oppose it.

Mr. AKIN. Mr. Chairman, I yield to the gentleman from New York (Mr. MCHUGH) an additional 30 seconds.

Mr. MCHUGH. Mr. Chairman, I fully agree with the distinguished chairman: Read it. Read the budget that our Democrat friends put forward that shows how they cut from the President's request more than $580 million from personnel account recommendations. Read it, how the GAO report has shown that they expended from the unexpended balances of $1.8 billion available over $1 billion of that. And read it, how the GAO in expended balances in DHP listed $250 million a cut.

Mr. ABERCROMBIE. Mr. Chairman, how much more time did Mr. SKELTON have on his 2 minutes, please?

The Acting CHAIRMAN. His time had expired as he was ending, and the gentleman from Hawaii has 2 minutes remaining. The gentleman from Missouri has 1.

Mr. ABERCROMBIE. Mr. Chairman, I yield 15 seconds to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, we're talking about the amendment in front of us. That's what I think people should read. Not something else. Not something that is not on point in the middle of the discussion before us today.

Read it. It takes money from the personnel account and from the health care account. That's not treating the troops right.

Mr. AKIN. Mr. Chairman, I yield 1 minute to my friend from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Chairman, I am in very, very strong support of this amendment. The Future Combat System is a system that leverages technology in a way that it will help us in the future a great deal. This system has been underdevelopment for quite some years, and for the last 3 years in a row, not counting this year, for the last 3 years in a row, there have been significant cuts made to the program.

This year, as Mr. AKIN correctly pointed out, is the year where we get out the yardstick and say how much progress have we made? Do we want to continue the system or do we want to cancel it? A $233 million cut to this program this year to me seems to be very unwise because this is the yardstick year. This is the year where we make the decision, based on the progress that we have been able to measure, whether the program goes forward or is modified or is cancelled.

And so I believe that this amendment should be one we all support.

Mr. ABERCROMBIE. How much time is remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Hawaii has 1¾ minutes remaining. The gentleman from Missouri's time has expired.

Mr. ABERCROMBIE. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it cuts funding to our troops and their families. The defense bill's purpose is to ensure that troops and their families needs are put first as they struggle to fight two wars.

The needs of the Army are shortchanged in this amendment. The needs of the Army should be put first as the service carrying the heaviest burdens in the wars in progress. Readiness above all.

Putting troops first involves making choices. As President Eisenhower said about ''the clearly necessary.''

This amendment decreases pay benefits, health care for troops and their families, benefits that are clearly necessary by any measure, and puts hundreds of millions of dollars into corporate overhead.

Hear me. Understand. You vote for this amendment, you're voting to cut funds for the troops and their health care and their families' to put it in corporate overhead accounts, and you're going to be held to account for it come November, guaranteed.

The defense bill already provides $3.3 billion for this program. No more is needed for corporate overhead. The 5 percent reduction in the program that this amendment seeks to roll back has been reallocated. We reallocated funds for serious equipment shortfalls in the Army, National Guard, and Reserve. The equipment readiness needs of the Army, Guard, and Reserve take priority over corporate overhead any day. Understand, to pay for this amendment, you cut military pay, benefits, health care, and equipment for the National Guard and Reserve in multiple deployments.

The choice could not be more clear. You are going to take funding from the troops and their families and give it to defense contractors who have already received over $15 billion. Defense contractors are well paid for their services. They do not come and their profits don't come before military families.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

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

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 1218, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 7, 9, 12, 13, 16, 17, 18, 21, 27, 29, 34, 35, 36, 37, 38, 39, 41, 44, 47, 48, 49, 54 and 57 printed in House Report 110–666 offered by Mr. SKELTON:

AMENDMENT NO. 7 OFFERED BY MRS. TAUSCHER

The text of the amendment is as follows:

At the end of title X, insert the following new section:

SEC. 1071. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476) is amended by adding at the end the following new subsection:

''(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the commission, which advises Congress, because the Federal Advisory Committee Act applies only to commissions that advise the executive branch.''.

AMENDMENT NO. 9 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

In section 595, redesignate subsection (h) as subsection (i) and insert after subsection (g) the following new subsection:

(h) INCLUSION OF COAST GUARD IN SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.—

(1) EXPANSION OF COMMISSION.—The commission shall include two additional members, as follows:

(A) 1 retired flag officer of the Coast Guard appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(B) 1 senior commissioned officer or noncommissioned officer of the Coast Guard on active duty appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(2) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

AMENDMENT NO. 12 OFFERED BY MR. BUYER

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL READINESS FOR THE ARMY RESERVE.

Of the amount authorized in section 301(6) to be appropriated for fiscal year 2009 for the Army Reserve—

(1) $22,300,000 is authorized for first term dental readiness; and

(2) $8,500,000 is authorized for demobilization dental treatment.

AMENDMENT NO. 13 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) REQUIREMENTS FOR DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop requirements relating to covered offenses allegedly perpetrated by or against contractor personnel in the case of defense contractors performing covered contracts.

(2) SPECIFIC MATTERS COVERED.— The requirements developed under paragraph (1) shall include the following:

(A) REPORTING REQUIREMENT.—A requirement for defense contractors to report, in a manner prescribed by the Secretary of Defense, covered offenses allegedly perpetrated by or against contractor personnel.

(B) ASSISTANCE.—A requirement for defense contractors to provide for victim and witness safety, medical assistance, and psychological assistance in the case of a covered offense. The Secretary of Defense shall prescribe regulations to carry out this subparagraph, and the regulations shall be in accordance with regulations of the Department of Defense relating to restricted reporting for sexual assaults.

(C) INFORMATION.—A requirement that the contractor provide to all contractor personnel who will perform work on the contract, before beginning such work, information on the following:

(i) How and where to report an alleged covered offense.

(ii) Where to seek the assistance required by subparagraph (B).

(3) IMPLEMENTATION AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—

(A) CURRENT CONTRACTS.—With respect to any covered contract in effect on the date of the enactment of this Act, the contract shall be modified to include the requirements under paragraph (1) as a condition of the contract.

(B) FUTURE CONTRACTS.—With respect to any covered contract entered into by the Department of Defense after the date of the enactment of this Act, the requirements developed under paragraph (1) shall be included as a condition of the covered contract.

(b) GOVERNMENT REQUIREMENTS.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged covered offenses reported under this section. The information shall be updated no less frequently than quarterly.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term ''covered contract''—

(A) means a contract with the Department of Defense performed—

(i) in Iraq or Afghanistan; or

(ii) in any area designated by the Secretary as being in support of the United States mission in Iraq or Afghanistan; and

(B) includes—

(i) any subcontract at any tier under the contract; and

(ii) any task order or delivery order issued under the contract or such a subcontract.

(2) COVERED OFFENSE.—The term ''covered offense'', with respect to a covered contract, means an offense under chapter 212 of title 18, United States Code—

(A) that is a crime of violence (as defined in section 16 of such title 18); and

(B) that is committed—

(i) by or against contractor personnel; and

(ii) in geographic areas where the covered contract is performed.

(3) CONTRACTOR PERSONNEL.—The term ''contractor personnel'' means any person performing work under a covered contract, including individuals and subcontractors at any tier.

AMENDMENT NO. 16 OFFERED BY MR. LAHOOD

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

(a) AUTHORITY TO OBTAIN DEFERMENT.—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) REPEAL OF LIMITED AUTHORITY.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11–181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

AMENDMENT NO. 17 OFFERED BY MS. WOOLSEY

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII add the following new section:

SEC. 28___. TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.

(a) TRANSFER MEMORANDUM OF AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) ACCEPTANCE OF DONATIONS; USE.—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of demolishing and removing structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available, without further appropriation and until expended.

AMENDMENT NO. 18 OFFERED BY MR. BERMAN

The text of the amendment is as follows:

In section 1602, add at the end the following new paragraph:

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike ''2008, 2009, and 2010'' and insert ''2009, 2010, and 2011''.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike ''$100,000,000'' and insert ''$200,000,000''.

AMENDMENT NO. 21 OFFERED BY MR. COOPER

The text of the amendment is as follows:

Page 353, after line 11, insert the following:

SEC. 849. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT INSURANCE.

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes the cost of such insurance to the Department of Defense.

(b) CRITERIA.—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct

or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) OPTIONS.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider the following options:

(1) Entering into a single Defense Base Act insurance contract for the Department of Defense.

(2) Entering into a single Defense Base Act insurance contract for contracts involving performance in theaters of combat operations.

(3) Entering into a contract vehicle, such as a multiple award contract, that provides for competition among contractors for categories of insurance coverage, such as construction, aviation, security, and other categories of insurance.

(4) Using a retrospective rating approach to Defense Base Act insurance that adjusts rates according to actual claims incurred on a cost reimbursement basis.

(5) Adopting a self-insurance approach to Defense Base Act insurance for Department of Defense contracts.

(6) Such other options as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) REVIEW OF ACQUISITION STRATEGY.—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).

AMENDMENT NO. 27 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

At the end of subtitle F of title VI, insert the following new section:

SEC. 664. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $10,000,000, and such amount shall be available for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in fiscal year 2009 for Military Personnel are reduced by $10,000,000.

AMENDMENT NO. 29 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 34 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

At the end of title VII, add the following new section:

SEC. 7___. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN REPORT ON HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the measures underway to implement the recommendations contained in the report entitled ''Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat'', which was conducted pursuant to section 716 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2391).

AMENDMENT NO. 35 OFFERED BY MR. KING OF IOWA

The text of the amendment is as follows:

Page 401, after line 14, insert the following new section:

SEC. 947. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions in the Department of Defense; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.''

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the

Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

AMENDMENT NO. 36 OFFERED BY MS. MATSUI

The text of the amendment is as follows:

At the end of subtitle E of title V, add the following new section:

SEC. 5___. CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.

(a) CORRECTION AND PAYMENT AUTHORITY.—During the period beginning on January 1, 2009, and ending on June 30, 2009, the Secretary of the Army may—

(1) consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract; and

(2) pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request if the Secretary determines that the correction of the records is appropriate.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

AMENDMENT NO. 37 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. MOTOR CARRIER FUEL SURCHARGES.

(a) PASS THROUGH AND DISCLOSURE.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2652. Motor carrier fuel surcharges

''(a) PASS THROUGH TO COST BEARER.—In all carriage contracts in which a fuel-related adjustment is provided for, the Secretary of Defense shall require that a motor carrier, broker, or freight forwarder providing or arranging truck transportation or service using fuel for which it does not bear the cost pay to the person who bears the cost of such fuel the amount of all charges that relate to the cost of fuel that were invoiced or otherwise presented to the person responsible directly to the motor carrier, broker, or freight forwarder for payment for the transportation or service.

''(b) DISCLOSURE.—The Secretary shall require in a contract described in subsection (a) that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel not paid for by it disclose any fuel-related adjustment by making the amount of the adjustment publicly available, including on the Internet.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to ensure contracts described in subsection (a) include measures necessary to ensure enforcement of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: new item:

''2652. Motor carrier fuel surcharges.''.

AMENDMENT NO. 38 OFFERED BY MR. TURNER

The text of the amendment is as follows:

Page 481, after line 13, insert the following:

SEC. 1110. STATUS REPORTS RELATING TO LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357) is amended by adding at the end the following:

''(e) STATUS REPORTS.—

''(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the year in which such report is submitted, the information described in paragraph (2).

''(2) INFORMATION REQUIRED.—Each report under this subsection shall describe the following:

''(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

''(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

''(C) With respect to any applications by laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

''(i) the number of applications that were received, pending, or acted on during such year;

''(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

''(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

''(3) DEFINITION.—For purposes of this subsection, the term 'demonstration laboratory' means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)) as a Department of Defense science and technology reinvention laboratory.''.

AMENDMENT NO. 39 OFFERED BY MR. STUPAK

The text of the amendment is as follows:

Add at the end of subtitle D of title VI, the following new section:

SEC. 6___. ELIGIBILITY FOR DISABILITY RETIRED PAY AND SEPARATION PAY OF CERTAIN FORMER CADETS AND MIDSHIPMEN WITH PRIOR ENLISTED SERVICE.

Section 1217(a) of title 10, United States Code, is amended by striking ''incurred after October 28, 2004.'' and inserting ''incurred—

''(1) after October 28, 2004; or

''(2) after January 1, 2000, in the case of a cadet or midshipman who was discharged from an enlisted grade in order to accept an appointment as a cadet or midshipman.''.

AMENDMENT NO. 41 OFFERED BY MR. EVERETT

The text of the amendment is as follows:

At the end of title subtitle E of title V, insert the following new section:

SEC. 5___. EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.

(a) NATIONAL DEFENSE INTELLIGENCE COLLEGE.—

(1) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§ 2161. Degree granting authority for National Defense Intelligence College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

''2161. Degree granting authority for National Defense Intelligence College.''.

(b) NATIONAL DEFENSE UNIVERSITY.—

(1) IN GENERAL.—Section 2163 of such title is amended to read as follows:

"§ 2163. Degree granting authority for National Defense University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

''2163. Degree granting authority for National Defense University.''.

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

''§ 4314. Degree granting authority for United States Army Command and General Staff College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

''4314. Degree granting authority for United States Army Command and General Staff College.''.

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

''§ 4321. Degree granting authority for United States Army War College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

''4321. Degree granting authority for United States Army War College.''.

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

''§ 7048. Degree granting authority for United States Naval Postgraduate School

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

''4321. Degree granting authority for United States Army War College.''.

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

''§ 7048. Degree granting authority for United States Naval Postgraduate School

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

''7048. Degree granting authority for United States Naval Postgraduate School.''.

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

"§ 7101. Degree granting authority for Naval War College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

''7101. Degree granting authority for Naval War College.''.

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

"§ 7102. Degree granting authority for Marine Corps University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Marine Corps University may, upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

''(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

''7102. Degree granting authority for Marine Corps University.''.

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

"§ 9314. Degree granting authority for United States Air Force Institute of Technology

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

''(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

''(2) The Secretary shall prescribe regulations determining—

''(A) titles and duties of civilian members of the faculty; and

''(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

''(e) REIMBURSEMENT.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

''(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

''(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space- available basis).

''(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used

to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

''(6) The Secretary shall prescribe regulations for the administration of this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314 and inserting the following new item:

''9314. Degree granting authority for United States Air Force Institute of Technology.''.

(i) AIR UNIVERSITY.—

(1) IN GENERAL.—Section 9317 of such title is amended to read as follows:

''§ 9317. Degree granting authority for Air University

''(a) AUTHORITY.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

''9317. Degree granting authority for Air University.''.

(j) EFFECTIVE DATE.—This section shall apply to any degree granting authority established, modified, redesignated or terminated on or after the date of enactment of this Act.

AMENDMENT NO. 44 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III, add the following new section:

SEC. 314. DETECTION INSTRUMENT TECHNOLOGY RESEARCH AND DEPLOYMENT OF RESULTING DETECTION INSTRUMENTS AND TECHNOLOGICAL IMPROVEMENTS.

(a) RESEARCH REQUIRED.—The Secretary of Defense shall—

(1) make the research, development, testing, and evaluation of technology related to unexploded ordnance detection a priority; and

(2) accelerate the transition of promising detection instrument technology across the Department of Defense.

(b) DEPLOYMENT AND TRAINING.—The Secretary shall facilitate the deployment of unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense. The Secretary may consider allocating a portion of the amount appropriated for such research and development activities to assist in the training of operators of unexploded ordnance detection instruments on the use of new detection instruments.

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

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

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

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

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

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

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

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

AMENDMENT NO. 47 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

At the end of title I, add the following new section:

SEC. 144. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include—

(1) an assessment of the Navy Strategic Planning Study concerning future jet carrier trainer requirements;

(2) an assessment of studies conducted by independent organizations concerning future jet carrier trainer requirements;

(3) a cost-benefit analysis of creating a new program to fulfill future jet carrier trainer requirements;

(4) a cost-benefit analysis of modifying current programs to fulfill future jet carrier trainer requirements; and

(5) a plan to address future jet carrier trainer requirements beginning fiscal year 2010.

AMENDMENT NO. 48 OFFERED BY MR. KENNEDY

The text of the amendment is as follows:

At the end of subtitle A of title VII, add the following new section:

SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH CARE PROVIDER LOCATOR AND APPOINTMENT ASSISTANCE DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to members of the reserve components of the Armed Forces.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, a toll-free hotline, staffed and available 24 hours a day 7 days a week, to help members of the reserve components find behavioral health care providers and schedule outpatient appointments in the TRICARE network.

(c) ELIGIBILITY.—In order to be eligible for the demonstration project, a member of the Armed Forces shall meet the following requirements:

(1) Be a member of the Selected Reserve.

(2) Be enrolled in TRICARE Reserve Select.

(d) IMPLEMENTATION.—The demonstration project shall be implemented not later than 180 days after the date of the enactment of this Act.

(e) SUNSET.—The authority for the demonstration project required by this section shall expire on September 30, 2011.

(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees the following reports:

(1) PLAN.—Not later than 90 days after the date of the enactment of this Act, a report containing a plan to implement the demonstration project required by this section.

(2) UPDATES.—Not later than 180 days after such date of enactment and every 180 days thereafter, a report containing an update on the demonstration project.

(3) FINAL EVALUATION.—Not later than January 1, 2012, a report containing a final written evaluation, including recommendations for the extension or expansion of the demonstration project.

AMENDMENT NO. 49 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

Add at the end of subtitle B of title III the following new section:

SEC. 314. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE LUBRICATING OIL.

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense's policies concerning the sale and disposal of used motor vehicle lubricating oil, and shall include in the report an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) IMPLEMENTATION.—To the extent that the evaluation included in the report submitted under subsection (a) indicates that closed loop recycling of used motor vehicle lubricating oil can reduce total indirect energy usage and greenhouse gas emissions without significant increase in overall cost to the Department of Defense, the Secretary shall implement policies to require closed loop recycling of used oil whenever feasible.

(c) DEFINITION.— For purposes of this section, the term ''closed loop recycling'' means

the sale of used oil to entities that re-refine used oil into base oil and vehicle lubricants that meet Department of Defense and industry standards, and the purchase of re-refined oil produced through such re-refining process.

AMENDMENT NO. 54 OFFERED BY MR. CARNEY

The text of the amendment is as follows:

Page 187, after the matter at the end of the page, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.

It is the sense of the Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105-261 (112 Stat. 2030).

AMENDMENT NO. 57 OFFERED BY MR. YARMUTH

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 12xx. DECLARATION OF POLICY RELATING TO STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to ensure that any agreement between the United States and the Republic of Iraq relating to the legal status of United States military personnel or the establishment of or access to military bases includes as part of the agreement measures requiring the provision of support by the Government of Iraq for United States Armed Forces stationed in Iraq.

(b) SUPPORT DESCRIBED.—Support referred to in subsection (a) may include the provision of financial or other types of support to assist United States Armed Forces stationed in Iraq in the conduct of their assigned mission.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority as well as the minority.

Mr. Chairman, I yield at this time 1 minute to my friend from Maryland, from the Armed Services Committee (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of H.R. 5658, and I thank Chairman SKELTON and Ranking Member HUNTER for including a vital amendment introduced by myself and Congresswoman WATSON concerning the United States Coast Guard as part of the en bloc.

This amendment would ensure that the U.S. Coast Guard is represented on the Senior Military Leadership Diversity Commission, created in section 595 of H.R. 5658.

As chairman of the Coast Guard and Maritime Transportation Subcommittee, I am committed to expanding diversity throughout the United States Coast Guard. With merely 22 minorities in a graduating class of 222 cadets at the Coast Guard Academy, including them in the commission is imperative.

I am proud to say that this amendment brings us closer to achieving diversity in the senior leadership levels in all of the services, something that the Tuskegee Airmen only dreamed about nearly 67 years ago.

I urge my colleagues to vote in favor of the en bloc and final passage of this great bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana, distinguished ranking member of the Veterans' Affairs Committee (Mr. BUYER).

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

Mr. BUYER. Mr. Chairman, in the fall of 2005, I had the House Veterans' Affairs Committee track OIF and OEF dental costs in the VA. In the fall of 2006, I requested the Army to report on and document Army reserve component dental demobilization treatment costs.

The Army Medical Command tasked its DENCOM to then study and document demobilization dental treatment requirements no later than 30 November, 2006. This study was considered insufficient by the then Surgeon General, General Kiley. We then spoke. He then instituted another study that was conducted in the fall of 2007.

I was briefed on the second study this past February by the Chief of the Army Dental Corps in San Antonio, Texas, and considered this study seriously flawed in its methodology, study construct, and assumptions. The DENCOM told me that dental care during demobilization was not their mission.

Shockingly, I then called upon General Cody, the Vice Chief of Staff of the Army; and Lieutenant General Schoomaker, the Army Surgeon General, the next day to express my concerns with the study and the lack of mission concern by the General of the Army Dental Corps for the demobilization dental requirements of our returning soldiers.

General Cody then quickly convened a study group to identify options and expeditious solutions to provide the same level of mobilization and demobilization dental care to the reserve components as it provides to the active component. General Cody signed the decision brief that recognizes and funds this serious gap in reserve component dental care. He signed the two decision memos last Friday, the day after the Armed Services Committee marked up the bill. I spoke then with the Vice Chief of the Army on Friday.

The amendment that I offer fully supports General Cody's decision to fund $22.3 million for mobilization and $8.5 million for demobilization of the reserve component dental readiness for fiscal year 2009. General Cody's decision will fund 2008 requests out of existing funds resulting in a rapid, measurable improvement, I believe, in overall reserve component readiness.

In an informal request of CBO, I've been informed that this amendment will have no impact on direct spending revenues.

I would like to thank Chairman SKELTON,, Ranking Member HUNTER Congresswoman SUSAN DAVIS, Congressman JOHN MCHUGH, and Congressman VIC SNYDER, as well as the staff of the Armed Services Committee for their hard work on this issue, and I urge my colleagues to support my amendment.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, the gentlelady from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise to speak on the Watson-Cummings amendment to section 595 of the National Defense Authorization Act. Our amendment would strengthen the Senior Military Leadership Diversity Commission by including the U.S. Coast Guard as part of the commission's membership and including them in the overall scope of the study.

The U.S. Coast Guard has the worst diversity rates among minority commissioned officers of the Armed Forces. The Coast Guard's membership on the commission would help ensure that the study provides insight into ways to increase the number of minority senior commissioned officers within the services.

Mr. Chairman, I thank Representative CUMMINGS for working with me on this amendment, and ask our colleagues to support diversity within the Armed Forces by supporting this amendment.

Mr. HUNTER. Mr. Chairman, we have no more speakers, and we would yield back the balance of our time.

Mr. SKELTON. I yield 2 minutes to my colleague and good friend, the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I would like to rise today to congratulate the committee chair, IKE SKELTON, and the ranking member, DUNCAN HUNTER, for producing a bill that includes a component that may not be a traditional national defense item but will certainly make our Nation more secure.

I would further like to thank VIC SNYDER, MAC THORNBERRY, and Foreign Affairs Committee Chairman HOWARD BERMAN for making sure the military will have a strong and capable civilian partner to do stabilization work in the future.

Mr. Chairman, included within this en bloc amendment is a provision that will improve what is already a very good bill. For nearly half a decade, Members of Congress and foreign policy experts have been wringing their hands about our civilian capacity to effectively conduct stabilization and reconstruction operations.

Now, in a bipartisan fashion, in this bill and with this en bloc amendment, we are strengthening our government's ability to respond to crisis by standing

up a civilian response corps. Our Nation must do a better job, not just in waging wars, but also in winning the peace. If we cannot translate security gains into economic growth, social well-being and justice and reconciliation, all of the military power in world cannot secure long-term peace and prosperity for the world.

This bill, together with this en bloc amendment, will improve our Nation's ability to win the peace. I encourage all the Members to support the en bloc amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairman and the ranking member for their support on this amendment. It's quite simple. The Department of Defense spends nearly $1 billion a year moving freight and cargo around the United States of America. Much of that moved on truck. Many shippers these days, or brokers, are charging shippers, including the Department of Defense, a fuel surcharge or a fuel-related adjustment, as DOD calls it.

It has come to the attention of the Surface Transportation Subcommittee that oftentimes those surcharges that are charged to the shippers are not passed on to the truckers who have got to buy the fuel. Hundreds of trucking firms have gone out of business this year. We are looking at record diesel prices.

This amendment simply says that when DOD is charged a fuel-related adjustment, a fuel surcharge, that that must be passed on to the person who has to buy the fuel, generally the trucker, and it has to be posted visibly on the Internet by the broker so that it is known to the trucker and others who purchase the fuel that a fuel surcharge was in place.

I thank the gentleman for his support on this important issue.

Mr. SKELTON. Madam Chairman, I yield 1 minute to our colleague, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Chairman, I rise on behalf of Mr. KLEIN of Florida and myself to offer an amendment to the fiscal year 2009 National Defense Authorization Act, requiring Iraq to help support our troops stationed in their country.

Oil revenues have helped generate a multibillion-dollar surplus in Iraq that is expected to reach $180 billion within 3 years. Still, American taxpayers send $339 million to Iraq each day, money that can be invested here, as gas prices are soaring, education is lagging, health care is increasingly out of reach, and everywhere American families are struggling.

When the administration negotiates a Status of Forces Agreement this year, this amendment will require them to negotiate commonsense terms for Iraq to provide support for our military operations on their soil. This arrangement could be similar to the plan we have with South Korea, where they pay our security costs, or in Japan, which pays for 75 percent of the cost of maintaining troops and grants U.S. base rights.

Whatever the arrangement, this amendment would ensure that Americans no longer have to shoulder the burden alone. I urge my colleagues to join me in supporting this amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

We take great pride in the United States, being the best fighting force the world. However, as a result of the training, bombs and shells that have failed to explode during exercises are located in every State of the Union on millions of acres of land. The cleanup of the 3,500 military Munitions Response Program sites alone is going to cost over $20 billion, and at the current rate, take 200 to 300 years.

Unexploded ordnance technologies and levels of funding are clearly inadequate. Refining detection technologies will significantly reduce cleanup costs and allow for more rapid cleanup. This amendment moves us in the direction by making research and development of UXO detection a priority, facilitates the deployment of this in the field where it's needed through partnership with outside entities and training of skilled operators. It requires the Department of Defense to provide a detailed review of its activities in this area by February, 2009.

I deeply appreciate the cooperation of the committee in leveraging scarce funding for environmental remediation and the focus of the Department's efforts to clean up the millions of unexploded ordnance in our lands and waters. We will save money, protect the environment, and make our soldiers safer.

Mr. SKELTON. At this time, I yield 1 minute to my friend and also a member of the Armed Services Committee, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I would like to thank my colleague and my friend from Rhode Island for his hard work to bring this bill to the floor. Mr. PATRICK KENNEDY has been an advocate for improving health care in the Congress, a tradition that we know is a very proud family legacy.

This amendment will provide for a new pilot program that connects Reservists to behavioral health care that they need. It will establish a call center that is available to assist servicemembers and their families around the clock.

This commonsense provision helps us fulfill the promises that we have made to care for our troops. I am proud to be here with my friend from Rhode Island to offer it.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to thank my good friend and colleague, Congressman CAROL SHEA-PORTER, for working with me on this amendment. Before I speak about this important amendment, I'd like to thank all of my colleagues on both sides of the aisle for their great expression of support for me and my family over the last several days. It means so much to me and to my family that all of you have kept us in your prayers.

I'd like to say on behalf of this amendment my gratitude to the chairman and to the ranking member for their support for our troops, our Guard and Reserve, who are carrying the brunt of this battle in Afghanistan and in Iraq, and for whom we are just trying to extend this 24-hour suicide hotline so as to provide them the same extensive care and outreach that we have now provided those others of our veterans who now have benefited from such a hotline in our VA.

I think this is an appropriate addition to this DOD bill, and I am glad to see that it's adopted in this bill. I thank the chairman for including it in this bill.

Mr. SKELTON. I yield 1 minute to the gentleman from Washington (Mr INSLEE).

Mr. INSLEE. I want to thank Chairman SKELTON for his help. A couple of amendments, one en bloc, will help advance the cause of efficiency and environmental responsibility. In this amendment we have an amendment that will encourage the DOD to look at systems to save energy in their computer networks. We have the ability to reduce our electric usage 20 to 30 percent. That helps us in our load growth.

It's a great amendment. I want to thank the Chair. Later today we will have an amendment that will assist the service to move forward to judge our global warming emissions as well, and our procurement policy. A great thing for the environment, great thing for the service as part of our universal effort to advance several causes.

I want to thank the Chair for getting both of these in there.

Mr. SKELTON. I thank the gentleman from Washington.

Mr. POE. Madam Chairman, I am proud to introduce this Amendment with Congresswoman LOUISE MCINTOSH SLAUGHTER.

Nearly 3 years ago, a distraught father contacted my office asking for help for his daughter, Jamie Leigh Jones. Jamie was a 20 year old, KBR contractor in Iraq. After only 4 days in the Green Zone, Jamie was drugged and gang-raped by her coworkers. When she woke up in the morning, she was naked, bruised, and bleeding. She saw 1 of her coworkers beside her and he confirmed that they had unprotected sex. She immediately contacted her supervisors and was taken to an Army hospital, where an Army doctor performed a rape kit. Rape kits are essential in future prosecutions because they preserve forensic evidence. The Army doctor took photographs of Jamie and informed Jamie that she was raped by multiple men. She has had reconstructive surgery.

What happened next is appalling. Jamie was locked in a guarded shipping container for 24 hours. Her supervisors told her this was for her safety, but she was not provided food or water and she was not allowed to contact anyone. Jamie finally convinced a sympathetic guard to let her use his cell phone and Jamie called her dad for help.

After speaking with Jamie's father, my staff and I contacted the State Department and within 2 days, 2 agents from the State Department had rescued Jamie.

Since Jamie's return in America, she has not had justice. Although a grand jury was finally convened, 2½ years later, there is still no indictment. We learned that Jamie's important rape kit was turned over to her employer, KBR, instead of to the proper law enforcement personnel. KBR then lost and recovered the rape kit, but it is incomplete. KBR has stonewalled cooperation with authorities on the investigation regarding what occurred to this and other victims in Iraq.

This Amendment is very straight forward. It requires defense contractors in Iraq and Afghanistan to report violent crimes committed against or by their contracted employees to the Department of Defense and that the information must be made public. It also requires defense contractors to provide for victims with medical and psychological assistance.

This Amendment is one step in the right direction for bringing justice to victims. And that's just the way it is.

Mr. VAN HOLLEN. Madam Chairman, I rise today in strong support of the National Defense Authorization 2009.

This bipartisan bill authorizes $531 billion for the DoD and national defense programs of the Department of Energy and reflects Congress' commitment to supporting our troops and their families while protecting the national interests of the United States and improving the oversight and accountability of funding for operations in Iraq and Afghanistan.

I believe passage of this bill will be welcome news to our service members and their families. To help our troops readjust to civilian life and to help military families deal with the economic pressures here at home as a spouse serves overseas, the bill provides a 3.9 percent pay raise for all servicemembers and extends the President's authority to offer bonuses and other incentive pay. The bill provides tuition assistance to help military spouses establish their own careers, authorizes funds to assist area schools with large enrollments of children from military families, and reverses the rise in health care costs by prohibiting fee increases in TRICARE and the TRICARE pharmacy program.

As a member of the House Oversight and Government Reform Committee, where oversight of war contracting has been a priority, I am encouraged by language in the bill to increase transparency and accountability of federal contracts. The Defense Department has made over 180,000 payments to contractors from offices in Iraq, Kuwait, and Egypt. These payments are for everything from bottled water to assault rifles. But due to poor DoD accountability and oversight, billions of dollars of taxpayer money are unaccounted for or have simply gone missing.

Today, the DoD Deputy Inspector General told the Oversight and Government Reform Committee that, after reviewing approximately $8.2 billion in Defense spending in Iraq, they estimate that the Department failed to properly account for $7.8 billion. Additionally, the IG reported that the Defense Department has paid $135 million to Britain, South Korea, Poland, and other countries to conduct their own operations in Iraq. The DoD Inspector General tried to find out what this money was used for, but could find no answers.

The bill addresses the lack of accountability in war contracting in two ways. First, by requiring a separate budget request for operations in Afghanistan and Iraq, it will be easier for Congress and American people to follow more closely how U.S. tax dollars are being spent. Second, with the passage of the Waxman amendment to the bill, anti-fraud measures will be enhanced and transparency in contracting Increased by limiting the use of abuse-prone contracts and by rebuilding the federal acquisition workforce.

I am also supporting this bill for the assistance it provides the many thousands of federal employees who work for the DoD and who are fearful of administration efforts to use the OMB A–76 Circular to compete out their jobs. I am pleased that I was able to help ensure that the 2008 National Defense Authorization Act included a provision that prohibits the Pentagon from undertaking, preparing for, continuing, or completing public-private competitions of federal jobs as directed by the Office of Management and Budget. The provision also overturns the mandatory requirement that the jobs of federal employees be re-competed every 5 years.

The Department of Defense has yet to issue guidance to the Department to implement past congressional A–76 recommendations nor has it listened to the recommendations of military commanders who have warned that these A–76 competitions are harming the Pentagon's mission. So, the National Defense Authorization Act again urges the Pentagon to immediately implement guidelines recommended by Congress.

Like most bills, this one contains provisions that I would not have included. However, on balance it is a good bill that strengthens our national security.

Mr. KLEIN of Florida. Madam Chairman, I rise today to support the amendment that I authored with my friend, Congressman JOHN YARMUTH of Kentucky.

Although some of my colleagues and I have differing views on our strategy in Iraq, one thing is clear: after five years and $600 billion of American taxpayer dollars spent, ''enough is enough.''

That is why Mr. YARMUTH and I are offering this amendment today. Our amendment declares that any future Status of Forces Agreement that is negotiated between Iraq and the United States must include cost-sharing measures so that that the Iraqi government can take more responsibility.

With an expected Iraqi budget windfall of some $60 billion this year, it is time for Iraq to stand up and take responsibility for its own future.

All of our districts are feeling the pinch of tough economic times here at home. Critical domestic priorities are being underfunded or not funded at all.

Our amendment would help put our economy back on track and would send a message to the Iraqi government that they must participate in their own future.

Mr. STUPAK. Madam Chairman, I rise today in support of my amendment, labeled Stupak #39, to extend eligibility for disability pay to certain cadets at our military academies.

Each year, a small number of enlisted military personnel voluntarily separate from the military in order to attend one of the military academies. In doing so, they give up many of the privileges and protections that came with their regular military status.

In the Fiscal Year 2005 Defense Authorization Act, Congress recognized the sacrifices and risks that military cadets undergo by bringing them into the military health care and disability system. However, this protection is effective only from the date of enactment, which was October 2004.

Enlisted soldiers who choose to leave the service today to attend a military academy will be covered by the military disability system, but soldiers who attended before 2004 are not.

A problem with this arrangement came to my attention in 2006 and I have been working in Congress since then to make an effective change. James Hildgendorf, a constituent of mine, was serving as an enlisted soldier, and was selected to attend West Point. He de-enlisted and became a cadet. However, while at school, he sustained severe injuries that ended his military career.

Because he had given up his enlisted status to become a cadet, and because he graduated prior to October 2004, he was found ineligible for the disability pay that he would have received as an ordinary soldier.

My amendment would rectify James' situation and that of soldiers in the same situation, by taking the changes made by Congress in 2004 and pushing their effective date back to January 1, 2000 for personnel who gave up their enlisted status in order to attend a military academy. The amendment effectively extends eligibility for military disability retired pay to individuals who left enlisted service in order to attend a military academy between January 1, 2000 and October 28, 2004, and who suffered a disabling injury while attending the academy.

This amendment would not affect all cadets, but it would give recognition to the special risks taken by those enlisted men and women who gave up their enlisted status to attend an academy prior to 2004.

The affected population would likely be relatively small. The Congressional Research Service estimates that fewer than 575 individuals gave up military status in order to attend an academy between 2000 and 2004, and only a small percentage of those individuals incurred a disability at the academy. Additionally, a preliminary cost estimate conducted by the Congressional Budget Office shows this amendment would result in less than $500,000 in direct spending.

However, for those individuals to whom this amendment does apply, it will make a big difference. The soldiers who are chosen to attend the military academies are the best and brightest from among our enlisted ranks. Congress should not continue to deny them their disability benefits.

I urge my colleagues to join me in voting for this amendment and I encourage members to vote for final passage of the Fiscal Year 2009 National Defense Authorization Act.

Vote ''yes'' on the Stupak amendment.

Mr. FOSSELLA. Madam Chairman, today I rise in support of my amendment to the FY2009 Defense Authorization bill (amendment number 27), authorizing free mailing

privileges for the family members of our service men and women deployed in Iraq and Afghanistan. This amendment provides a tremendous opportunity for us to increase the morale of our troops overseas, which, as we are all aware, is necessary for having a confident and motivated military.

First, I would like to thank Chairman SKELTON, Ranking Member HUNTER, Personnel SubCommittee Chairwoman DAVIS and of course my fellow New York colleague, Ranking Member MCHUGH for their help in cultivating this amendment. I drafted this amendment in response to concerns expressed to me by many military families that it was becoming too costly to send regular care packages to loved ones overseas. I heard story after story of families, already finding it hard to make ends meet, having to spend as much as $1,500 a year to mail care packages. Each package our men and women in uniform receive arrives with a touch of home. Personal items in these packages, like pictures, cards and school, projects from their children make deployments much more bearable.

Mail from home also serves a second and important purpose providing our military men and women with basic necessities like shampoo, foot powder, phone cards and even the ever essential fly paper.

In my district of Staten Island and Brooklyn, local residents joined together and raised money to help military families send these packages over seas. I was inspired by the outpouring of support for our service men and women in Dyker Heights, Brooklyn, where postal service employees raised money to cover the postage for every package sent to our troops. In Staten Island, residents formed Staten Island Project Homefront, Incorporated: a non-profit organization dedicated to serving our deployed troops and their families by sending thousands of care packages to the troops in theater. This month alone, over 200 packages were mailed overseas by this group with a postage cost of over $2,000.

It was these acts of great generosity and patriotism which prompted me to advocate for this essential program in Congress.

This amendment has received the support of organizations such as the VFW, American Legion, and the National Association of Uniformed Services. To quote the VFW, ''letters and packages from home do wonders in boosting the morale of our men and women serving in harms way, and high morale transfers to combat ready and effectiveness.'' Comments such as this, I whole heartedly agree with.

I recently heard from Debbie Parsons from Staten Island; Debbie had two sons in the Marine Corps serving in Iraq; both of whom will return for their second tours in the fall. Six days a week Debbie volunteers her time at Staten Island Project Homefront, packing boxes to send over to our troops. She would hear from her sons regularly and they often request she send supplies such as snacks, Power bars, soft drinks, books and foot powder, among other things. Prior to the donations from Staten Island Project Homefront, the packages she sent to her sons cost hundreds of dollars every month.

It goes without saying our servicemen and women are making enormous sacrifices fighting the War on Terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without the benefit of basic necessities like socks and foot powder. It falls upon their families to get them these supplies and to cover the cost of shipping them overseas. This amendment will help make life a little better for our soldiers and ease the financial burden on those supporting them. It is a simple way to bring a touch of home to America's heroes overseas.

I urge my colleagues to support this amendment and provide our military families an easier path to sending a piece of home to their loved ones.

Mr. KING of Iowa. Mr. Chairman, I rise today to offer an amendment asking the Chief of the National Guard Bureau to develop a report on the effectiveness of certain Guard ''empowerment'' provisions that were contained in the FY08 Defense Authorization Act.

Mr. Chairman, since September 11, 2001, the United States has increasingly turned to the men and women of the National Guard to provide much needed support in our efforts to prosecute a global war against radical Islamic jihaddists. Answering their Nation's call to arms, Guard units from across the country have faithfully and courageously served in harm's way on the front lines of this historic struggle.

The men and women of the Iowa National Guard are no different. Just last month, constituents from my congressional district in Western Iowa welcomed home members of the Iowa Army National Guard who returned from deployments in Iraq. As has been the case with many Guard units across the country, this is not the first welcome home ceremony that these units have enjoyed in the past few years.

And yet, while the Guard is deploying many of its members to distant battlefields, it is still expected to meet the many demands of its domestic mission. Despite the Nation's need for men and women of the Guard to serve on the battlefield, our State Governors must continue to have ready access to the Guard to respond to the emergency and disaster relief needs of their States.

There is no doubt that the services and capabilities of the Guard are in high demand. In many respects, this is due to the fact that both active duty commanders and governors know that when they call, the Guard will be there. They also know that Guard members can always be counted upon to complete their mission in the most efficient and professional manner possible.

The many demands placed upon the Guard, however, have begun to wear down its capabilities. To address this, Congress included several provisions in the FY08 National Defense Authorization Act intended to boost the standing of the Guard within the Department of Defense. The ''empowerment'' provisions included the elevation of the Chief of the Guard Bureau from the rank of Lieutenant General to the rank of full General. The bill also made the Guard Chief the primary advisor to the Chairman of the Joint Chiefs on Guard matters.

In addition to these important changes, the bill also made the National Guard a joint agency, charges the Secretary of Defense with writing the Guard's charter, and requires that the Deputy Commander of the Northern Command be a member of the Guard.

All of these changes, Mr. Chairman, were aimed at ensuring the National Guard would have a clearer voice in policy and budgetary discussions within the Department of Defense. To determine the extent to which these empowerment provisions have accomplished this goal, my amendment asks the Chief of the Guard Bureau to submit a report to the Secretary of Defense analyzing the effectiveness of the empowerment provisions. My amendment then requires the Secretary of Defense to submit the Chief's report to Congress with the Secretary's own comments on the matter.

Mr. Chairman, as we continue to wage a global war against radical Islamic jihaddists, it is imperative that we give the National Guard the resources and pull necessary to ensure it is able to remain an integral part of this fight and to ensure it is able to carry out its duties with respect to its domestic mission here at home. To do this, we must see to it that we are responsive to the needs of the Guard. With the passage of the empowerment provisions in last year's Defense Authorization bill, we have taken some important first steps toward addressing the 21st century needs of the Guard. But only the Guard itself will be able to tell us if these changes have hit their mark and are having their intended effect.

This amendment will allow Congress to get important, first-hand feedback from the Guard on this important issue, and I ask my colleagues to join me in supporting its passage.

Mr. BERMAN. Madam Chairman, I rise in strong support of this en bloc amendment and want to make a few comments about Amendment #18, which was included in this amendment.

Title XVI of H.R. H658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, is the text of H.R. 1084, 110th Congress, as passed by the House on March 7, 2008, introduced by our colleagues SAM FARR and JIM SAXTON. That text differed to some degree from the introduced text and is identical to what was reported out by the Committee on Foreign Affairs, as I explained at the time of House passage.

In discussions with the sponsors of this legislation in the other body, however, certain modifications to the text were deemed desirable, and this amendment, which has been agreed to by the Ranking Member of the Committee on Foreign Affairs, the Gentlewoman from Florida, Ms. ROS-LEHTINEN, and by MR. FARR, represents those changes.

I thank the Chairman and the ranking Member of the Committee on Armed Services for supporting this amendment, which will smooth the way towards the inclusion of title XVI in the final version of the bill.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIRMAN (Ms. WATSON). The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–666.

Mr. FRANKS of Arizona. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRANKS of Arizona:

At the end of title II, add the following new section:

SEC. 2____. INCREASED AMOUNT FOR MISSILE DEFENSE AGENCY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, defense-wide, is hereby increased by $719,000,000, to be derived by increasing the amounts, as the Secretary of Defense determines, for—

(1) the Terminal High Altitude Area Defense program;

(2) the Aegis ballistic missile defense program; and

(3) the ballistic missile defense testing and targets program.

(b) OFFSET.—The total amount authorized in title II for research, development, test, and evaluation is hereby reduced by $719,000,000, to be derived from any account other than the Missile Defense Agency, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Madam Chair, I yield myself such time as I may consume.

I rise today to urge support for my amendment to restore funding to the Missile Defense Agency to fund against short and medium-range ballistics missiles. My amendment restores $719 million in funding to the Missile Defense Agency, to return the President's budget request to $9.3 billion. My amendment directs that this $719 million be specifically targeted toward the Theater High Altitude Area Defense System and the AEGIS Ballistic Missile Defense Systems and the test and targets necessary to test those systems.

I agree with the Democrats, Madam Chairman, which is pretty unusual. I agree with the Democrats that we need to be concerned about the threat of short and medium-range ballistic missiles to our forward-deployed troops on the Korean peninsula, North Japan, and throughout southwest Asia. Today, these forces are at risk of attack by thousands of lethal ballistic missiles that may carry conventional, chemical, or, in some cases, nuclear warheads. Our close allies, South Korea, Japan, Israel, and Turkey are held at risk by these missiles as well.

Deployed Patriot batteries provide some limited point defense to shield some, but not all, of our key command and control centers. We can improve upon this very limited defense and offer a larger umbrella of protection against ballistic missiles to our forces with area defense. Both the land-based Theater High Altitude Area Defense system, or THAAD, as well as the sea-based AEGIS Ballistic Missile system, offer significant area missile defense capabilities to our theater commanders.

I want to applaud the entire House Armed Services Committee for increasing funding for both of these programs. Unfortunately, I fear these increases do not do enough for our theater commanders, who cannot get these systems deployed fast enough because they simply are not yet available to apportion. The House Armed Services Committee has received testimony from Admiral Keating, Commander of U.S. Pacific Command, and General Bell, Commander of U.S. Forces in Korea, to this effect.

The administration should accelerate production of THAAD fire units and interceptors, as well as the AEGIS 3 standard missile 3 interceptors to adequately source the combatant commands with area defense against short and medium-range or theater class ballistic missiles.

□ 1445

The committee has authorized $75 million above the President's budget for each of these programs, but I am concerned that this increase will not deliver capability to the warfighter soon enough in the most expeditious manner. The short and medium-range ballistic missile threat exists today, and we can procure more interceptors to defend our troops in harm's way.

Mr. Chairman, very simply, probably one of our best hedges against proliferation of nuclear arms today in the world is missile defense, and it is very important that we do everything we can to be prepared for any eventuality. So I offer this amendment and urge the support of my colleagues.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment and claim the time in opposition.

The Acting CHAIRMAN (Mr. ROSS). The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency by $719 million, back up to the level of the President's budget request. The Bush administration's request of $9.3 billion in fiscal year 2009 for the Missile Defense Agency already represents an increase of $680 million above last year's funded level.

With prudent reductions and selected increases, H.R. 5658 authorizes $8.6 billion in FY 2009 for the Missile Defense Agency, roughly equivalent to the fiscal year 2008 level. We provide increases in funding for assistance geared to current threats, like Aegis BMD, THAAD, the missile defense testing program and missile defense cooperation with Israel, all of these by $185 million. At the same time, we make prudent reductions to longer-term, less-mature systems, like the Multiple Kill Vehicle and the Airborne Laser.

Unfortunately, the Franks amendment would unravel the thoughtful work of the committee. First, Mr. FRANKS proposes that the offset would come from any Pentagon research and development account, except the Missile Defense Agency, unfairly placing missile defense programs above all other R&D priorities.

Second, it is unlikely that the proposed increase in the funding for the programs outlined in this amendment can be executed in fiscal year 2009.

Third, and perhaps more important, the amendment is inconsistent of section 223 of the fiscal year 2008 National Defense Authorization Act, which requires that procurement funds be used for procurement activities, not research and development activities.

Also, as written, the amendment would not allow any of the funding to be used for additional THAAD or Aegis Standard Missile Interceptors, because it provides only research and development funding.

Mr. Chairman, H.R. 5858 provides our warfighters the real capabilities to meet the real threats to our homeland, deployed forces and allies. It also makes prudent reductions to systems geared to less urgent threats, ensuring that other important national defense priorities, such as readiness, strategic programs and nonproliferation efforts, are well-funded.

The House defeated a similar floor amendment last year, and I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I rise today in support of the gentleman Mr. FRANKS' amendment. Mr. FRANKS serves along with myself as cochairman of the Missile Defense Caucus.

This amendment restores critical funding to our layered missile defense system, which protects the United States and its allies from short and medium-range ballistic missiles. This bill that we have heard talked about cuts funding for missile defense to $719 million below the President's budget request of $9.3 billion, an unacceptable funding level to provide for our national defense.

The Democrats' authorization to the Aegis Ballistic Missile Defense System would not even cover the expenses incurred by the Missile Defense Agency to conduct what was recently the shootdown of the US–193 satellite, which cost the agency upwards of $100 million. I would add that the very recent successful shootdown of the satellite is evidence of the successes and importance of the missile defense program and the ongoing necessity to make sure these programs are fully funded and in development.

The Democrats have also authorized inadequate funding for the THAAD, or Theater High Altitude Area Defense System. I think it is an embarrassment that out of the $890 million requested for the project by the administration, only $75 million was authorized for THAAD; $75 million out of $890 million requested.

Finally, my friends in the Democrat majority inserted language into the bill that requires the Secretary of Defense to certify that the two-stage intercepter missile proposed for the European site ''has demonstrated through successful, operationally realistic testing, a high priority of operating in an operationally effective manner and the ability to accomplish the mission.''

Unfortunately, the Democrats only provide an additional $25 million for these tests and targets. This not-so-subtle attempt to starve the program puts our country at risk and it is an attempt that I oppose.

Congressman FRANKS' amendment restores the $719 million to our missile defense program, putting the necessary defense capacities in the hands of our commanders and providing for the continued success of our short and medium-range ballistic missile program.

Mr. Chairman, I believe this is a matter of national security and it is very important, and I urge all of my colleagues to support this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume prior to introducing my colleague from Washington.

I just wanted to correct the record. My colleague from Texas must have very old talking points. The subcommittee increased the money for both THAAD, a $75 million increase above the President's budget, and Aegis BMD, $75 million over the President's budget. So what the gentleman just said is totally incorrect.

I would now like to yield 3 minutes to my friend and colleague, the gentleman from Washington (Mr. LARSEN), who is a very valuable member of the Armed Services Committee and a member of the Subcommittee on Strategic Forces.

Mr. LARSEN of Washington. Mr. Chairman, I rise in opposition to this proposed amendment. As we have noted, this amendment seeks to increase fiscal year 2009 funding for the Missile Defense Agency by $719 million to the level of the budget request. The administration did in fact request $9.3 billion in fiscal year 2009 for MDA, an increase of $680 million above the 2008 funded level. This bill authorizes $8.6 billion in 2009 for the Missile Defense Agency, roughly equivalent to the 2008 level. Furthermore, this bill provides our warfighters with the capabilities that they need to respond to the real missile threats to our homeland, our deployed forces and our allies.

For example, this bill increases funding for systems geared to near-term threats such as Aegis BMD and THAAD. And to clear up that misunderstanding that I believe we heard on this side of the aisle, this bill actually increases Aegis and THAAD $75 million each above the President's request; not a total of $75 million, but $75 million above the request each for Aegis and THAAD. Also, we improve the missile defense testing program and cooperation with Israel.

I have a number of concerns about the proposed amendment. First, this amendment is an attempt to restore the reduction to the MDA, but this is at a time when we have so many other unmet national security needs that equally meet the standard of providing for the common defense, and the House defeated a similar floor amendment last year.

Second, the proposed offset would come from the RDT&E account, except for the Missile Defense Agency, unfairly placing that agency above all other critical RDT&E priorities.

Third, it is my understanding as well that it is unlikely that the proposed increase in funding for the programs outlined in this amendment are even executable in fiscal year 2009.

Fourth, the amendment is inconsistent with section 223 of the 2008 Defense Authorization Act, which states that RDT&E funding in 2009 may not be used for ''procurement or advance procurement of long-lead items for THAAD firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.'' Therefore, as written, the amendment would not allow any of the funding to be used for THAAD, additional THAAD, or SM–3 Block 1A.

Mr. Chairman, this bill provides a well-balanced approach to missile defense, and it provides a well-balanced approach when balanced against other key national security needs overall in our defense budget such as readiness, strategic programs and nonproliferation, all of which are well-funded as well.

I urge my colleagues to defeat the proposed amendment.

Mr. FRANKS of Arizona. Mr. Chairman, this bill being labeled the Duncan Hunter National Defense Authorization Act, named after the distinguished ranking member of our committee, who has been the former chairman for a long period of time, he has been here for 26 years, he should have been chairman for that time, I now yield to the gentleman from California, it is my honor, perhaps for the last time, to yield to him for 1 minute.

Mr. HUNTER. I thank my great colleague for yielding to me.

My friends, this is the age of missiles. The people that we listen to so carefully in our hearings are the combatant commanders. Those are the guys who are in charge of running military operations in the case of an attack on the United States or a military operation or a contingency.

Our combatant commanders have reported to us that we are short missile defense. Specifically, they have said that we should nearly double the inventory of THAAD and Aegis Standard Missile Interceptors. And I quote from Admiral Keating. He said increased inventories are needed, and he goes through these short-range BMD systems that are so key to countering this emerging threat, like the one that is coming from North Korea, like the Shahab-3 being developed now by Iran, and by the increasing short-range and medium-range ballistic missile inventories around the world.

This is crucial to the survival of our troops in theater and to the survival of the United States in wars that are going to occur in the future, and in the least we should listen to the combatant commanders and plus these inventories up. That is what the gentleman from Arizona's amendment does, and I would recommend it to all Members.

Vote ''yes'' on Franks.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), a senior member of the Armed Services Committee and the chairman of the Budget Committee.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency, MDA, by $719 million, backing up the bill to the level of the budget request. The administration asked for $9.3 billion in fiscal year 2009. This represented an increase of $680 million above the 2008 level.

With prudent reductions and selected increases, this bill authorizes $8.6 billion, a substantial sum of money for the Missile Defense Agency, which is roughly equivalent to the level of current spending. We provide for increases in funding for systems that are geared to current threats, like the Aegis BMD and THAAD systems that the combatant commanders have told us they need and need now. At the same time, we make prudent reductions in longer-term, less-mature vehicles like the Multiple Kill Vehicle and the Airborne Laser.

We don't know, looking at this amendment, that the money can really be executed, spent wisely. Even if we do, we have to ask where is this money coming from? We find when we look that the $719 million is coming out of RDT&E, which is tantamount to saying that MDA, missile defense, is over and above more important than the UAVs, more important than the F–35 Joint Strike Fighter, the FCS, the Army's Future Combat Systems, and the Navy's DDG–1000. A whole host of other systems that will depend on adequate funding will be denied that funding by the $719 million hit which this amendment would impose upon those particular systems.

This is a balanced bill. The cuts and adjustments have been made to it so we that could come up with a system that covers our comprehensive needs. Missile defense is just one of many. They have all been judiciously done, and we should not disrupt the pattern of this balanced bill by making the cuts that the gentleman would propose.

So I urge everyone to take a close look at this, but to stick with the committee chairman's very careful and very balanced view.

Mr. FRANKS of Arizona. Mr. Chairman, I request the time remaining.

The Acting CHAIRMAN. The gentleman from Arizona has 3 minutes remaining. The gentlewoman from California has 2 minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Colorado (Mr. LAMBORN).

□ 1500

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment by my good friend, Congressman FRANKS of Arizona. This amendment will restore $719 million in the defense authorization bill for missile defense.

As Members of Congress, we have sworn an oath to provide for the common defense of this great Nation. This amendment will do just that. There are over 25 countries globally with ballistic missiles, and nine of those countries have intercontinental ballistic missiles. Rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies. It is critical that we fund systems that will deter these threats. We must provide the funding necessary to support the warfighters. This money will specifically go to Aegis and THAAD defense systems that we all agree, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the U.S. cannot afford to be without defenses.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 1 minute to my friend and colleague, the gentleman from Missouri (Mr. SKELTON), our distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in opposition to this amendment.

In doing so, I want to reflect on the work that the subcommittees do in the Armed Services Committee. The gentlelady from California (Mrs. TAUSCHER) chairs the subcommittee that deals with this subject matter that Mr. FRANKS seeks to amend. Hearings, witnesses, briefings discussions, markups, all of that goes into the work product that this gentlelady's subcommittee did. And for us to second-guess on anything of this magnitude or on any subject that has been studied as thoroughly as this one has, and I compliment all the members of that subcommittee on the work that they did.

I think it would be improper to do so, and I do oppose this amendment.

Mr. FRANKS of Arizona. Mr. Chairman, the $75 million increase to the Aegis BMD that the Democrats have spoken of here does not even fund the necessary upgrades to the Aegis weapons systems BMD signal processing capability necessary to keep pace with the evolving short-range and medium-range ballistic missile threat. So we are definitely not doing enough there.

This $75 million increase to the Aegis ballistic missile defense budget that they speak of does not even cover the expenses incurred by the Missile Defense Agency to conduct a shootdown of the U.S. 193 satellite. This cost the agency approximately $100 million.

My Democrat friends have often stated that far-term systems are much less important than near-term systems. So I believe it is reasonable to assume that the RTD&E accounts are the appropriate offset for such an amendment.

The bottom line is this: A $9.3 billion request budget from the President has been decreased by $719 million. And in an age of missiles, as the ranking member mentioned, this is not a time to cut our missile defense capability. Missile defense is not only the last line of defense against an incoming missile, perhaps with a nuclear warhead representing the most dangerous weapon in the history of humanity, it is the first line of defense against proliferation. And, Mr. Chairman, proliferation I believe, given the examples that Mr. LAMBORN mentioned of Iran and others, represents the greatest threat to human peace in the world today.

Missile defense is an opportunity for us to devalue those programs in the hands of such enemies, and perhaps help this generation and others to walk a little bit longer in the sunlight of freedom.

With that, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I oppose this amendment for many reasons. I think it is interesting that my colleague from the other side of the aisle sloughs off the fact that we plussed up the President's budget by $75 million for THAAD, $75 million for Aegis. But what he doesn't want to tell anyone is that the President's budget actually cut funding for THAAD firing units, and it wasn't until the majority, the Democrats, went to the administration and said we thought that was a really, really bad idea, and gave the money back to the account. We would have been in a deeper hole.

So I think that my colleague is doing a good job supporting the Missile Defense Agency, but that is not what our job is. Our job is to make sure that we have a balanced portfolio of investments for the American people and our warfighters. This mark does it. I think that is why we have such strong support. I think that it is also important for people to know that Mr. FRANKS wants to buy more Aegis and THAAD inventory; but under the current law his amendment cannot do that because he is using RDT&E funds. So I ask my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, this bill emphasizes the need to counter short- and medium-ranged missiles in five different places. The committee report highlights that the warfighters themselves have suggested and asked for increased inventory, and we shouldn't be second-guessing them in a time such as we live.

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment of my good friend Congressman FRANKS. This amendment will restore $719 million to the defense authorization bill for missile defense.

As members of Congress, we have sworn an oath to "provide for the common defense" of this great Nation. This amendment will do just that. Today there are over 25 countries globally with ballistic missiles. The number of nations currently in possession of intercontinental missiles has increased to nine. As rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies, it is critical that we fund systems that will deter such threats. We must provide the funding necessary to support the War Fighters.

This money will specifically go to AEGIS and THAAD defense systems that we all agree, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the United States cannot afford to be without defenses. Mr. Chairman, I yield back.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

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

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 23 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 110–666.

Mr. TIERNEY. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. TIERNEY:

At the end of subtitle C of title II, add the following new section:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS TO PROVIDE ADDITIONAL FUNDS FOR ACTIVITIES TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.

(a) MISSILE DEFENSE FUNDING REDUCTIONS.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $996,200,000, to be derived from amounts for the Missile Defense agency as follows:

(1) $100,000,000 reduction from the Airborne Laser program.

(2) $100,000,000 reduction from the Kinetic Energy Interceptor (KEI) program.

(3) $100,000,000 reduction from the Multiple Kill Vehicle (MKV) program.

(4) $341,200,000 from the termination of any funding for the proposed long-range missile defense sites in Europe.

(5) $355,000,000 from the termination of any further deployment in the Ground-Based Midcourse Defense program, with this reduction not interfering with development or testing activities under the program.

(b) ADDITIONAL FUNDS TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.—

(1) COOPERATIVE THREAT REDUCTION PROGRAM.—The amount provided in section 1302(a) for the Cooperative Threat Reduction is hereby increased by $75,000,000.

(2) NONPROLIFERATION AND WEAPONS OF MASS DESTRUCTION PROGRAMS.—The amount

provided in section 3101(a)(2) for nonproliferation and weapons of mass destruction programs of the Department of Energy is hereby increased by $529,000,000, which shall be available as follows:

(A) $50,000,000 for Global Threat Reduction Initiative.

(B) $30,000,000 for International Nuclear Materials Protection and Cooperation program.

(C) $60,000,000 for Second Line of Defense program to cooperate with other countries to deter, detect, and interdict illicit transfers of nuclear and radioactive materials at border crossings and ports.

(D) $15,000,000 for NNSA's export control assistance program for the purpose of developing a plan for making sure all countries fulfill their UNSC 1540 obligation to put effective controls in place.

(E) $50,000,000 increase of conditional appropriation to encourage Russia to blend down additional HEU, to finance such incentives if an agreement is reached that requires such funding.

(F) $50,000,000 for safeguards work at the Department of Energy National Laboratories.

(G) $100,000,000 increase for non-proliferation research and development, such as treaty monitoring and verification.

(H) $10,000,000 for completing the experimental study on analyzing the impacts of sabotage of spent-fuel transportation in the United States.

(I) $50,000,000 for accelerated or further dismantlement of nuclear weapons (and removal of pits from nuclear weapons).

(J) $41,000,000 for chemical weapons destruction at the Bluegrass facility in Kentucky.

(K) $73,000,000 for chemical weapons destruction at the Pueblo facility in Colorado.

(c) ADDITIONAL SUPPORT FOR WOUNDED WARRIORS AND THEIR FAMILIES.—

(1) IMPACT AID.—The amount provided in section 571 is hereby increased by $30,000,000 to increase funding for impact aid to help local educational agencies provide support to students who are dependents of members of the Armed Forces.

(2) FAMILY SUPPORT FOR WOUNDED WARRIORS.—Amounts provided for family support of wounded members of the Armed Forces is hereby increased by $30,000,000.

(3) SUICIDE PREVENTION.—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by $30,000,000.

(4) WOUNDED WARRIORS AS HEALTHCARE PROVIDERS.—An amount equal to $10,000,000 is authorized to be appropriated for a pilot program to identify and retrain wounded members as military health professionals who would then treat and care for other wounded members.

(d) NATIONAL GUARD AND RESERVE SHORTFALLS.—The balance of amounts reduced under subsection (a), after application of subsections (b) and (c) shall be available to increase amounts available for the National Guard and Reserve to fund identified shortfalls, especially in connection with homeland security activities.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, this amendment follows a series of hearings with eminent physicists and security experts all testifying, as well as reports from the General Accountability Office, the Congressional Research Service, and others on the status of our weapons programs and their costs, together with an evaluation of the threats realistically facing the United States.

The amendment seeks to ensure that we have appropriate resources directed to address our most urgent risks, our most pressing national security priorities. We seek to reallocate $996 million, just under $1 billion, to nonproliferation programs and initiatives aimed at countering weapons of mass destruction and terrorism, to support our wounded warriors and their families, included critical suicide prevention programs, and to cover the National Guard and Reserve shortfalls, especially in connection with homeland security activities.

Mr. Chairman, as you know, governing means choosing. Our amendment allows members to consider the importance of increasing funds for our most serious threats, those being nonproliferation of nuclear weapons and materials and national security programs. Slightly reducing the missile defense program's $10.1 billion budget to meet these needs is, we believe, the right choice and the right balance.

The pressing national security threat of our time is asymmetric action, some terror-based group attempting to introduce to United States soil some aspect of weapons of mass destruction. Our national intelligence experts and I think other experts all agree on that. And it is common sense to know that such threats won't come from al Qaeda or other groups through sophisticated intercontinental ballistic missiles. In fact, the CIA said in 2000, and I quote, ''The United States territory is probably more likely to be attacked with weapons of mass destruction from nonmissile delivery means, most likely from nonstate entities, than by missiles. September 11 only underscores the susceptibility to asymmetric attack.

Mr. Chairman, we just don't seem to be getting that message. In 2005, the 9/11 Commission gave the United States Government a ''D'' with respect to our efforts to secure weapons of mass destruction, calling this, and again I quote, ''The greatest threat to American security,'' and that it should be, and I quote, ''the top national security priority of the President and the Congress.''

Our amendment leaves intact funding for defenses for our troops that they might rely upon for protection against short-range and intermediate missiles. The reductions are solely made from high-risk long-term research projects and from systems from which there currently is not a pressing threat.

Experts note that with respect to the long-range programs, realistic operational tests have yet to be successfully conducted so as to provide any appreciable belief that they would operate efficiently. We have plenty of funding left then for research and development, but we decrease funds that would be putting procurement and deployment ahead of capability. We have spent $150 billion, Mr. Chairman, on this program already, an amount that exceeds more than our country spent on the Manhattan Project and the Apollo Program.

The Congressional Budget Office estimates that assuming that the Missile Defense Agency continues its present course, the taxpayers will spend an additional $213 billion to $277 billion between now and 2025. Mr. Chairman, we simply seek to allocate our resources so as to provide the best defense that we need currently facing the threats that we realistically expect might be directed at this country.

I reserve the balance of my time.

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

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I yield myself 3 minutes.

My colleagues, we are in a race against those who would build offensive missiles and in fact have built missiles.

I remember, I think it was 1987 when members of this committee, the Armed Services Committee, sent a letter to the leadership of Israel, and we said this—and I know this because I drafted that letter. We said, at some point in the future—and this was 1987, before the Gulf War. We said, you will be attacked at some point in the future by probably Russian-made missiles coming from a neighboring country. And even though you could defend against an aircraft attack, just as you did in the Bekaa Valley with your F–16s, you will not be able to stop a single incoming ballistic missile coming into Israel.

A few years later in the Gulf War, we saw just that. In fact, we saw ballistic missiles kill Americans. Some of them were shot down by deployed Patriots, but we saw missiles coming into Israel totally unprotected. We saw people being rushed to the hospital not from the effects of the missiles, but because they were so afraid that poison gas would be on the head of those missiles launched by Saddam Hussein, that many people went into the hospital with heart problems.

We are in a race, my friends, my colleagues, and we have seen the manifestations of that race on the other side. We have seen those TD–2s and those NoDong missiles and SCUD missiles launched by the North Koreans that fell into the Sea of Japan, the TD–2 having the ability now to reach some parts of the United States. We have seen the tests of the Iranian Shahab-3s. We have seen now the complicity of North Korea and Syria in developing nuclear weapons capability, which was stopped short by a strike that was made by our allies. We know that that throat through which the Iranian missiles might one day travel going into

Western Europe could be defended by the missile sites that we have now proposed to be established in Czechoslovakia and Poland.

We are in a race. Our combatant commanders tell us that we need to double the number of THAAD missiles and Aegis missiles. Incidentally, those sea-based missile system are testing out very, very well. We have had a series of successes.

The idea that we cut back on this one massive area of vulnerability, that we cut back on defenses against this massive area of vulnerability—and for my friends that said we want to use this money for quality of life for our troops, ladies and gentleman, I am the father of one of our marines who has been deployed, and let me tell you quality of life. It is when that family that is sitting there in Pendleton or in Savannah, Georgia, or at Fort Bragg or in Camp Lejeune knows that their family member, their servicemember is not going to be vulnerable to a short-range or ballistic missile attack. That gives you quality of life, because that gives you assurance that they are going to be able to survive that very, very real threat which is now being developed.

This is a misplaced amendment, and I would urge everyone to vote against it.

Mr. TIERNEY. Mr. Chairman, I recognize myself for 30 seconds.

Just to note that it is all very interesting that the gentleman just spoke about a race that we are in. But if we are going to run a race, let's run it wisely and let's run it to win.

The comments that the gentleman makes about Israel being susceptible to attacks and missiles is also very interesting, but he is talking about short- and medium-ranged missiles. My amendment doesn't address short- and medium-ranged missiles; it addresses intercontinental ballistic missiles, long-range missiles which have never been operationally or realistically tested. All I am saying is, let's put our research and development monies into the future where that may take us on those long-range programs, and leave the money that we have for the short- and medium-ranged ones for those threats that might realistically exist.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield at this time to the gentlelady from California (Mrs. TAUSCHER), the chairman of the Strategic Subcommittee, 3 minutes.

□ 1515

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Tierney amendment. The amendment seeks to reduce funding for the Missile Defense Agency by about $1 billion beyond the $719 million that the committee has already reduced.

I have several concerns with the amendment. Our bill strikes the right balance between the current requirements of the warfighter and the need to invest in future technologies. Our bill increases funding for systems geared toward current threats like Aegis BMD and THAAD, while reducing funding for longer term projects.

Our bill already reduces funding for most of the programs the amendment seeks to cut, like the kinetic energy interceptor, the multiple kill vehicle, and the airborne laser. Our bill makes the different reductions to the proposed missile defense sites in Europe based on the slow pace of diplomacy and the technological immaturity of the proposed system.

The Tierney amendment, on the other hand, is ill-conceived. First, the amendment undercuts deployment of the existing ground-based mid course defense system in Alaska and California.

Second, by eliminating any and all funding for the potential missile defense system in Europe, the amendment would undercut U.S.-NATO cooperation on missile defense against emerging Iranian missile threats to Europe and U.S. troops in the region.

Third, the amendment's additional reduction to ABL could actually lead to more missile defense spending because it would delay the planned shootdown demonstration scheduled for next year, leading to increased costs in 2010.

Missile defense provisions in this bill by the committee were carefully crafted to balance the need to deliver missile defense capabilities that address current threats, and make prudent investments in future capabilities. It pares back spending on immature science projects, like last year's bill did, and includes a host of provisions to improve accountability for MDA programs. That is why, Mr. Chairman, I urge my colleagues to oppose the Tierney amendment.

I would like to yield to the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I too rise in opposition to the Tierney amendment. Just a little bit different focus here. The bill, as it stands, includes provisions to improve oversight and accountability for MDA, including required independent studies of boost phase ballistic missile defense systems, and requires strategy to increase the frequency and rigor of testing for mid course defense systems.

Large increases would undercut the prudent path forward established in this bill, and undermine the accountability provisions. Large additional decreases would undercut deployment of mature systems, and could lead to increased missile defense spending in the future if important demonstrations are postponed from fiscal year 2009 to 2010.

This is already a well-balanced budget within the missile defense budget, and well balanced with other needs, such as readiness, strategic programs and nonproliferation. So I'm asking my colleagues to oppose this amendment.

Mr. TIERNEY. Mr. Chairman, at this time I recognize the gentleman from New Jersey (Mr. HOLT) for 1 minute.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts for, once again, asking me to join him in the effort to refocus our military spending priorities toward more useful purposes. You know, one of the craziest ideas I've ever heard is that we should deploy this missile defense system as a way to test it. It should be tested before it's deployed. And I can tell you, even if it worked, it would never be so reliable that we would think of it as leak-proof, that it would actually change our strategy. So it just becomes another expense.

And simple strategic analysis tells us that a provocative yet permeable defense is destabilizing, and really leads to reduced security for all.

What we do here is provide over $600 million for the Nunn-Lugar Cooperative Threat Reduction Program, much more in keeping with the real threat that faces us, and money for the Second Line of Defense Initiative and other programs aimed at nonproliferation of weapons of mass destruction.

We would also provide $100 million for the care and support of wounded soldiers and their families, and $300 million more to address the National Guard and Reserve shortfalls, especially for homeland security activities. This is a commonsense amendment. I urge its adoption.

Mr. HUNTER. Mr. Chairman, I would like to yield to a gentleman who's leaving us this year, but the guy who has accomplished so much in confidential briefings and sessions in which you analyze our space systems and our missile systems, and a guy who hasn't been elbowing his way into press conferences, but who does enormous work for the people of this House and for the people of this Nation, the gentleman from Alabama (Mr. EVERETT). I would like to yield 3 minutes to the gentleman. He's the ranking member on Strategic.

Mr. EVERETT. Mr. Chairman, I oppose this amendment for many of the reasons that have already been stated. I believe that the Iranian intent is clearly demonstrated. It continues to enrich uranium, install advanced P–2 centrifuges, has not answered IAEA's questions about previous weaponization activities, and continues to defy U.N. Security Council sanctions.

North Korea's intent is also clearly demonstrated. In July 2006 it launched six short-range missiles (Scuds and NoDongs) and one longer-range Taepo Dong 2 missile. In October of 2006 it tested a nuclear device.

The Tierney amendment terminates European missile defense with a $341.2 million cut. This sends a terrible signal to our allies. The amendment also demonstrates a lack of U.S. commitment to collective security, after NATO recognized a missile threat in April 2008, unanimously endorsing substantial contributions of the European missile defenses. The amendment sends a message to Iran that we don't take missile threats or nuclear enrichment activities seriously.

Our key allies, Israel, Japan and NATO are pursuing missile defense capabilities in partnership with the U.S. to address growing missile and nuclear threats. This is critical that we do not accept a cut like this.

Finally, Mr. Chairman, the bill reported out already reduced it $719 million. The Nation's missile defense system has shown remarkable improvement over the years, with 34 of 44 hit-to-kill intercepts since 2001.

So why in the world—as a matter of fact, I will state it differently. I think it would be crazy to accept a cut like this.

Mr. TIERNEY. Mr. Chairman, I acknowledge myself for 15 seconds just to make a point. With respect to the testing records that the gentleman from Alabama just read, I hope that they've read the amendment. But I certainly appreciate the fact that they understand what it is we're talking about here.

But conflating the tests for short, medium and long-range is not going to be effective in addressing the amendment that is before the House. The amendment before the House is dealing strictly with the long-range for that, and those testing results are not reflected accurately by the statement that was just made.

So we're not talking about Aegis, we are not talking about THAAD, we're not talking about Patriot attack systems. We're talking about intercontinental ballistic missiles. Those tests have not been done operationally, they have not been done realistically, and they have not been done successfully to show that there's any efficient way that those are going to be successful. All of the testimony by all the physicists and all of the experts who came there indicate that clearly.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from California has 2½ minutes remaining. The gentleman from Massachusetts, 4¾.

Mr. HUNTER. Mr. Chairman, I started off by talking about that letter that the Armed Services Committee, Democrats and Republicans, sent to Israel in 1987 telling them that at some point in the future they would be attacked by ballistic missiles coming from a neighboring nation, probably Russian-made missiles, and that was a prophetic letter because in the Gulf War they were attacked. And I described some of the effects. Even though there wasn't poison gas on those missiles, they had an incredible effect, a traumatic effect on the citizens of Israel.

You know, we could have written a letter to ourselves and to our own leadership and the administration at that time and said, at some point ballistic missiles will be launched at the United States.

I don't take much comfort from Mr. TIERNEY's statement that he only wants to stop the funding of long-range missile defense systems, not short-range missile defense systems. We've had a series of successes with our long-range missile defense systems. We've had these collisions 148 miles above the surface of the Earth, the interceptor and the target missile both going about three times the speed of a .30–06 bullet. And because of the incredible dedication of our scientists and our engineers, we've been able to achieve some successes with these long-range missile defense systems.

The facts are, you have to defend against all types, against short-range, medium-range and long-range. And you have to try to get as many shots as you can at these missiles. If you can get them when they're taking off, if you can get them in the ascent phase, if you can get them in mid course, then you don't put as much pressure on that terminal missile defense system when they're coming in to American cities.

We are in a race, Mr. Chairman. And I would just remind my colleagues that the TD–2 missile, which was tested by the North Koreans, has the ability, according to some of our scientists, to reach parts of the United States of America. And our intelligence people tell us that Iran, it is estimated, will have, by 2015, the capability with ICBMs to reach parts of the United States of America.

Just in time is a concept for building products in our domestic economy. You get the steel just in time to build the car so that you don't have a big inventory of steel piling up. That saves you money. You're not paying interest on it. You get the tires just in time to put them on.

Just in time missile defenses is not a very good idea. We, in my estimation, we are behind the clock. And Mr. TIERNEY's amendment is a gutting amendment. We should vote ''no'' on this amendment.

Mr. TIERNEY. I yield myself the balance of the time.

Mr. Chairman, again, it's all very interesting what we hear for comments from our colleagues. But the interesting part of this is it does matter whether it's short and medium-range or whether it's long-range. The short and medium-range, some of the testing has, in fact, been effective and does lead us to believe and experts to believe that there might be an effective defense against those.

But the experts look at the long-range system and they say, you know, we are procuring and we are deploying way ahead of our capability. These do not work. There has been no realistic operational testing to indicate that they would. There have been sporadic tests that have been successful on some aspects of it. There have been a number of tests that have been abject failures on a large part of it.

The fact of the matter is, if we're going to have defense, it should be smart defense. We have spent $150 billion so far for nothing, nothing in terms of that long-range missile system and its effectiveness.

You want to spend another $217 billion to $250 billion in the next several years when we have other pressing needs, the ones that the Congressional Budget Office, the General Accountability Office, the 9/11 Commission, our own common sense tell us are the more likely threats to this country, some asymmetric threat, some weapon of mass destruction by a terrorist group, or some short-range or medium-range missile coming in our direction. That's what we should be defending against.

We can still test, we can still have research and development and testing for the long-range, but that would mean cutting it back substantially so we're not deploying and not procuring ahead of the game, so that we don't find ourselves owning these things, having them deployed and fielded and have to retract all of it and start over again, having a false sense of security, and having things on the ground that only need to be redone, at huge, huge cost. None of that adds to our security. It ignores the real security needs of this country that should be put first and foremost.

This is the sensible thing to do. I urge the House Members to support this amendment and let us move forward in a more secure way in this country.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

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

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Mr. Chairman, pursuant to section 4 of House Resolution 1218, and as the designee of the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the second en bloc amendment, the following amendment be considered in the following order: amendment No. 22, amendment No. 52, amendment No. 25, amendment No. 32, amendment No. 31, amendment No. 55, amendment No. 56, amendment No. 58, amendment No. 51, amendment No. 4.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LARSEN of Washington) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) to authorize appropriations for

fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 5658

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5658 pursuant to House Resolution 1218, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5658.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 23 printed in House Report 110–666 by the gentleman from Massachusetts (Mr. TIERNEY) had been postponed.

AMENDMENT NO. 33 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 33 printed in House Report 110–666.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. PEARCE:

At the end of title XXXI, insert the following:

SEC. 31___. INCREASED FUNDING FOR RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) INCREASE.—The amount in section 3101 for weapons activities, National Nuclear Security Administration, is hereby increased by $10,000,000, to be available for the Reliable Replacement Warhead program.

(b) OFFSET.—The amount in section 2402 is hereby reduced by $10,000,000, to be derived from energy conservation on military installations.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

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

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to restore a small sum of money into an important program, the Reliable Replacement Warhead program. The RRW is critically important for our national security. Our current nuclear stockpile is aging. As it ages, we must constantly pour more money into maintaining the aging weapons.

We have a choice to make as a Nation: Do we continue to rely on current weapon stockpiles and pay an increasing cost of maintaining the readiness and reliability of these weapons, or do we develop a new line of weapons to replace the current stockpile? The RRW would improve the overall shelf life of a warhead from 30 to over 50 years, and the program is true to its name.

RRW does not pursue new nuclear weapons capabilities. Rather, it pursues making our weapons more reliable, and more reliable weapons will help reduce the maintenance costs of our nuclear stockpile and ensure that we have stable and reliable weapons ready, and most notably, reduce our overall nuclear stockpile by potentially as many as 1,000 warheads.

Without RRW, we will continue to have a larger weapon stockpile. Not pursuing RRW is essentially counterproductive to our stated goals of arms reduction. Not only is my amendment the responsible thing to do for our national security, it's the fiscally responsible choice as well. The current life extension programs that are designed to extend the shelf life of expired warheads are at a great cost to the taxpayer.

I think we should all agree on the goal of reducing our total stockpile of nuclear arms, and if you agree with that goal, then I urge you to adopt my amendment to restore funding for the RRW program, the Reliable Replacement Warhead program.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition to the Pearce amendment to H.R. 5658, the fiscal year 2009 defense authorization bill. The Pearce amendment would restore $10 million for the Reliable Replacement Warhead that our bill currently redirects to a more broad-based, advanced certification program. Our bill focuses on sustaining and modernizing the stockpile stewardship program, the core of this Nation's effort to ensure that our nuclear weapons are safe, secure, and reliable.

Before any decisions are made about RRW, we must first answer fundamental questions about our strategic posture and nuclear weapons policies. That's why Congress established the bipartisan Congressional Commission on the Strategic Posture of the United States in last year's National Defense Authorization Act.

The Commission's report, due in several months, and the nuclear posture review required of the next administration will help frame the looming decisions about sustaining our nuclear deterrent and modernizing the nuclear weapons complex.

One day, something like RRW may be part of a stockpile stewardship program. But no funds were appropriated to conduct the RRW design and cost study last year, and this year's request did not include nearly enough to complete the study. In this context, the committee-approved bill shifts $10 million requested for RRW to advance certification and authorizes the National Nuclear Security Administration to address questions raised by the JASON panel last year about the challenge of certifying RRW without underground testing.

The Pearce amendment offset is also a big problem. The offset is a $10 million cut to the DOD Energy Conservation Investment Program, or ECIP. The Department of Defense uses ECIP to reduce energy consumption and greenhouse gas emissions, increase the use of renewable energy and meet national energy policy goals. And ECIP works. Its projects have a nearly 2-to-1 savings to investment ratio on average. A $10 million reduction would be a 12½ percent cut to ECIP.

Our bill, H.R. 5658, takes a prudent, sound approach to stewardship of our Nation's nuclear deterrent.

I urge my colleagues to oppose the Pearce amendment.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I would yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I appreciate the gentleman for bringing this amendment, and we lament the fact that our nuclear warheads are getting older, that we don't have a testing regime in place any longer and that that necessarily deteriorates the reliability factor. So the idea was let's build a reliable replacement warhead, and the fact that we haven't proceeded down that path is really a tragedy.

Now, I know the gentleman has $10 million in this amendment for this Reliable Replacement Warhead. He takes some money from the energy conservation program, which has many, many good aspects. I know that some Members are torn between these two important goals, one of developing energy

conservation on military bases, and the other developing this warhead.

I come down, Mr. Chairman, on the side of ensuring that this critical asset, which is a very, very important part of America's security apparatus, that is, a reliable strategic deterrent, I come down on that side. As a result of that, I support Mr. PEARCE's amendment very strongly.

Mrs. TAUSCHER. Mr. Chairman, at this time I am happy to yield 1 minute to my colleague and friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank Mrs. TAUSCHER for her wise leadership.

Mr. Chairman, this amendment is unwise and, at the very least, premature. Existing Department of Energy Reports and reports from outside consultants, such as the JASON group, have made it clear that our existing nuclear weapons will be viable for decades. It makes no sense to begin construction of a new generation of nuclear weapons. It is not necessary, and worse, it would be harmful to our security.

In light of our efforts to convince other countries to abstain from pursuing nuclear weapons, a pressing, indeed critical, national need for our security to persuade other countries to abstain going forward with Reliable Replacement Warhead programs would not make sense. It was defunded last year by the Appropriations Committee largely for some of these reasons I have outlined.

Finally, the United States has not recently conducted a comprehensive review of its nuclear posture, and no construction of new nuclear weapons or major alterations of the DOE lab complexes should be made until such a review is completed.

Accordingly, I urge my colleagues to oppose the Pearce amendment.

Mr. PEARCE. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from New Mexico has 2 minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have heard the arguments that maybe we're taking too much money from the EEC program, the Energy Efficiency Conservation program, that we're actually taking 12 percent was what was stated, but actually the truth is from last year's funding, we're not taking a penny. We're actually leaving that program funded at exactly the same level.

I have heard that we should not be building new weapons in order to give the right example to some of our friends around the world. And when I consider our attempts to influence our friends in North Korea, I would think that our unwillingness to build new weapons won't influence them at all. And when I think about influencing our friends in Iran, I think that our new posture of not maintaining our nuclear weapons will not influence them at all. In fact, they might be influenced in the other way.

Mr. Chairman, the world is not safer since 9/11. The world is more dangerous. During the 50 or so years of the Cold War, we didn't experience one strike inside the United States that even came close to being like the attack on 9/11. Yet after the Cold War, 1993, we had the first attack on the World Trade Center and then the second attack in 2001.

The world is getting progressively more dangerous, and I think for us to think that we can negotiate with these different countries is one that we should back up with the capability to strike back if a strike is needed.

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

Mrs. TAUSCHER. Mr. Chairman, I just want to make sure that my colleague from New Mexico knows that we spend—and that anybody listening—we spend over $6 billion maintaining the weapons. So it's hardly not spending any money at all.

At this time, I am happy to yield the balance of my time to the gentleman from Indiana, the chairman of the Energy and Water Subcommittee, Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I greatly appreciate the chairwoman yielding to me, and I do rise in respectful opposition to the gentleman's amendment.

The fact is we ought to ensure our security as a Nation. To best do that, we need to develop, in a bipartisan fashion, in a fashion that exists over a number of administrations, over a number of Congresses regardless of who and which party controlled both those branches of government, a comprehensive post-Cold War, post-9/11 nuclear strategy.

My concern, because that $6 billion that the chairwoman accurately suggests we do spend on a nuclear weapons complex, is a complex that we have to re-examine and to characterize. If we begin the construction of a new weapon in place, we simply exacerbate the current problems.

In the end, we ought to develop a strategy and then determine the types and the numbers of weapons we need. And not just in the sense of nuclear, but conventional, as well as other aspects of what that plan should be as opposed to having a set number of weapons and of various types and then constructing a strategy around them.

The Energy and Water appropriations bill that was passed and is in effect as part of the omnibus package for fiscal year 2008 indicates that's exactly what this Nation should be about, and I would ask my colleagues to oppose the gentleman's amendment.

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Mr. PEARCE. Mr. Chairman, I've listened with respect to the arguments from all of the speakers on the opposition side. I would note that $10 million, the amount that is designated for the RRW, is just enough to keep the doors open; that once we allow this team of experts to dissipate, once these people are hired away, then we will never build another team possible. This is just enough money to hold the human resources together to produce these weapons because we will not be able to produce them after we give up the human technology, the human capabilities, and so just enough to keep the doors open. It's exactly what the Senate did last year

I would urge passage of the Pearce amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. BOREN

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–666.

Mr. BOREN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. BOREN:

At the end of subtitle D of title III, add the following new section:

SEC. 335. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S. C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. Mr. Chairman, I yield myself as much time as I may consume.

Today, I rise in support of my amendment to the Duncan Hunter National

Defense Authorization Act for Fiscal Year 2009 that would bring additional clarity to the language in section 526 of the Energy Independence and Security Act of 2007.

First, I would like to thank Chairman SKELTON and Ranking Member HUNTER for their exceptional work in crafting this important piece of legislation that is extremely vital for the defense needs of this Nation. This is a good bill. I believe it will address the readiness needs of our Armed Forces for the near and distant future. Our servicemembers that so bravely protect and defend our Nation deserve nothing less than our full support.

Mr. Chairman, my amendment now being considered before this Chamber would amend section 526 of the Energy Independence and Security Act in a manner that would address the concerns that I share with many of my fellow colleagues within this Chamber.

Section 526 prohibits any Federal agency from entering into a contract to purchase alternative or synthetic fuels for mobility-related purposes, unless the life-cycle greenhouse gas emissions of such fuels are less than that of conventional petroleum-based fuels.

While I recognize the positive intent behind section 526 to reduce greenhouse gas emissions, I have strong concerns about how it will affect the ability of DOD to provide for the future energy needs of our Armed Forces.

Section 526 falls short of determining what alternative or synthetic fuels Federal agencies are prohibited from contracting to purchase. It also does not clearly define ''nonconventional petroleum sources.'' This ambiguity in the law, therefore, creates uncertainty as to whether the Department of Defense can procure generally available fuels that contain mix-in amounts of fuel derived from nonconventional petroleum sources, such as oil sands.

My amendment would amend section 526 to allow DOD and other Federal agencies to enter into contracts to purchase generally available fuels that are not predominantly derived from nonconventional fuel sources. Any contract to purchase such fuel must specify that the lifecycle greenhouse emissions are less than that of conventional petroleum sources.

If my amendment is adopted, it would not repeal section 526. Rather, it will improve section 526 to provide additional clarity that is needed to meet the future energy needs of our Armed Forces.

Mr. Chairman, this amendment reflects an agreement—this is very important—this is an agreement that was reached with the respective committees of jurisdiction, House leadership and myself. I am very pleased that we were able to reach a compromise on the language of this amendment that is mutually acceptable to all parties.

Therefore, I urge my colleagues from both sides of the aisle to support the adoption of this amendment.

I want to thank the chairman.

I reserve the balance of my time.

Mr. HUNTER. I rise in opposition to the amendment, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Thank you, Mr. Chairman.

First, Mr. Chairman, I want to congratulate Mr. BOREN who is a great member of the Armed Services Committee for bringing this amendment, and I think we recognize a real problem with section 526, which is really a section, and his amendment does take away some of the onus of section 526.

Section 526 really weds us to high-grade Middle Eastern oil. It says that if you come up with other types of fuel that are alternatives, but that might have a greenhouse gas footprint higher than this high-end Middle Eastern oil, and there are very few types of petroleum-based fuels which do that, you can't use it.

Mr. BOREN has taken some of the onus off of that by saying that if it's not predominantly that type of oil, meaning you can use, for example, tar sands from Canada and other types, that section 526 does not apply.

Now, the problem is, I'm reading the last of the amendment, and one of the conditions is that the contracts under which this petroleum product would flow says the contract—and I'm quoting from the last of the amendment—the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

And I think we should be doing everything we can to expand refineries. I don't think we've built a refinery in decades, and we all sat in this Chamber and watched gas prices go through the roof here not too long ago when they had just a couple of refineries down for repair.

So I know Mr. BOREN's heart's in the right place, and he's brought us at least halfway across the river here. I guess what I'd like to see is the double Boren amendment that takes us all the way and eliminates section 526.

I congratulate the gentleman. I know a lot of our Members are going to probably support this because it, in fact, does take us part way home. I wish we could go all the way, and I thank the gentleman for his amendment.

I reluctantly oppose it because I would like to see the full loaf here.

I reserve the balance of my time.

Mr. BOREN. Mr. Chairman, I want to thank the ranking member for his friendship. I know this is his last term here on Capitol Hill, and he's been a great leader for our committee. He's also a fellow deer hunter friend of mine, and I would also like to see the double Boren amendment. We're going to try to take half a loaf right now and work on this in the future.

At this time, I would like to yield 1½ minutes to my great friend and colleague from the State of Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment offered by my good friend from Oklahoma (Mr. BOREN).

You know, the Canadian ambassador to the United States and some oil companies have expressed concern about the application of section 526 to petroleum derived from oil sands.

North American oil sands are vital to United States oil supplies. Oil sands represent approximately 5 percent of the total U.S. oil supply and are mixed in with fuel derived from other sources.

This amendment addresses the concerns that have been raised, while preserving the overall intent of section 526. Section 526 establishes a positive goal for future alternative fuels greenhouse gas emissions. This amendment clarifies section 526 while retaining the standards it sets for greenhouse gas emissions.

This amendment would simply provide an exception to section 526 by exempting contracts for generally available fuels that are not predominantly produced from nonconventional petroleum sources, thereby addressing the uncertainty regarding the presence of fuel from oil sands mixed with fuel from other sources in existing commercial processes. And my friends, all I can say is there's always a first time.

I'd like to compliment my friend for coming up with this amendment, and I urge my colleagues to support this amendment.

Mr. HUNTER. Mr. Chairman, I would like to yield at this time 3 minutes to Mr. UPTON, the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I rise in support of the amendment, though I wish it could do a lot more. I appreciate your remarks, my friend from Oklahoma, and certainly my good friend from Texas, a member of the House Armed Services Committee, and I, in large part, echo the remarks of my good friend, the former chairman and now ranking member, Mr. HUNTER.

Section 526, I'm not sure where it really came from. It was a provision that was snuck in a major energy bill this last year, and it somehow became law. And sadly, as we talk to our Canadian fronts, they're producing 1.5 million barrels of oil a day, 1.5 million barrels a day from oil shale, tar sands rather, in Alberta, and they want to send it to their good friends to the south, the United States of America. And this section 527 stops it at the border. It prevents it from coming in.

Now, I think we all know that we have a supply problem in this country which is why the price of gasoline continues to go up as it has every single day. And until we get the message out that we need more supply so that we can counter this price increase, they're going to continue to go up. It's crazy to think that our friends, the Canadians, who have all of this up there and want to send it to us down here in the Lower 48, cannot do that.

As I sat down with their ambassador a few weeks ago and their energy minister as well, they're producing at least 1.5 million barrels a day. They're anticipating within 4 or 5 years they're going to be producing as much as 4 million barrels a day. They can't consume that all perhaps, and guess what they're going to do. They're likely to build a pipeline, and they're going to send it west. It's going to end up in China or someplace else, rather than coming down and be refined in this country and used by our motorists across the country.

So, for me, I'd like to repeal the whole section, and I know the gentleman doesn't do that in this amendment. But it's a step in the right direction, and I would like to think that we can hold our nose and be able to support this amendment, make it part of going to conference and perhaps even make it better when it emerges from the House and the Senate.

I appreciate the gentleman's willingness to work with Members on both sides, and I certainly appreciate a number of my colleagues on that side of the aisle who are looking to work with me to try and repeal the whole section. But we realize that the Rules Committee was not going to say ''yes'' to us, and this is one step.

We'd like to take a giant step, which this bill does not do, but at least it is going in the right direction, increasing our supply to a degree so that maybe we can have some downward pressure on the price of gasoline at the pump for all Americans across the country.

Mr. BOREN. I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I think we've had a good discussion, and I appreciate the gentleman's amendment and his contribution to the committee, and we would yield back at this time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. WAXMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–666.

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. WAXMAN:

Add at the end of the bill the following new division:

DIVISION D—GOVERNMENTWIDE ACQUISITION IMPROVEMENTS

Sec. 4001. Short title.

TITLE XLI—ENHANCED COMPETITION

Sec. 4101. Minimizing sole-source contracts.
Sec. 4102. Limitation on length of certain noncompetitive contracts.
Sec. 4103. Requirement for purchase of property and services pursuant to multiple award contracts.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.
Sec. 4202. Preventing abuse of interagency contracts.
Sec. 4203. Prohibitions on the use of lead systems integrators.
Sec. 4204. Regulations on excessive pass-through charges.
Sec. 4205. Linking of award and incentive fees to acquisition outcomes.
Sec. 4206. Minimizing abuse of commercial services item authority.

TITLE XLIII—ACQUISITION WORKFORCE

Sec. 4301. Acquisition workforce development fund.
Sec. 4302. Contingency contracting corps.

TITLE XLIV—ANTI-FRAUD PROVISIONS

Sec. 4401. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 4402. Mandatory Fraud Reporting.
Sec. 4403. Access of General Accounting Office to Contractor Employees.
Sec. 4404. Preventing conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

Sec. 4501. Disclosure of CEO salaries.
Sec. 4502. Database for contracting officers and suspension and debarment officials.
Sec. 4503. Review of database.
Sec. 4504. Disclosure in applications.
Sec. 4505. Role of interagency committee.
Sec. 4506. Authorization of independent agencies.
Sec. 4507. Authorization of appropriations.
Sec. 4508. Report to Congress.
Sec. 4509. Improvements to the Federal procurement data system.

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Clean Contracting Act of 2008''.

TITLE XLI—ENHANCED COMPETITION

SEC. 4101. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) CERTAIN CONTRACTS EXCLUDED.—The contracts entered into under the authority of the Small Business Act shall not be included in the plans developed and implemented under subsection (a), except contracts that are awarded pursuant to section 602 of Public Law 100–656 (as amended by section 22 of Public Law 101–37 (103 Stat. 75), section 2 of title V of Public Law 101–515 (104 Stat. 2140), section 205 of Public Law 101–574 (104 Stat. 2819), and section 608 of Public Law 103–403 (108 Stat. 4204)).

SEC. 4102. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than $1,000,000.''.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than $1,000,000.''.

SEC. 4103. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative

Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency to publish on—

(1) FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) the website of the agency and through a Governmentwide website selected by the Administrator for Federal Procurement Policy the determinations required by (b)(1)(B) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(3) The term ''sole source task or delivery order'' means any order that does not follow the competitive base procedures in paragraphs (b)(2) or (b)(3).

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

SEC. 4201. REGULATIONS TO MINIMIZE THE INAPPROPRIATE USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to minimize the inappropriate use of cost-reimbursement contracts and to ensure the proper use of such contracts.

(b) CONTENT.—The regulations required under subsection (a) shall—

(1) identify, at a minimum—

(A) the circumstances under which cost reimbursement contracts or task or delivery orders are appropriate;

(B) the acquisition plan facts necessary to support a decision to use cost reimbursement contracts;

(C) the acquisition workforce resources necessary to award and manage cost reimbursement contracts; and

(2) establish a requirement for each executive agency to—

(A) annually assess its use of cost-reimbursement contracts;

(B) establish and implement metrics to measure progress toward minimizing any inappropriate use of cost-reimbursement contracts identified during the assessment process; and

(C) prepare and submit an annual report to the Office of Management and Budget assessing progress in meeting the metrics established in (B).

(c) COMPTROLLER GENERAL EVALUATIONS.—Within one year of the completion of the first annual reports required by subsection (b)(2)(C), the Comptroller General shall review the progress of agencies in implementing the regulations required by (a).

(d) REPORT.—Subject to subsection (f), the Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subparagraph (e) and the Comptroller General on the use of cost-reimbursement contracts and task or delivery orders by all Federal agencies, including the Department of Defense. The report shall be submitted no later than March 1 and will cover the fiscal year ending September 30 of the prior year. The report shall include—

(1) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(2) the number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year;

(3) a list of contracts and task and delivery orders identified in subparagraph (2) exceeding ten million dollars ($10,000,000), whose period of performance, including options, exceeded three years; the reasons why such contracts or orders could not be priced or converted to a fixed-price basis; and the actions being taken by the agency to do so;

(4) a certification by the contracting agency that for each contract identified in subparagraph (3) that an appropriate number of trained acquisition personnel, consistent with the complexity and risk associated with the contract or order, have been assigned to provide oversight of the contractor's performance; and

(5) a description of each agency's actions to assure the appropriate use of cost-reimbursement contracts.

(e) CONGRESSIONAL COMMITTEES DEFINED.—The report required by subsection (d) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; the Committees on Appropriations of the House of Representatives and the Senate; and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

(f) REQUIREMENTS LIMITED TO CERTAIN AGENCIES.—The requirements of subsections (b) and (d) shall apply only to those agencies that awarded contracts and issued orders in a total amount of at least $1,000,000,000 in the fiscal year proceeding the fiscal year in which the assessments and reports are submitted.

SEC. 4202. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an interagency acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term ''head of executive agency'' means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

(3) The term ''interagency acquisition'' means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act'', Federal Supply Schedules above $500,000, and Governmentwide acquisition contracts.

SEC. 4203. PROHIBITIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS.

(a) PROHIBITION ON NEW LEAD SYSTEMS INTEGRATORS.—(1) Effective October 1, 2010, the head of an executive agency may not award a new contract for lead systems integrator functions in the acquisition of a major system.

(2) PROHIBITION ON LEAD SYSTEMS INTEGRATORS BEYOND DEMONSTRATION LEVEL PHASE.—Effective on the date of the enactment of this Act, an executive agency may award a new contract for lead systems integrator functions in the acquisition of a major system only if—

(A) the contract for the major system does not proceed beyond the demonstration phase-level; or

(B) the head of the agency determines in writing that it would not be practicable to carry out acquisition without continuing to use a contractor to perform lead systems integrator functions and that doing so is in the best interest of the agency.

(3) REQUIREMENTS RELATING TO DETERMINATIONS.—A determination under paragraph (2)(A)—

(A) shall specify the reasons why it would not be practicable to carry out the acquisition continuing to use a contractor to perform lead integrator functions (including a discussion of alternatives, such as the use of the agency workforce, or a system engineering and technical assistance contractor);

(B) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the government;

(C) may not be delegated below the level of the Chief Acquisition Officer; and

(D) shall be provided to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate at least 45 days before the award of a contract pursuant to the determination.

(b) ACQUISITION WORKFORCE.—

(1) REQUIREMENT.—The head of an executive agency shall ensure that the acquisition workforce is of the appropriate size and skill level necessary—

(A) to accomplish inherently governmental functions related to acquisition of major systems; and

(B) to effectuate the purpose of subsection (a) to minimize and eventually eliminate the use of contractors to perform lead systems integrator functions.

(2) REPORT.—The head of the agency shall annually include an update on the progress made in complying with paragraph (1) in the agency's Performance and Accountability Report.

(c) EXCEPTION FOR CONTRACTS FOR OTHER MANAGEMENT SERVICES.—The head of an executive agency may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met with respect to each such contract:

(1) The contract prohibits the contractor from performing inherently governmental functions.

(2) The head of the agency responsible for the development or production of the major system ensures that Federal employees are responsible for determining courses of action to be taken in the best interest of the government.

(3) The contract requires that the prime contractor for the contract may not advise or recommend the award of a contract or subcontract for the development or production of the major system to an entity owned in whole or in part by the prime contractor.

(d) DEFINITIONS.—In this section:

(1) LEAD SYSTEMS INTEGRATOR.—The term ''lead systems integrator'' means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a prime contractor under a contract for procurement of services the primary purpose of which to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(2) MAJOR SYSTEM.—The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

(3) DEMONSTRATION PHASE LEVEL.—For purposes of this section, the term ''demonstration phase level'' means—

(A) work performed prior to first article testing and approval (as defined in part 9.3 of the Federal Acquisition Regulation; or

(B) a level comparable to the level identified in subparagraph (A) which the FAR Council determines, by regulation, after consideration of the definition of low-rate initial production (as defined in section 2400 of title 10, United States Code.

(e) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4204. REGULATIONS ON EXCESSIVE PASS-THROUGH CHARGES.

(a) REGULATIONS REQUIRED.—

(1) Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended ensure that excessive pass-through charges on contracts or (or task or delivery orders) are not paid by the Federal Government.

(2) SCOPE OF REGULATIONS.—The regulations prescribed under this subsection—

(A) shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(i) awarded on the basis of adequate price competition; or

(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Federal Acquisition Regulation Council determines to be necessary in the interest of the government.

(3) DEFINITION.—In this section, the term ''excessive pass-through charge'' means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor (other than charges for the direct costs of managing lower-tier contracts and subcontracts and overhead and profit based on such direct costs) and for which the contractor or subcontractor adds no, or negligible, value to a contract or subcontract.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4205. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior'' and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

SEC. 4206. MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended for the procurement of commercial services.

(b) APPLICABILITY OF COMMERCIAL PROCEDURES.—

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of section 254b of title 41, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) INFORMATION SUBMITTED.—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms

and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

(c) TIME-AND-MATERIALS CONTRACTS.—

(1) COMMERCIAL ITEM ACQUISITIONS.—The regulations pursuant to subsection (a) shall ensure that procedures applicable to time-and-materials contracts and labor-hour contracts for commercial item acquisitions may be used only for the following:

(A) Services procured for support of a commercial item, as described in section 4(12)(E) of the Office Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(B) Emergency repair services.

(C) Any other commercial services only to the extent that the head of the agency concerned approves a determination in writing by the contracting officer that—

(i) the services to be acquired are commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F));

(ii) if the services to be acquired are subject to subsection (b), the offeror of the services has submitted sufficient information in accordance with that subsection;

(iii) such services are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(iv) the use of a time-and-materials or labor-hour contract type is in the best interest of the Government.

(2) NON-COMMERCIAL ITEM ACQUISITIONS.—Nothing in this subsection shall be construed to preclude the use of procedures applicable to time-and-materials contracts and labor-hour contracts for non-commercial item acquisitions for the acquisition of any category of services.

TITLE XLIII—ACQUISITION WORKFORCE

SEC. 4301. ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that there are resources available to recruit, hire, educate, train and retain members of the Federal acquisition workforce with the requisite competencies and skills to ensure that the government receives best value property and services in its acquisitions.

(b) ESTABLISHMENT OF FUND.—Title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 101, et seq) is amended by adding at the end the following new section:

"SEC. 324. ACQUISITION WORKFORCE DEVELOPMENT FUND.

''(a) The Administrator of General Services shall establish an acquisition workforce development fund.

''(1) The Administrator shall manage the fund through the Federal Acquisition Institute to recruit, hire, educate, train and retain members of the acquisition workforce of the executive agencies other than the Department of Defense.

''(2) The Administrator, in consultation with the Administrator for Federal Procurement Policy and the Chief Acquisition Officers or Senior Procurement Executives, as appropriate, of the executive agencies, other than the Department of Defense, shall issue detailed guidance for the administration and use of the Fund. Such guidance shall include provisions—

''(A) requiring agencies to identify members of their acquisition workforce consistent with section 433(i) of title 41.

''(B) identifying areas of need in the acquisition workforce for which amounts in the Fund may be used, including—

''(i) changes to the types of skills needed;

''(ii) incentives to retain qualified, experienced personnel; and

''(iii) incentives for attracting new, high-quality personnel;

''(C) describing the manner and timing for applications for amounts in the Fund to be submitted;

''(D) describing the evaluation criteria to be used for approving or prioritizing applications for amounts in the Fund in any fiscal year; and

''(E) describing measurable objectives of performance for determining whether amounts in the Fund are being used in compliance with this section.

''(3) The Director of the Office of Management and Budget shall be the approving official for any disbursements from the Fund.

''(4) The costs of administering the fund, including the direct and indirect costs of those employees, not to exceed 5 percent per annum, shall be paid out of the fund.

''(5) Amounts in the fund may not be used to pay the base salary of any full-time equivalent position currently filled as of date of enactment of the Clean Contracting Act of 2008.

''(b) There shall be credited to the acquisition workforce development fund the following percentages of the value of funds expended by executive agencies for service contracts, other than services relating to research and development and services relating to construction:

''(1) for fiscal year 2009, 0.5 percent.

''(2) for fiscal year 2010, 1 percent.

''(3) for fiscal year 2011, 1.5 percent.

''(4) for any fiscal year after fiscal year 2011, 2 percent.

''(c) The Director of the Office and Management and Budget may reduce the amount to be credited upon a determination that the funds being credited are excess to the needs of the acquisition workforce development fund. In no event shall the Director of the Office of Management Budget reduce the percentage for any fiscal year below a percentage that results in the deposit in a fiscal year of an amount equal to the following

''(1) for fiscal year 2009, 75,000,000.

''(2) for fiscal year 2010, 100,000,000.

''(3) for fiscal year 2011, 125,000,000.

''(4) for an fiscal year after 2011, 150,000,000.

''(d) Not later than 30 days after the end of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each executive agency shall remit to the General Services Administration the amount required to be credited to the fund with respect to the contracts, leases, task and delivery order described in subsection (b).

''(e) The Administrator of General Services, through the Office of the Chief Acquisition Officer, shall ensure that funds collected under this section are not used for any purposes other than the purposes specified in subsection (a).

''(f) Amounts credited to the fund shall be in addition to funds requested and appropriated for salaries, benefits, education and training for all current acquisition workforce members.

''(g) Amounts credited to the fund shall remain available until expended.

''(h) Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Administrator of General Services shall submit to the congressional committees identified in subsection (i) a report on the operation of the fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) A statement of the amounts remitted to the Administrator for crediting to the Fund for such fiscal year by each executive agency and a statement of the amounts credited to the Fund.

''(2) A description of the expenditures made from the Fund, including the purpose of such expenditures.

''(3) A description and assessment of improvements in the Federal acquisition workforce resulting from such expenditures, including the extent to which the fund has been used to increase the number of individuals in the acquisition workforce relative to the number of individuals in the acquisition workforce as of the date of enactment.

''(4) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(5) A statement of the balance remaining in the Fund at the end of such fiscal year.

''(i) The report required by subsection (h) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committees on Appropriations of the House of Representatives and the Senate.

''(j) No expired balances appropriated prior to the date of the enactment of the Clean Contracting Act of 2008 may be used to make any payment to the Acquisition Workforce Development Fund.''.

(c) EXCEPTION.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

SEC. 4302. CONTINGENCY CONTRACTING CORPS.

The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by section 102, is further amended by adding at the end the following new section:

"SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator of General Services in consultation with the Director of the Office of Management and Budget, the Secretary of Defense and the Secretary of Homeland Security, shall establish a Governmentwide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, within or outside the continental United States.

''(b) APPLICABILITY.—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of such executive agency, are to be used—

''(1) in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

''(2) to respond to an emergency or major disaster as defined in section 5122 of title 41, United States Code.

''(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees and uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce. As a condition precedent to membership in the Corps, each volunteer will execute a mobility agreement consistent with the provisions included in sections 3371 through 3375 of title 5, United States Code.

''(d) EDUCATION AND TRAINING.—The Director of the Federal Acquisition Institute, in consultation with the Chief Acquisition Officers Council shall establish educational and training requirements for members of the Corps, and shall pay for these additional requirements from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

''(e) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and shall pay for this clothing and equipment from funds available in the acquisition workforce development fund or the Department of

Defense Acquisition Workforce Development Fund.

''(f) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of funds available.

''(g) AUTHORITY TO DEPLOY THE CORPS.—The Director of the Office of Management and Budget shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

''(h) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps as of September 30 of each fiscal year.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

TITLE XLIV—ANTI-FRAUD PROVISIONS

SEC. 4401. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 315 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(a), is amended—

(1) by striking ''disclosing to a Member of Congress'' and inserting ''disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, an employee of an executive agency responsible for contract oversight or management,''; and

(2) by striking ''information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)'' and inserting ''information that the employee reasonably believes is evidence of gross mismanagement of an executive agency contract or grant, a gross waste of executive agency funds, a substantial and specific danger to public health or safety, or a violation of law related to an executive agency contract (including the competition for or negotiation of a contract) or grant''.

(b) CLARIFICATION OF INSPECTOR GENERAL DETERMINATION.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' after ''INVESTIGATION OF COMPLAINTS.—'' and

(2) by adding at the end the following new paragraph:

''(2)(A) Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

''(B) If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the Inspector General and the person submitting the complaint.''.

(c) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended in paragraph (1), by striking ''If the head of an executive agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the agency may'' and inserting after ''(1)'' the following: ''Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of an executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall''.

(d) DEFINITIONS.—Subsection (e) of such section is amended in paragraph (2), by inserting ''or a grant'' after ''a contract''.

SEC. 4402. MANDATORY FRAUD REPORTING.

(a) AMENDMENT OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

(b) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

SEC. 4403. ACCESS OF GENERAL ACCOUNTING OFFICE TO CONTRACTOR EMPLOYEES.

(a) CIVILIAN AGENCIES.—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(1) by inserting after ''records'' '',or interview any employee,''.

(b) DEFENSE AGENCIES.—Section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting after ''records'' '', or interview any employee,''.

SEC. 4404. PREVENTING CONFLICTS OF INTEREST.

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Office of Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether it contains sufficiently rigorous, comprehensive, and uniform Governmentwide policies to prevent and mitigate organizational conflicts of interest in Federal contracting. In reviewing such regulations, the Administrator and the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum, make appropriate revisions to the regulations to—

(1) establish a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) address conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensure that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process; and

(4) ensure that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity.

(b) PERSONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to establish uniform, Governmentwide policies to prevent personal conflicts of interest by contractor employees in Federal contracting. In developing such regulations, the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum—

(1) develop a standard contractor employee personal conflicts of interest clause or a set of standard clauses for inclusion in solicitations and contracts that set forth the contractor's responsibility to ensure that employees who are performing contracted services for the Federal Government are free of personal conflicts of interest;

(2) identify the contracting methods, types and services that raise heightened concerns for potential conflicts of interest; and

(3) establish specified principles, examples, a definition of personal conflicts of interest relevant to contractor employees working on Federal Government contracts, specific prohibitions, and where applicable, greater disclosure for certain contractor employees, that will accomplish the end objective of ethical behavior.

(c) BEST PRACTICES.—The Administrator of the Office of Federal Procurement Policy, in consultation with the Office of Governmentwide Ethics, shall develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

SEC. 4501. DISCLOSURE OF CEO SALARIES.

(a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this title. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

SEC. 4502. DATABASE FOR CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons awarded Federal contracts and grants for use by Federal officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Federal contract or grant, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding—

(1) any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of $5,000 or more, concluded by the Federal Government or any State government against the person, and any amount paid by the person to the Federal Government or a State government;

(2) all Federal contracts and grants awarded to the person that were terminated in such period due to default;

(3) all Federal suspensions and debarments of the person in that period;

(4) all Federal administrative agreements entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, agreements involving a suspension or debarment proceeding entered into by the person and a State government in that period; and

(5) all final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate officials of each Federal agency to directly input and update in the database information relating to actions it has taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to append comments to information about such person in the database.

(e) AVAILABILITY.—

(1) AVAILABILITY TO ALL FEDERAL AGENCIES.—The Administrator shall make the database available to all Federal agencies.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the database available to the public by posting the database on the General Services Administration website.

(3) LIMITATION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

SEC. 4503. REVIEW OF DATABASE.

(a) REQUIREMENT TO REVIEW DATABASE.—Prior to the award of a contract or grant, an official responsible for awarding a contract or grant shall review the database established under section 2.

(b) REQUIREMENT TO DOCUMENT PRESENT RESPONSIBILITY.—In the case of a prospective awardee of a contract or grant against which a judgment or conviction has been rendered more than once within any 3-year period for the same or similar offences, if each judgment or conviction is a cause for debarment, the official responsible for awarding the contract or grant shall document why the prospective awardee is considered presently responsible.

SEC. 4504. DISCLOSURE IN APPLICATIONS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, Federal regulations shall be amended to require that in applying for any Federal grant or submitting a proposal or bid for any Federal contract a person shall disclose in writing information described in section 2(c).

(b) COVERED CONTRACTS AND GRANTS.—This section shall apply only to contracts and grants in an amount greater than the simplified acquisition threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)).

SEC. 4505. ROLE OF INTERAGENCY COMMITTEE.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to the Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system.

(b) DEFINITION.—The term ''Interagency Committee on Debarment and Suspension'' means such committee constituted under sections 4 and 5 and of Executive Order 12549.

SEC. 4506. AUTHORIZATION OF INDEPENDENT AGENCIES.

Any agency, commission, or organization of the Federal Government to which Executive Order 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or assistance activities.

SEC. 4507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

SEC. 4508. REPORT TO CONGRESS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) CONTENTS OF REPORT.—The report shall contain the following:

(1) A list of all databases that include information about Federal contracting and Federal grants.

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

SEC. 4509. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) ENHANCED TRANSPARENCY ON INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code, or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) AMENDMENT.—Subsection (d) of section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

□ 1600

Mr. WAXMAN. Mr. Chairman, this Congress, the House and Senate, have passed important Federal contracting reforms, but neither body has assembled them into a comprehensive package. My ''clean contracting'' amendment to the National Defense Authorization Act consolidates these provisions into a single reform measure.

I want to particularly thank Chairman SKELTON for working with me to help bring this amendment before the House today. He has been a tremendous partner in the fight to root out waste, fraud and abuse.

The clean contracting amendment would require agencies to enhance competition in contracting, limit the use of abuse-prone contracts, rebuild the Federal acquisition workforce, strengthen antifraud measures, and increase transparency in Federal contracting.

The provisions of the amendment are based on provisions that have already passed the House or Senate, or are government-wide versions of Defense provisions that passed in last year's DOD authorization. They respond to procurement abuses that the Oversight Committee, the Armed Services Committees, and other committees have identified in hearings and investigative reports.

The egregious procurement practices that have occurred in Iraq and in response to Hurricane Katrina and at the

Department of Homeland Security need to be halted. They may enrich companies like Halliburton and Blackwater, but have squandered billions of dollars that belong to the taxpayer.

This amendment says that Congress is serious about stopping waste, fraud and abuse. One important provision deals directly with no-bid contracts and requires agencies to develop plans to promote competition. This provision is needed because the value of contracts awarded without full and open competition has more than tripled since 2000, rising from $67 billion in 2000 to almost $207 billion in 2006. Full and open competition provides the government with its best guarantee that tax dollars are being spent economically and efficiently.

Another important measure would limit the length of no-bid contracts awarded in emergencies to 9 months. This provision would end the abuses that occurred after Hurricane Katrina when many ''emergency'' contracts were allowed to continue for years.

The amendment would also curb the use of cost-plus contracts, which provide contractors with little incentive to control costs. Spending under this kind of contract grew over 75 percent between 2000 and 2005.

Another important provision would prohibit contractors from charging excessive mark-up charges for work done by subcontractors. This would prevent the infamous ''blue roof'' scandal following Hurricane Katrina where taxpayers paid almost $2,500 for something that actually cost $300.

Other vital provisions of this amendment would provide whistleblower protections to civilian contractor employees, fund increases in the acquisition workforce, and prevent the abuse of interagency contracts, as was the case at Abu Ghraib, where interrogators were hired using an Interior Department contract for information technology.

The amendment also includes three provisions which have recently passed the House under suspension of the rules. One, authored by Representative WELCH, requires mandatory reporting of fraud by contractors. Another, based on the bill by Representative MURPHY, requires the disclosure of CEO salaries if a company makes most of its money from government funds. The third, based on a bill authored by Representative MALONEY, requires the development of a database of suspension and debarment information. I want to commend these Members for their hard work on these issues.

I also want to particularly thank Chairwoman VELÁZQUEZ of the Small Business Committee for working with us to perfect some of the language in this bill.

I urge Members to support the Clean Contracting amendment.

I reserve the balance of my time.

Mr. DAVIS of Virginia. I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. DAVIS of Virginia. Mr. Chairman, I rise today to speak on the amendment filed by Chair WAXMAN to the FY09 Defense Authorization Act.

This amendment is an amalgamation of various government contractor-related proposals, many of which are currently working their way through the legislative process. Most of the more than 20 components of this amendment represent attempts to, quote, reform the Federal Government's acquisition system through restrictions and reports geared towards greater regulation and oversight.

More specifically, this amendment would limit the duration of contracts awarded under unusual and compelling conditions, require agencies to develop plans for the use of sole-source contracts, restrict the use of lead system integrators in acquisitions of major systems, restrict the acquisition of commercial services, and disclose the salaries of executives of privately held firms that are receiving government funds.

While I remain skeptical these provisions will do much to address the most serious problems facing our Federal acquisition system today, I very much appreciate that Chairman WAXMAN has worked with me to revise the provisions before bringing them to the floor to help ensure they don't impose undesired and unintended burdens on the acquisition system. In addition, I am pleased that the amendment includes a provision aimed at promoting a stronger and more robust Federal acquisition workforce.

Section 4301 of the amendment creates a government-wide acquisition workforce development fund funded by a percentage of the amount expended by agencies for service contracts to be used for the recruitment, the hiring, the training, and the retraining of our Federal acquisition workforce.

He noted that there are too many cost-plus types of contracts. This contract vehicle is only utilized when the government isn't sure of its requirements. How in the world can you fixed-price something if you don't know what you need and what your final requirements are? Having a better acquisition workforce to better define these requirements and having them in touch with their client I think is the best way to get rid of these cost-plus contracts which the chairman and others have criticized rather than trying to legislate into law limitations.

In fact, if this amendment were only to include the provisions in the acquisition workforce title we would be much better off because I think that does more to address the issues in government contracting and the excesses and the problems than anything else in here.

An endless stream of reports, an endless stream of restrictions and limitations really does very little to help our stressed Federal acquisition workforce cope with the increasingly complex demands of the Federal Government for goods and services.

Other provisions in the amendment, however, cause me more concern. Section 4403 of the amendment would give the Government Accountability Office the unprecedented and the new authority to interview private individuals employed by Federal Government contractors in order to get information during its audits. There are serious issues involved with forcing private citizens to talk to government auditors. What happens if the person doesn't want to talk? Can the GAO use its subpoena power? And who within the GAO would have such authority to order private citizens to talk? A senior GAO official? Any GAO functionary? A mid-level official? This is not a provision which has been discussed or debated in Congress. In my judgment, it is not ready for prime time. I think it has some merit, but I think it's going to need really some additional debate and research before it's implemented into law.

When the chairman intended to include this provision in a bill recently being considered by our committee, he withdrew it when I requested him to do so. I assumed at the time we would discuss and debate it before bringing it to the House floor. I'm disappointed that it has been unilaterally included in the amendment, which would otherwise, I feel, be all right to this authorization bill.

Further, Mr. Chairman, many other concerns that I have with this amendment are the same concerns I expressed last year when the House took up H.R. 1362, the chairman's Accountability in Contracting Act.

The Federal acquisition system has been under considerable stress in recent years because of the extraordinary pressures of a shrinking acquisition workforce combined with an increasing reliance on Federal contractors for major activities such as providing logistical support for our troops in Iraq. This strain has resulted in a series of management problems that have been trumpeted by the press and exploited by opponents of the system. Nevertheless, the systems work pretty well, and the vast majority of government acquisitions have been conducted properly. And in the cases where we have found fraud, the system has uncovered these in many cases, audits have uncovered these, and we've been able to deal with them.

I remain concerned that controls, reports, procedures and restrictions will not go very far in addressing the most serious challenges facing us today. Reverting to the bloated system of the past, weighted down with ''process,'' will not help the Federal Government acquire the best value goods and services the commercial market has to offer and our government so desperately needs and our taxpayers can afford.

As I have said many times before, reverting to the past under the rubric of fraud, waste and abuse and ''cleaning up'' the system may provide flashy

sound bites and play well back home, but it doesn't give us the world-class acquisition systems that Federal taxpayers deserve.

More controls and procedures will not remedy poorly defined requirements or provide us with a sufficient number of Federal acquisition personnel with the right skills to select the best contractor and the best contracting vehicles to get there and manage the subsequent performance of those contracts.

Despite these concerns, I don't intend to ask for a rollcall, but I intend to oppose this amendment. And I hope to be able to work with Chairman WAXMAN and other interested stakeholders on these provisions in conference to try to make sure that we're not imposing unnecessary burdens on our Federal acquisition system.

Mr. HUNTER. Would the gentleman yield?

Mr. DAVIS of Virginia. I would be happy to yield to my friend.

Mr. HUNTER. I thank the gentleman for yielding.

You know, one aspect of this that I thought was troubling also was the fact that private contractors will have to disclose the amounts of money that their particular people make. That's going to go out, presumably, to others; competitors will see that. These aren't publicly held companies. I think that that's an intrusion we don't necessarily need to make.

Mr. DAVIS of Virginia. Let me say to my friend, this was a concern, but in working with Mr. MURPHY, the author of this provision, we feel that in the light that—the sirens will go out, not just for contractors, but for grantees, too, on Federal grants and the like. And it will go out not under the rubric of just contracts, but be available on a Federal database which the Congress approved last year.

So I appreciate Mr. MURPHY working with us on that. We're, at this point, comfortable with that provision, having massaged it through the committee process.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I do want to express my appreciation to Ranking Member DAVIS for the hard work and contribution; he helped us in fashioning so much of this legislation.

At this point, I yield 1½ minutes to the gentleman from Connecticut, who is an author of an important provision in this bill and is a very valued member of our committee.

Mr. MURPHY of Connecticut. I would like to thank Chairman WAXMAN for putting this very valuable amendment before us today. We've spent an awful lot of time on the Government Oversight Committee looking into the contracting practice of the Federal Government. I think this goes a very long way towards safeguarding our taxpayer dollars, and also shining some transparency on it, which is the piece of the amendment that I would like to speak on today.

This amendment includes legislation that passed the House on voice vote several weeks ago, the Government Funding Transparency Act. The act requires that companies that make almost every penny of their revenue from the Federal Government, essentially quasi-public agencies, requires them to disclose to the American public the amount of profit that they're taking off of those contracts. These companies making over 80 percent of their money shouldn't be allowed to hide this type of financial data from the American taxpayers.

I would like to thank Ranking Member DAVIS for working through this bill as it moved through the committee process. This really has moved from a contracting bill to a disclosure bill, one that I think is going to give the American public and this Congress the access to the data that they should have when we are awarding large contracts to essentially government agencies that don't have the requirements that other agencies and public vendors do.

I would like to thank Chairman SKELTON as well for working through this amendment as we brought it forth today. I support its passage and the underlying legislation.

Mr. DAVIS of Virginia. Let me just say to my friends, if we really want to reform the acquisition system, the most important thing we can do is, first of all, start with a better job of defining our requirements on these particular vehicles and then recruiting and retaining acquisition professionals, the best and the brightest we can find. And when we do that, that means we have to pay them appropriately, we have to train them appropriately, we have to give them the appropriate incentives and bonuses. Think of a multibillion-dollar acquisition that comes in on time and under budget. That is worth its weight in gold. We have had so many of these vehicles that have gone sideways on us and end up costing us billions of dollars. It is better to spend a little money up front training the right people to oversee these contracts, define the requirements along the way. This amendment does do something in that regard. I think we need to continue to work in that direction.

I look forward to working with my friends on other amendments as we can strengthen the acquisition system.

Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, this amendment, which consolidates a number of other provisions, has within it a provision that the House also passed on the suspension calendar authored by the gentleman from Vermont, Congressman WELCH. I yield 1½ minutes to him at this point.

Mr. WELCH of Vermont. I want to thank Chairman SKELTON for his leadership, Chairman WAXMAN, Mr. HUNTER and Mr. DAVIS.

I have been listening to Mr. DAVIS, and he makes a good point; you have to, when you're spending $1 trillion on a war—and we're pushing that—have a good acquisition team. But that really begs the question, we have to have oversight. And there has been documented an astonishing amount of waste, fraud and absolute rip-off in this expenditure of close to $1 trillion. And that does require some simple reporting requirements.

Mr. MURPHY's amendment, where private companies that go into contracts from $700,000, and then when the war starts over the next 4 years to $1 billion, that 10 percent cut for the owner of that company, or the owners, the public has a right to know. Sunlight is going to put some limits on how much profit is reasonable when our soldiers are working so hard for so little.

Secondly, when we have no-bid contracts—and these have proliferated so that they are about over $1 trillion—and the companies that have those contracts become aware of fraud, why is it not plain common sense that that company would have the obligation immediately to report to the American government their knowledge of fraud so that we can save taxpayer dollars, particularly when these involve national security contracts, oftentimes with things that are going to protect our troops? We owe them no less and we owe our taxpayers no less. So I thank the gentlemen for the work that they've done to restore fiscal responsibility.

□ 1615

Mr. WAXMAN. Mr. Chairman, I would like to yield 1½ minutes to a very valuable member of our Oversight Committee who has been a watchdog to make sure that we are not wasting taxpayers' dollars, the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, at its simplest level, the House Armed Services Committee is the military's best friend, the best friend to the soldier, the sailor, the airman, and the marine. And under the leadership of Chairman SKELTON and Ranking Member HUNTER, we are demonstrating this once again with this bill.

The House on Oversight and Government Reform Committee, Mr. WAXMAN's committee, is the taxpayer's best friend. And it's very important that these committees work together, as they are doing today, to make government work both for the taxpayer and for the military. And that's what these clean contracting amendments do.

It's an amazing group of amendments to try to minimize, for example, sole source contracts. Why should the government have to add all this business to one company without competitive bidding unless it's a national emergency? This amendment takes care of that why should we have cost-plus contracts? Those guarantee a profit whether it's deserved or not. We try to minimize those things.

This is an excellent example of cooperative work between committees,

really forgetting jurisdictional lines, and making government work for the people back home.

I'd also like to thank Mr. WAXMAN in particular because he pointed out something that even the excellent staff of the House could not have been able to see so far, which is workmen's compensation for defense contractors, an issue that we had not delved into. But just last week, in an excellent set of hearings that Chairman WAXMAN called, we were able to produce legislative language that, thankfully, the House has accepted and to get this reform underway already. So in just 1 week's time, we are solving this problem for the taxpayer.

I thank the gentleman.

Mr. WAXMAN. Mr. Chairman, I yield the balance of my time to my very good friend and respected leader, the chairman of the Committee on Armed Services (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding. I also wish to compliment him on this amendment.

Mr. Chairman, there was a lot of hard work that went into this, and what it would do is add the Clean Contracting Act of 2008 to national security and defense. It compiles provisions that have already passed the House or would extend acquisition reforms passed for the Department of Defense in prior authorization bills in identical form. It also adds a couple of new measures.

This Waxman amendment complements last year's bill in which we extended several of the reforms beyond the Department of Defense, and it also included several bills that have already passed, such as the Contractors and Federal Spending Accountability Act offered by Representative MALONEY, the Close the Contractor Fraud Loophole Act offered by Mr. WELCH, and the Government Contractor Accountability Act offered by Mr. CHRIS MURPHY.

There's a lot of hard work that goes into this. And we are always going to have difficulties in the acquisition process and the contracting process. But this is a major step in that direction, and I favor it.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of the amendment offered by the distinguished chairman of the Oversight and Government Reform Committee, Representative WAXMAN, that would make important reforms to the contracting process.

Particularly, I want to note my support for provisions in the amendment based on my legislation which passed the House last month, H.R. 3033, the "Contractors and Federal Spending Accountability Act." That bill and this amendment would fortify the current federal procurement system by establishing a centralized and comprehensive database on actions taken against federal contractors and assistance participants. It requires the contracting officer to document why a prospective awardee is deemed responsible if that awardee has two or more offenses which would be cause for debarment within a 3-year period. Additionally, it improves and clarifies the role of the Interagency Committee on Debarments and Suspension, and requires the Administrator of General Services to report to Congress within 180 days with recommendations for further action to create the database.

Currently, federal agency officials lack the information that they need to protect our business interests and taxpayers' dollars. This amendment will make it easier for these individuals to prevent those who repeatedly violate federal law from receiving millions of dollars from the federal government.

As a New York City Councilwoman, I successfully led an effort to implement a similar system. This system has aided the City of New York tremendously, and it has helped to prevent habitual bad actors and felons from being awarded city contracts.

The United States is the largest purchaser of goods and services in the world spending more than $419 billion on procurement awards in FY2006 and $440 billion on grants in FY2005. It is Congress's responsibility to ensure that the taxpayers' dollars are used wisely and not wasted by some contractors who are more interested in lining their pockets with profits than providing the American people with the goods and services they are paying for.

I also want to acknowledge Representative MARK UDALL for his supportive efforts to improve the federal contracting system, and I urge my colleagues to support this amendment.

The Acting CHAIRMAN (Mr. POMEROY). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MS. LEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 26 printed in House Report 110–666.

Ms. LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Ms. LEE:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON CERTAIN STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

No provision of any agreement between the United States and Iraq described in section 1212 (a)(1)(A)(iv) shall be in force with respect to the United States unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

First let me thank Chairman SKELTON and Ranking Member HUNTER for their work on this bill and also for their devotion to the men and women of our Armed Forces.

Thank you very much on behalf of my dad, retired Lieutenant Colonel, recently deceased, Garvin Tutt. Thank you, Mr. SKELTON; thank you, Mr. HUNTER.

Mr. Chairman, my amendment is simple and straightforward. It provides that no provision contained in any Status of Forces Agreement, or SOFA, negotiated between the President and the Government of Iraq which commits the United States to the defense and security of Iraq from internal and external threats is valid unless this agreement has been authorized and approved by Congress.

This may sound complicated but it really is not. The issue is really simple. Should President Bush, this President, or any President be allowed to obligate our troops to a long-term commitment to spend resources and provide troops to defend Iraq against its enemies internal or external without congressional review? The longstanding answer and constitutional answer to this question is "no." So, Mr. Chairman, this amendment should not be controversial.

And why is it needed? Because in November, 2007, President Bush and Iraqi Prime Minister Maliki signed the Declaration of Principles for Friendship and Cooperation, which included an unprecedented commitment to defend Iraq against internal and external threats. Frankly, this is not only unprecedented, but it is really insulting when one considers that the agreement does require the review and approval of the Iraqi Parliament but not our own Congress. That doesn't make any sense. If prior review and approval is good enough for the Iraqi Parliament, it is good enough for the United States Congress. In fact, it is essential for the United States Congress to give their approval.

I want to take a moment to address the position of the administration and some of my Republican colleagues who would argue that the agreement is nothing more than a garden variety. Status of Forces Agreements, for the most part, don't require congressional involvement or approval. But the reality is that this Declaration of Principles goes far beyond what is typically covered in the Status of Forces Agreement, or SOFA. The reality is that routine SOFAs do not include any guarantee to defend a host country against external or internal threats. That just has not been part of prior SOFA agreements.

I cannot underscore just how serious this commitment is. An agreement of this kind to commit American troops to the defense of security of another country is not routine or typical or minor. It is a major commitment that must have the support of the American people, and that popular support will only be reflected through the Congress of the United States, the people's House.

Mr. Chairman, if a decision is made about keeping troops in Iraq indefinitely, then it is the Congress that

should have a say. My amendment does that.

I want to be clear, though, that this amendment is not about redeploying our troops from Iraq, a position that I strongly support, nor is it about timelines or reconstruction or oil or the various other debates raging around our occupation of Iraq. We can't undo the suffering, the death, the horrible injuries, the deep psychological scars, or the millions of lives that are forever altered, and we can't erase the misrepresentations made, the mistakes made, or the damage done. But we can, however, prevent future mistakes. And it would be a disastrous mistake to let the current declaration move forward without congressional debate and approval.

So this amendment is about the future. Do we want the next President and Congress to inherit a situation where our troops are committed to fight Iraqi civil wars and any entity the Iraqis deem a threat? Do we really want that? Do we want to do that without even having debated it or allowing congressional review? Do we really want that?

This is about standing up for Congress and the Constitution. Again, this amendment is responsible, practical, and necessary. For these reasons, I urge all Members to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Mr. Chairman, I reluctantly rise to oppose this amendment because of my great respect for the gentlewoman. But this Status of Forces Agreement is something that we've done now in over 80-some countries. And it's not a guarantee of security. It's not a guarantee of defense. It is not and should not be considered as a treaty. It is simply for the protection of American soldiers and American civilian personnel.

It sets out, for example, if you are sued, if you're charged with a criminal action, there has to be an agreement between the countries as to how people are treated, that is, how American personnel are treated, and under the agreement that Iraq has made with the United States.

Now, Secretary Gates has testified to us in the Armed Services Committee, and he has been asked about the SOFA, and he has said there are no security guarantees in this SOFA. We're going to have the same team that has done SOFAs, these Status of Forces Agreements, in many other countries, moving in to do the same Status of Forces Agreement that will go over the same types of things. And, again, this does not rise to the level of a treaty because this is not going to be an agreement with respect to security guarantees for Iraq. It will contain no security commitment, and it will not obligate force structure or troop strength or assure any other security guarantees.

So, Mr. Chairman, this is not a treaty. And I appreciate the gentlewoman's statements and her intent, and there may be at some point an agreement between Iraq and the United States that will be a treaty with respect to security commitments. This doesn't do it. What this does is protect American personnel. We need it and we need to negotiate it. We need to get it done. It's not a treaty, and we should not make it subject to ratification by Congress.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I would like to yield 1 minute to the chairman of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, this is really a reflection of constitutionality. This refers to any agreement that requires the United States to take action on behalf of an ally in the face of an attack. This is one that is an agreement that is a security agreement, and it requires either a treaty ratified by the United States Senate or a provision passed by the entire Congress of the United States.

It's unclear, for instance, that if the Iraqis could repel any external invasion or address a serious internal threat without America that the United States could avoid being involved against its will in such a situation. Quite honestly, it is a requirement that the Constitution be followed. A security agreement, by the way, is different from a Status of Forces Agreement. I favor the amendment.

Mr. HUNTER. Mr. Chairman, once again, these Status of Forces Agreements, which are pretty run of the mill, do not manifest security commitments by the United States to protect the countries that they are made with. They talk about the treatment and describe the treatment of Americans with respect to getting licenses, licensing their vehicles, how they're going to be treated in cases of civil or criminal actions. Basically how the American who is in that particular foreign country, and again we have got 80 of them that we have done, how they are going to be treated by that host country.

Now, they are not security commitments, and if you have something that does, in fact, commit the United States to a security agreement with another country, and in this case Iraq, I have no dispute with my colleagues, that at that point you have a treaty, and a treaty, because it manifests commitments, has to be ratified.

But I don't understand why we are saying that the Status of Forces Agreement, which is going to talk about how our troops are treated in the same way that we talk about how American military personnel who are in Germany or Japan or 80 other countries are treated, how that now becomes something special because it's Iraq and, in the case of Iraq alone, we have to have a ratification by Congress.

□ 1630

I would reserve the balance of my time.

Ms. LEE. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentlewoman has 4½ minutes remaining.

Ms. LEE. I would yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, as we speak, the administration is negotiating a strategic framework agreement with Iraq that goes well beyond the typical Status of Forces Agreement. Contrary to what my colleague, Mr. HUNTER says, from California, essentially it does amount to a treaty. Read the words of the Declaration of Principles. It will need to be ratified by the Iraqi Parliament and therefore it must be ratified by the United States Congress as well. This is the issue that goes to the heart of our constitutional duties as a Congress and the power to declare war, with which we have been entrusted as representatives.

After voting against this war, I have supported the goal of responsibly redeploying our troops for over 2 years, and after President Bush and Prime Minister al-Maliki signed the Declaration of Principles last year. It is a document that outlines unprecedented security commitments and assurances to Iraq from the United States. If in fact it is just a Status of Forces Agreement as usual, then the administration should repudiate this Declaration of Principles and start with a genuine Status of Forces Agreement.

I introduced the Iraq Strategic Agreement Act. I compliment my colleague, Ms. LEE, and support her amendment.

Mr. HUNTER. Once again, the gentlelady talked about a strategic framework agreement. That does manifest security commitments, and that does have to be ratified. But that is not the Status of Forces Agreement. The Status of Forces Agreement is simply about the treatment of American military personnel in that particular place. We are talking about two different things; one that has to be ratified and the other that doesn't. And I have heard no good argument as to why, of the 80 Status of Forces Agreements that we have around the world, why this one has to be ratified by Congress and none of the others have to be.

I reserve the balance of my time.

Ms. LEE. I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. I will give you a reason why we ought to have this amendment. We know what happens when we give this President a blank check. It always goes badly. We get a

banner, Mission Accomplished, and he gets to continue a failed war that has now claimed the U.S. economy as its latest casualty. That is why I urge my colleagues to approve this Lee amendment.

This lame duck President must not be able to indenture the next President to carry on a disastrous war of security. This is a lame duck administration trying to rewrite history, and they will tie the hands of the Nation into a knot in the process if we let them. The next President and the next Congress are the only ones who should determine the future policy in Iraq. This amendment ensures this will happen.

The President has had a blank check since 2001, and we see where we are. This amendment brings some balance to the process. It's time to close the blank check account for a lame duck President. We ought to approve the Lee amendment and preserve our chance in the future to get out of Iraq.

Ms. LEE. I would like to yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today to support Congresswoman BARBARA LEE's amendment. In fact, Mr. Chairman, if it were not for abusive power grabs, we would not need this amendment today. As Chairman SKELTON just said to us, this amendment actually strengthens a right guaranteed to the Congress by the Constitution. With Congresswoman LEE's amendment, we simply affirm that any major international agreement signed by the representatives of the United States, the U.S. Government, it must be approved by the Congress.

Whether you call it a treaty, whether you call it a Declaration of Principles, this Congress will fulfill our constitutional duty today because every one of us, every Member of Congress takes an oath to defend the Constitution of the United States of America, and today we will do just that.

So, again, I thank Congresswoman LEE, and I urge support of this amendment.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from California has 6 minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. HUNTER. Mr. Chairman, I would just say to my colleagues, including the gentleman from Washington who spoke I think somewhat disparagingly of the President, this is part of the duties of an administration anywhere where you have American troops. You lay down rules of how they are going to be treated with respect to civil actions, criminal actions, licensing of vehicles, payment of taxes, all the things that affect a person who is now physically residing in that foreign country, whether it's an American civilian or a military guy who's stationed there. It's a necessary thing.

The idea that we are going to elevate this thing, which has been a fairly ministerial thing, to a treaty on the basis that the people who are speaking don't like the President doesn't make any sense. You know, when the Secretary of Defense comes in, testifies to our committee that there will be no commitments manifest in this particular SOFA with respect to security, he testifies to us to that effect, the idea that we say we are not going to believe him, and certain members of the other side don't like the President so they come down to say anything he does now has to be ratified by Congress, I think that disparages the process, Mr. Chairman.

We have got a fairly run-of-the-mill ministerial thing that we need to do and, once again, I say to my colleagues, this protects American personnel. The same team that has negotiated this with presumably dozens of countries and gone over the same ministerial stuff with respect to how people are treated in that country, will be talking to the Iraqi leadership and making that same negotiation on those same points.

So the idea that we now elevate this to a treaty; if a treaty is coming with this strategic framework, that does have to be ratified by Congress, and should be ratified by Congress. But let's not mix the two up. Let's protect our personnel and then let's move to this ratification or this decision of what any security commitments might be.

I would reserve the balance of my time.

Ms. LEE. I would like to yield now 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, I thank the gentlewoman from California. We have two issues here. The first is whether this body, the Congress of the United States, is going to exercise its responsibility or abnegate its responsibility to the President of the United States.

We have a bit of a factual dispute about the nature of this agreement. The chairman of our committee, a distinguished veteran, has made it clear that this can be in the nature of a treaty. That is what it applies to. It could implicate us in the second issue, and that is where the United States should be providing security when essentially you have a civil war.

The agreements and Status of Force Agreements that Mr. HUNTER has described have been with countries that have stability. This is a country that has Shia fighting Shia, Shia fighting Sunni, the Kurds sitting on the side, waiting. The United States should not be providing security guarantees without the vote of Congress in that circumstance.

Ms. LEE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentlewoman has 30 seconds remaining.

Ms. LEE. Mr. Chairman, I'd like to yield the remaining time to close to the chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, this is first-year law school discussion. If you read the amendment offered by the gentlelady, it makes reference to 1212(a)(1)(a)(4). It applies only to this. I read that section: ''Any security agreement, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.'' That doesn't say a thing, not a blooming thing about Status of Forces Agreement. So that is what we are talking about. That is why a treaty is required or a consent of Congress.

Mr. HUNTER. Just one other point, and that is in the U.N. Security Council Resolution, under which our troops operate now, which provides for how they are treated in Iraq, expires in December. That is why we need to have a Status of Forces Agreement. If we don't have, and we now elevate this to a treaty, and Congress doesn't act on the treaty, they will lose their protection when the United Nations provision expires.

It doesn't make sense to put this onus on them, that somehow we are going to raise this thing to a treaty level and Congress, by golly, is going to have to now ratify it before we can decide how an E–5, a sergeant with a couple of stripes, living in Baghdad, how he is going to be treated with respect to the laws of that country. It doesn't make a lot of sense.

I think we ought to leave this thing alone. When we go to any treaties that actually manifest security commitments by the United States, certainly that has to be then ratified by Congress. This isn't one of them. It will be the 81st SOFA that we have had without requiring Congress to ratify it.

Mr. BERMAN. Mr. Chairman, I rise in strong support of this amendment by my colleague from the Foreign Affairs Committee.

Mr. Chairman, this is a simple amendment. It provides that any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq must be approved by an act of Congress or by a treaty that receives advice and consent.

Mr. Chairman, the United States has many friends around the world, including in the Middle East, with whom we have non-legally binding arrangement about security. However, legally binding security commitments to use the Armed Forces of the United States have only been entered into with the approval of Congress. U.S. security commitments to NATO and Japan, for example, have been made pursuant to a treaty subject to advice and consent with the Senate.

I believe that past precedent should be our guide as to how to deal with any legally binding obligation of the United States that would commit both the current President and all of his successors to defending Iraq. If the President believes this is wise for the country, he should not do it alone; it should only be taken with congressional approval.

Mr. Chairman, this is not an esoteric or hypothetical situation. This past weekend I was in Baghdad with Speaker PELOSI's delegation. It's quite clear from our discussions there that the government of Iraq at the highest level expects that any strategic framework or other

agreement between the United States and Iraq will include a legally binding security commitment that would require the United States to respond to threats against Iraq.

This amendment ensures congressional approval and, implicitly, congressional oversight of any proposed legally binding commitment to Iraq's security. I would hope that all my colleagues, irrespective of their political affiliation and their views about the conflict in Iraq, would agree that Congress should not be sidelined when it comes to what could be a millennial commitment to defend a country in the heart of one of the hottest regions on the planet.

I strongly support the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. ISRAEL

The Acting CHAIRMAN. It is now in order to consider amendment No. 50 printed in House Report 110–666.

Mr. ISRAEL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. ISRAEL:

At the end of title XII, add the following new section:

SEC. 12___. EMPLOYMENT FOR RESETTLED IRAQIS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b).

(b) ELIGIBILITY.—Individuals referred to in subsection (a) are individuals, in the determination of the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Homeland Security, who—

(1) are Iraqi nationals lawfully present in the United States; and

(2) worked, for at least 12 months since 2003, as translators in the Republic of Iraq for the United States Armed Forces or other agency of the United States Government.

(c) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

(2) EXCEPTION.—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work was for the Department of State.

(d) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

(e) INFORMATION SHARING.—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security, the Office of Refugee Resettlement of the Department of Health and Human Services, and nongovernmental organizations to ensure that Iraqis resettled in the United States are informed of the program established under subsection (a).

(f) REGULATIONS.—The Secretary of Defense, in coordination with the Secretary of State, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including establishing pay scales and hiring procedures, and determining the number of positions required to be filled.

(g) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

(2) EARLIER TERMINATION.—If the Secretary of Defense, in coordination with the Secretary of State, determines that the program established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, this amendment solves a critical deficiency in our warfighting and our peacekeeping capabilities by strengthening the Arab language capabilities in the Department of Defense and Department of State. There are literally hundreds of Iraqis in the United States who supported our military units as translators in Iraq. They risked their lives, they risked their families' lives. They went on patrol in very dangerous areas, told our servicemembers what the enemy was saying, what was being said.

Then they came here to escape persecution, and when they got here, they wanted to continue providing those critical linguistic abilities and they were told there was no place for them to work. Many of them today are working in Safeways and working in Home Depots and working in restaurants, instead of providing the linguistic capabilities that we desperately need in the military theater.

Study after study after study, including the Quadrennial Defense Review, points to the critical deficiency we have in understanding the cultures and languages that we are fighting in. Our Nation now has hundreds of people who grew up in those cultures, speak those languages, pass background checks, risk their lives, and what do we do, even though we need their skills? We let them bag groceries at a Safeway. It doesn't make any sense.

This amendment would help solve that problem by instructing DOD and the Department of State to create a temporary program that would offer employment as translators, interpreters, or culture awareness instructors in Iraq, who meet certain rigid criteria. One, they must be here legally. Two, they must have worked for at least the last 12 months as translators in Iraq since 2003 for our troops or for another U.S. Government agency.

This amendment is endorsed by the Episcopal Church, Veterans for Common Sense, the International Rescue Committee, Church World Service, which works very hard on it, and many additional groups.

□ 1645

I would like to read into the RECORD, Mr. Chairman, a statement by Major Andrew Morton, U.S. Army Active Service, a former Director of Strategic Communications for Multinational Forces in Iraq, where he says, ''Representative's Israel's proposed amendment is a critically needed program to assist these many Iraqis who have put themselves and their families in harm's way to assist our joint operations in Iraq.''

This is a very important amendment in helping those who were protecting us, and I urge its passage.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, first let me express my great respect for the gentleman who is offering this amendment. He does wonderful work on the committee and truly has a heart for those who have been impacted by the operations in Afghanistan and Iraq.

On that point, I would say I remember the time we were in Fallujah and a young Marine captain came up to us with some language he had written. In fact, his name was Kevin Coughlin. He thinks he has traded up. He moved on to the FBI from the committee staff. But we were so impressed with the language he had written to protect translators that we brought him back with us and made him part of the HASC staff. He did leave us a ''Dear John'' note after he left to go to work for the FBI, but a great young Marine captain. And he felt the same way we had, which is that our translators needed to be protected.

We have a program which protects them. Now, the question here is, are we going to mandate employment for them? That is the way I read this particular legislation. I don't think that is the right way to go.

I think that, first, a lot of these folks have got great initiative. They are happy to be in a free country. If we have a program to help make sure they know of all the job opportunities that are available and perhaps help them with language, make sure that they are connected with folks that are recruiting our people who need those language talents, I think that is great.

But I think the idea, at least the way I read this thing, that there is mandated employment, I think that is

going a step far. I think it is something we haven't done for other folks. In this case we have taken people and their families who helped the United States and we have relocated them in the greatest country in the world with the freedom to travel all these new roads that they have never been able to travel before.

But I think, for one thing, that the idea of guaranteed employment, if they have got a lot of spirit and a lot of initiative, that is the first way to kill spirit and initiative, is to give a guaranteed lifetime job to someone. I think we ought to take these folks who have this great energy, they have obviously displayed a loyalty to the United States, help them hook up with these thousands and tens of thousands of employers, including those in the government, but not have a program that guarantees employment.

So I thank the gentleman for the spirit of his amendment.

I would reserve the balance of my time.

Mr. ISRAEL. I thank the gentleman. I would assure him that this in no way mandates a program. It asks the Secretary of Defense and the Secretary of State to create one, but it is totally at their discretion and provides ultimate flexibility for them.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentleman from New York.

The Israel amendment recognizes that we have a responsibility to the Iraqis who by helping us have put a bull's eye on their back. The interpreters every single day are in immense jeopardy. They have many people who, if their identity is determined, will kill them.

But as aggressive as Mr. ISRAEL is in promoting this amendment, he is really the second-most aggressive advocate. The most aggressive are our soldiers, who have benefited day in and day out from the services of people they have come to call their brothers. They want us to stand up for the people who have stood up for them.

And do they need a job when they come here? Of course they do. This is about doing work so that they can maintain body and soul. It is also about them having work that can continue to help our men and women in uniform.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I too want to salute the gentleman from New York and his work on the Armed Forces Committee, but I must respectfully disagree with this amendment and what I believe is the philosophy behind it.

We need to be encouraging Iraqis to stay in Iraq. Iraq is improving. The situation there is expanding. They need to rebuild Iraq. They need to have a better economy. And by encouraging the best and the brightest to come to this country, we are doing a disservice. We should not be encouraging the Iraqi translators to abandon their country, to leave their country. We should be promoting their staying in Iraq.

If we have jobs programs, I suggest that first, with the mandatory language that exists in this amendment, that we focus on jobs for U.S. citizens. Refugees get food stamps, SSI and Medicaid. That is often more than U.S. citizens get. We should be rolling out the red carpet for our citizens first, instead of adopting programs like this.

Mr. ISRAEL. Mr. Chairman, I would just point out to my good friend from Virginia that these translators did risk their lives to help our troops in Iraq. If they stayed in Iraq, they would in all likelihood be killed. The reason they come here is to escape assassination.

With that, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the committee.

Mr. SKELTON. Mr. Chairman, I go back to the basics, and that is, read the amendment before you. This amendment asks that the Secretaries jointly establish and operate a temporary program to offer employment as translators, interpreters, et cetera. This is not a mandate in the words at all that are before us. Under this amendment, these Iraqis must have assisted our country in Iraq for at least a year and be here in the United States legally.

As a practical matter, these are the Iraqis who have been brought to our country under the legislation offered by my good friend DUNCAN HUNTER that was included in the National Defense Authorization Act of 2 years ago, which is good language. We are also not talking about a large number of people. We are talking about 760 people who have been brought to the United States.

I think we can do something for them. I think a careful reading of the amendment will solve a lot of discussion today. Mr. ISRAEL is right.

Mr. HUNTER. Mr. Chairman, I appreciate the remarks of both Mr. ISRAEL and the ranking member. I am just looking at the language, and it says ''shall offer employment.'' So it clearly says, if I was going to read that as an agency head, I would say that means I must hire these folks.

Again, this committee worked to make sure that they got over here, that they were protected and that their families were protected, and I am glad we did that. I will offer my small offices. We have had jobs fairs at Bethesda and Walter Reed for our returning wounded warriors where we bring people from industry and we bring people from the agencies and we try to get them together with our wounded vets who are returning and help them to match up and get jobs. I would be happy to do the same thing with respect to these interpreters. And, indeed, interpreters have special skills. This should be something that can be done.

The only thing I would object to is the mandated job. We don't offer that to our veterans. I just think that is a step a little bit too far. But I would be happy to work with the gentleman in terms of helping them to access jobs.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. BRALEY) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 2419), ''An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes'', returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The SPEAKER pro tempore. The Committee will resume its sitting.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, MAY 22, 2008 No. 85

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rabbi Stephen Baars, of Aish Hatorah, of North Bethesda, MD.

PRAYER

The guest Chaplain offered the following prayer:

Words are more powerful than medicine, and more painful than daggers.

Words can give courage to soldiers or destroy careers, even lives.

There is a Jewish teaching, that a person is granted so many words in this world, and when he has used them up, so is his time on this good earth.

There is the right word.

Then there is the right word at the right time.

Then there is the right word and the courage to say it to the right people.

May the Almighty, Ruler of this world, fill our hearts and minds with the wisdom, truth, and courage to be able to choose the right words, at the right time, with the right person. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. REID. Mr. President, I listened intently to the prayer of the rabbi. I was really concerned during the first part of it because he said you only have so many words and then you are all through. But he went on to better explain that, which we surely appreciate, because we talk a lot around here. And if it is just words only, I think our life expectancy would not be very long. So we appreciate the Rabbi putting all the other conditions on it.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will resume consideration of the House message to accompany H.R. 2642, the supplemental appropriations bill. There will be 2 hours of debate prior to a series of up to four rollcall votes in relation to motions to concur in House amendments.

It is my understanding the 2-hour time is equally divided between the parties. Is that true?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, under the direction of Senator BYRD, Senator MURRAY will allocate the time on this side. I would further tell all Senators, because of the procedural glitch we had with the farm bill, we have not totally worked out what we are going to do on the farm bill yet. I had a conversation with the Speaker. I have spoken to both Parliamentarians—the House and Senate Parliamentarians. I think what we are going to do, as the House has done—I think at this time it is our intention to override the veto of the President. He vetoed 14 of the 15 sections of the farm bill. Through a clerical error, section 3 was left out. As a result of that, section 3 will be sent to us from the House later today, having been passed, and we will see if we can pass that here later today. But we have a good legal precedent going back to a case, I understand, in 1892, when something like this happened before. It is totally constitutional to do what we are planning to do. So no one should be concerned about that.

Also, after we finish the work on the supplemental, we are going to go to, hopefully, the farm bill and the budget and complete all that.

As all Senators know, for a number of personal reasons, not the least of which is the wedding of Senator DAN INOUYE on Saturday in Los Angeles, and his best man is Senator STEVENS, they are not going to be here tomorrow. So as a result of that and other things, we are going to do our very best to complete work on what we have today, and we should be able to do that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Senate will resume consideration of the House message, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2642) entitled ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes,'' with House amendments to Senate amendment.

Pending:

Reid motion to concur in the House amendment No. 2 to the Senate amendment to the bill with amendment No. 4803, in the nature of a substitute.

Reid amendment No. 4804 (to amendment No. 4803), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate is now considering the supplemental bill, and on our side, the Senator from Maryland, Ms. MIKULSKI, will be our first speaker.

I yield her 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Good morning, Mr. President.

Today I take the floor as the chairperson of the Subcommittee on Commerce, Justice, and Science of the Appropriations Committee.

We bring to the Senate for its consideration an element within the domestic spending that I urge my colleagues to support. It provides critical funding to protect America from threats abroad and those threats here at home and to invest in America's future. There are those that meet compelling human needs right here in the United States of America. They also deal with the incompetency of the Bush administration to truly estimate the cost of the war.

Today I am asking for support because in protecting America this subcommittee adds funds to the FBI. We add $313 million for the Department of Justice, for both the FBI and DEA and the work they need to do in Afghanistan and in Iraq.

Once again, we have underestimated greatly the cost of this war. But we are not going to neglect our duty. This subcommittee provides $23 million to the Drug Enforcement Agency to fight narcoterrorism in Afghanistan, to fight the poppy trade that funds terrorism. Athough the cost was underestimated, we are going to make sure we are going to do our duty to put those DEA agents next to the Afghan leadership to fight this narcoterrorism.

Then, at the same time, we are going to have FBI agents in the war zone gathering intelligence on terrorists, dealing with IEDs and some of the forensic issues there, and we have provided money for them to be able to do this. Once again, they underestimated what it would take because there is very important work the FBI needs to do so our military is freed up in fighting the war. We fight the war against those who are trying to kill us with IEDs.

But while we are doing that, and we are trying to keep Afghanistan and Iraq safe, we added to this bill money for people here at home. What we did was we added $50 million to the U.S. Marshals' funds to catch fugitive sex offenders who threaten the safety of our children and our communities—$50 million more, which was authorized under the Adam Walsh legislation, the bill to be able to fund the Marshals Service to go after those sexual offenders for we know who they are, we know what they have done, and we know they are loose in our society. It is the Marshals Service that has both the authority and the know-how to do that. If we want to make the streets safe abroad, I certainly want to protect the children of the United States of America against these sexual predators.

Then, we also added, at the request of over 55 Senators, on a bipartisan basis, $490 million for Byrne formula grants for State and local police. We know there is a spike in violent crime all over the United States of America. The best way to fight violent crime is to make sure our local law enforcement has the tools they need to do their job. Therefore, we want the streets of Boston and Baltimore and Tuscaloosa to be as safe as we are fighting to make the streets safe in Afghanistan.

We are also working to deal with disaster recovery. In some States there are fishery disasters, such as in the gulf region, in New England, and the Pacific Northwest with its salmon constraints. We have added money to deal with the fisheries disaster. We also added a particular item for Byrne grants for the gulf region to address and deal with violent crime.

We are trying to deal with the fact that our own American citizens are facing disasters that so adversely affect either public safety or their very livelihoods.

Then, last but not at all least, we clean up the administration's mess. The census is on the verge of a boondoggle. There has been a technical meltdown in their ability to do the census. The so-called handheld devices that were going to be used to do the census in a new and data-driven way have not worked out. Who knows? The Secretary of Commerce is investigating it. But I am telling you now, it is going to cost $2 billion to fix it—$2 billion as in ''Barb,'' not $2 million as in ''Mikulski.'' So we are going to clean up the mess of the administration. In this supplemental, we put a downpayment of $210 million so we meet our constitutional responsibility to do this. I regret that the incompetency—the failure to stand sentry on taking the census, when they had 10 years to get ready for it, is indeed frustrating.

Then we come to another issue on prisons. Because of the inadequate budget request from the President, we are facing a violent undercurrent in prisons and terrible understaffing. We add the money, though the administration would not request it through its OMB. But all of the people who work at Justice who deal with this say this is a dire emergency, not to protect the prison but to protect the prison workers from dealing with this.

Then, also, what we did add was money for science, particularly for the space program, because when Columbia went down, they took the money for return-to-flight from other agencies. This returns it so we can keep our NASA on track.

That is what the CJS Subcommittee did, and I think we have done a good job. We tried to act to meet the needs in fighting the global war against terrorism. We dealt with the incompetency of underestimating the cost to these agencies because of the war. We are dealing with the incompetencies of either poor budget requests or the census boondoggle.

I think we have done a good job. I am asking my colleagues to support this legislation because if you want to protect our streets—if we need to help our people with their own disasters, and meet our constitutional responsibilities—you want to vote for my part from my subcommittee.

The other part that is in this bill, which will come at a later time, is that for which in the full Appropriations markup I offered an amendment to extend current law on something called H–2B. That is a seasonal guest worker program that has helped coastal States with being able to hire people, as well as the hospitality industry.

My amendment was a very simple amendment. All it did was extend current law that expired September 30. There was no new law. We broke no new ground. We created no new legislative framework. We created no new rights or privileges. It did three things. It lifted—it essentially gave a waiver on the cap of 66,000 people who currently come in.

What does all this mean in plain English? It means we were doing three things: first, protecting American borders; second, protecting American jobs; and third, rewarding the people who go by the rules. We protected American borders because we had a system that worked. People came, they worked, they went back home. Second, it protected American jobs because it was seasonal employment in industries that, in my State, particularly in the seafood industry, keeps businesses going that have been around for over 100 years. Then it rewarded the good guys, those people who are American employers who want to go by the rules—did not want to hire illegal aliens. But now we are going to poke them in the eye. It also rewarded the Latinos who came from Mexico—and I met with the madras down in my own State who often come from the same villages every year and return home.

Well, my amendment extended law. I know that my colleague—there will be a colleague who will raise the point of order today, and my amendment will

go down because it is not germane. I just wish to say this: It might not be germane, but it is relevant. Maybe it is not technically germane, but it is relevant because we are doing legislation to deal with the supplemental on compelling needs that our people face. That is why I want to get the sexual predators off the street.

I asked for 3 additional minutes. I am about to lose thousands of jobs because of this point of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent for 3 more minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am not going to speak long.

The handwriting is on the wall, but the handwriting essentially says this: If you go by the rules, you are going to lose out.

The Senator has the right to offer his point of order, but I am just telling my colleagues this: We are losing this battle on the seasonal guest worker program, not because of law but because of ideology, both from the extreme right and because of the left. So when my amendment falls, it is not about Barbara Mikulski's amendment falling. When that amendment falls, we will hear thousands of jobs falling where we actually had an immigration program that worked and rewarded people who went by the rules. That is it.

So that is the way it is going to be today. I look forward to the votes. I wish to congratulate the Senator for the way she has organized this bill and Senator BYRD for the great job he did.

Mr. President, I yield the floor, but I am pretty worked up today.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from Maryland for her passion on behalf of all Americans but particularly those whom she represents in Maryland. She has done an amazing job, and I commend her for that. I hope all of our colleagues listened to her words about what is in this bill because it is extremely important.

This first amendment we will be voting on today—we are going to have some pretty important decisions when we vote shortly because the bill we are debating does more than provide billions of dollars to fund our operations in Iraq and Afghanistan. What this amendment does is provide money for emergencies right here at home in America, including funding to respond to natural disasters and our weakened economy.

Now, as we debate this bill, we are facing a choice: Will we support the domestic funding to help keep our communities strong at home or are we going to simply ignore their needs as we send billions of dollars to Iraq and Afghanistan alone?

President Bush has made his position pretty clear. He said that the only emergencies worth funding in this bill are the wars in Iraq and Afghanistan. He said he is going to veto any legislation that includes one penny over his request of $183.8 billion for the wars.

But people across this country are hurting. Workers are facing unemployment. Our veterans are having to fight their own Government for the services they earned, and communities from Maine to New Hampshire to my home State of Washington are struggling to recover from devastating storms.

The domestic funding in this amendment would keep jobs here at home, repair badly damaged roads, care for our veterans, and help our rural communities. I think the President's veto threat shows exactly how out of touch he is with the needs of our American people.

As chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, one of the provisions in this bill that I am most concerned about is highway and bridge reconstruction. Now, it is not that President Bush isn't concerned about highway construction. This administration actually requested millions of dollars in emergency funding for highway construction in this bill. The problem is, I tell my colleagues, that President Bush's concern is for highways in Iraq and Afghanistan. In fact, those are the only requests for roads and bridge repairs by the President in this supplemental.

Meanwhile, the Federal Highway Administration is currently sitting on a backlog of applications totaling over half a billion dollars for roads and bridges that have been destroyed by natural disasters right here at home in America. They are still struggling in Louisiana to rebuild roads that were damaged during Hurricane Katrina and the heavy rains of 2006. Texas needs help to rebuild after Hurricane Rita and floods over the last 2 years. Large sections of roads in Maine and New Hampshire were destroyed in floods last spring. In Oregon and in my home State of Washington, we are still fighting to recover from devastating floods that were caused by storms of last December.

Let me give my colleagues an idea of what I am talking about. This photo shows us roadwork that is being done in Afghanistan. Now, in this supplemental appropriations bill, the President requested more than $725 million for construction, repair, and restoration of roads and bridges in Iraq and Afghanistan. The money the President is requesting includes over $300 million for the Commander's Emergency Response Program for road projects in Iraq and Afghanistan; $50 million for Afghanistan's Bamiyan-Dowshi Road, as well as another $275 million for other roads in Afghanistan. He is also asking for another $100 million in military construction projects for road projects in Bagram, Afghanistan, and elsewhere. My concern is that the President wants to fund these roads overseas, and yet he is ignoring that 21 States right here are waiting—waiting—for emergency help with roads and bridges that are eligible for Federal aid—roads in Louisiana, Maine, Minnesota, New Hampshire, Oklahoma, Oregon, Texas, and Washington.

Let's be clear. We are not talking just about fixing potholes.

I ask unanimous consent to have a table which displays all of the States that are waiting for emergency relief printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008

State	Event	Formal requests	Pending requests	Subtotal by State
Alabama	AL05–3, August 29, 2005 Hurricane Katrina (add'l request)	2,300,000		2,300,000
Alaska	AK06–1, November 2005 Winter Storms (add'l request)	175,769		175,769
California	CA05–1, 2004–2005 Winter Storms (add'l request)	117,700,000		
	CA08–1, October 3, 2007 La Jolla Slide City of San Diego		20,000,000	
	CA08–2 October 12, 2007 1–5 Tunnel Fire	17,600,000		
	CA08–3, October 2007 Wildfires	28,700,000		
	CA08–4, Martins Ferry Bridge Disaster		10,000,000	194,000,000
Kansas	KS07–1, May 4, 2007 Tornado and Flooding	1,539,553		
	KS07–2 June 21, 2007 Storms and Flooding	4,430,769		5,970,322
Louisiana	LA05–1, August 29, 2005 Hurricane Katrina Indirect Costs	28,998,103	43,469,548	
	LA07–1, October 16–November 2, 2006 Heavy Rains and Flooding	2,956,978		75,424,629
Maine	ME07–1, April 15, 2007 Rains and Flooding (add'l request)	185,000		185,000
Minnesota	MN07–2, August 2007 Flooding	7,461,465		7,461,465
Missouri	M007–1, May 2007 Flooding		1,783,500	
	M008–1, November 27, 2007 Jefferson Street Bridge Fire	1,249,308		
	M008–2 March 2008 Storms and Flooding		5,000,000	8,032,808
New Hampshire	NH07–1, April 2007 Flooding	3,929,229		3,929,229
New Jersey	NJ07–1, April 14, 2007 Northeaster		11,000,000	11,000,000
New York	NY06–1, June 2006 Flooding (add'l request)	1 ,437,989		
	NY06–2, October 12, 2006 Snowstorm	530,040		
	NY06–3, November 16 2006 Heavy Rains and Flooding (add'l request)	323,773		
	NY07–1, April 14, 2007 Northeaster	4,890,577		

EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008—Continued

State	Event	Formal requests	Pending requests	Subtotal by State
	NY07–2 June 19, 2007 Flash Flooding	9,108,477		16,290,856
North Carolina	NC06–2, November 22, 2006 Storm	2,379,372		2,379,372
Oklahoma	OK07–2 May 4–11, 2007 Flooding	2,352,482		
	OK07–3, May 24–June 10, 2007 Flooding	4,446,404		
	OK07–4, July 10, 2007 SH 82 Landslide	5,690,000		
	OK07–5 August 18, 2007 Tropical Storm Erin	6,188,889		
	OK08–1, December 8, 2007 Ice Storm	10,425,000		
	OK08–2 April 9, 2008 Storms	4,400,000		33,502,775
Oregon	OR08–1, December 2007 Rainfall and Flooding		10,000,000	10,000,000
Rhode Island	RI07–1, April 2007 Rainfall and Flooding (add'l request)	431,600		431,600
South Dakota	SD07–1, May 5, 2007 Flooding	592,638		592,638
Texas	TX05–1, September 23, 2005 Hurricane Rita (add'l request)	3,460,240		
	TX06–1, July 31, 2006 El Paso Flooding	15,831,845	16,864,081	
	TX07–1, May–June 2007 Flooding		16,830,983	52,987,149
Vermont	VT07–1, July 9–11 2007 Severe Storms	1,774,533		1,774,533
Washington	WA07–1, November 2006 Flooding (add'l request)	11,080,000		
	WA08–1, December 2007 Rainfall and Flooding	44,800,000		55,880,000
West Virginia	WV07–1, April 2007 Heavy Rains and Flooding	1,494,611		1,494,611
Wisconsin	W107–1, August 18, 2007 Rainfall	4,802,452		4,802,452
FLH Manag. Agencies	various events	11,494,066	2,800,000	14,294,066
Total		365,161,162	137,748,112	502,909,274
Excess funds from Northridge Earthquake (PL 103–211)				51,782,891
Net Unfunded Backlog				451,126,383

Mrs. MURRAY. Mr. President, in several of those 21 States that are waiting for funds, officially declared natural disasters wiped-out roads and bridges, completely creating obvious safety hazards but also cutting off some of our rural communities and disrupting families and commerce. Here is a picture that gives us an idea of the scope of the problem we face in my home State alone. Sections of roads such as this one in Gifford-Pinchot National Forest were completely destroyed in recent floods.

If the Federal Government doesn't provide help, these States are going to have to either wait to fix these roads or pay for these emergency repairs by diverting money from their annual highway funds and delaying or cancelling critically needed projects. At a time when we know our economy is slipping and gas prices are at an all-time high, our States can't afford to do this. A State such as Oklahoma would have to spend almost 7 percent of its entire annual highway program to help repair roads that were destroyed during recently declared disasters.

Mr. President, 2007 was an unusually hard year for Oklahoma. The problems that were caused by storms last year were compounded by more storms this past April. As a result, the backlog of highway repairs now waiting for the Federal aid emergency relief program totals $33.5 million. That money is contained in the amendment we will be voting on this morning.

So, as I said, my home State of Washington was hit by devastating floods last December. Communities from southwest Washington in Whatcom County on the Canadian border are struggling to recover, and they desperately need and deserve help from our Federal Government.

The bottom line is that while I understand the problems that inadequate roads pose to our military and the people in Iraq and Afghanistan, we also have urgent needs right here at home for the same kinds of repairs, and we have a responsibility to address those emergencies. The longer we wait, the longer the list of roads waiting for repairs becomes. And those damaged roads hold up our commerce, they keep people from getting to work, and they keep goods from getting to market. That is going to continue to hurt our already strained economy.

Just yesterday, Governor Gregoire in my home State declared an emergency when a highway in Spokane was completely washed out in heavy rains and snowmelts. Our Transportation Department says those repairs will cost $1 million, and it is going to take several days to reopen a single lane of that traffic.

When our citizens pay their taxes, they except their money will go to keep the roads and bridges in their own communities safe and reliable. I think President Bush is profoundly out of touch if he believes our taxpayers would rather spend their money on new roads overseas than on damaged roads in their own communities.

So I hope my colleagues on both sides of the aisle pay close attention to what is in this emergency relief amendment and that they vote to take care of their own constituents at home while we continue to fund these wars in Iraq and Afghanistan.

Thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, earlier this week I spoke about the need to act expeditiously to consider the supplemental appropriations bill to fund ongoing operations in Afghanistan, Iraq, and the global war on terrorism. I don't know that I could add any more persuasive reasons why we must approve the President's request for supplemental appropriations.

In a hearing earlier this week before our Appropriations subcommittee, Secretary of Defense Gates testified that the military personnel account that pays our soldiers and the operations and maintenance accounts which fund readiness, training, and the salaries of civilian employees across the Defense Department will run dry over the next few weeks. Secretary Gates can forestall this depletion of funds for a short period of time, but if he does so, it will disrupt ongoing programs that are critical to our operations in theater and to our national defense generally.

Delay in providing funds for our troops has already disrupted operations in Afghanistan and Iraq. Admiral Mullin, the Chairman of the Joint Chiefs of Staff, testified before the Appropriations Defense Subcommittee also about a recent visit he had with soldiers on the front lines. Those soldiers told Admiral Mullin that they were unable to allocate additional funds from the Commander's Emergency Response Program because essentially all the money had been allocated for the quarter. We are two-thirds of the way through the fiscal year, and yet Congress has provided less than one-third of the funds requested for this emergency response program.

Secretary Gates characterizes this initiative as:

> The single most effective program to enable commanders to address local populations' needs and get potential insurgents in Iraq and Afghanistan off the streets and into jobs.

I will not repeat my statement from earlier this week on the urgent need to move this process forward, but it is clear that when Congress finally began to act, it did so using convoluted procedures designed to shut out individual Members in the Senate and in the other body. Yet, this morning, it remains highly uncertain whether an adequate and signable supplemental funding bill will be sent to the President before Memorial Day. There are rumors—conversations—about a short-term, 1-month supplemental being drafted by the majority.

Mr. President, that is really not what we need. It is one thing to extend the aviation bill or the farm bill or other programs for short periods of time while Congress completes its work on long-term legislation, but to begin stringing out our military and our diplomatic corps on a month-by-month

basis during a period of military conflict is a dereliction of our duties.

I worry that the Congress is becoming an impediment to the efficiency and the capability of our Government, and to our Department of Defense in particular. We are not acting to protect the security of our troops who are putting themselves in harm's way and embarking on dangerous missions or providing for others whom we are trying to train to prepare to take over the responsibilities for national security. We need to get together now.

The time for dragging our feet is long past. We need to find a common ground so that we can provide our men and women in the field with the necessary resources and the support that is necessary to conduct successfully the mission assigned to them by our United States Government. We need to do this without any further delay. I urge my colleagues to do it now.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak in support of the supplemental bill that was put together by many Members, actually, on both sides of the aisle, who believe that, yes, we should expedite funding for our troops in the field, but also there are emergencies right here at home, as eloquently described earlier this morning in the remarks of the Senator from Maryland and the Senator from Washington State.

I would like to add some words to their arguments. First of all, I realize there is an emergency and a war and conflict going on in Iraq and international incidents around the world that deserve the attention and support of this body. But there are also emergencies right here at home and imminent and ongoing threats.

This chart basically says it all. It is a frightening chart to me, a depressing chart, but it is reality. The reality is, since 1955 through 2005, this is the track of hurricanes that have hit the United States. Some of these are category 1, some are category 2, but dozens of them are categories 4 and 5. This track is Hurricane Katrina in yellow and Hurricane Rita in blue, which devastated large parts of Louisiana and Mississippi, even going into Alabama and Texas—flooding thousands of homes and killing 2,000 people plus along the gulf coast. The predictions are that these kinds of storms are going to get more frequent and worse.

There is nothing we can do to prevent hurricanes. This is Mother Nature. We have just seen it explode in China and in Burma. It is frightening to a civilized society. We get in strong buildings like this and think that nothing can hurt us; surely no water could reach us or wind destroy us. Then Mother Nature appears in a very violent way sometimes and reminds us how vulnerable we all are.

In the United States, we just don't cry about these things and wring our hands. We do something. We, the States, local and Federal Governments appropriate funding to build the right kind of levees and dams, and we provide the right paradigm or framework for insurance because that is the way we protect ourselves. Hopefully, we have infrastructure that will not fail when the pressure comes; and then insurance, if it does come, to help people who have lost so much get back on their feet. That is all we can do. It would be good if we would do that.

But if we vote against this bill today, we are not taking the necessary steps to get that done. Again, this is a depressing chart to me. I don't like to see it, but I put this up in my office to remind myself that this is not just about Katrina and Rita, which we will be marking the anniversary of on August 29—3 years—and then September 24, 3 years for Rita, two of the most destructive storms to hit the United States. I remind myself that New York is in danger, New Jersey is in danger, and South Carolina and North Carolina are in danger. And Florida, in 2005, had the worst storm season of the century, according to the Senator from Florida.

Briefly, referring to this chart, this is the area that went underwater in New Orleans, this region—New Orleans and Jefferson and St. Bernard. Some say: Why don't you all just relocate? That would be a very expensive proposition, and impossible, for any number of reasons. One, about 1 million people live in the metropolitan area; two, the mouth of the Mississippi River is something that the people of Mississippi and Louisiana most certainly think is an important asset to the country—so important that Thomas Jefferson, when he was President, leveraged the entire Federal Treasury to purchase it. We put all of our defenses along the river to defend it. You cannot close this river. The people who work on the river and contribute to the assets of the country cannot go live in Arkansas or north Texas or north Mississippi. They need to live close to the coast for all of the important energy that comes.

The city is no longer underwater. The water is long gone, but the tears are still there and the pain is still there and the frightening part is still there because the start of the hurricane season is just right around the corner, June 1. We have reports in the paper today that there is some leakage in the same canal that breached and destroyed over 10,000 homes—or more, actually—in the Lakeview area, which is a solid middle-class area.

This is a picture from the Times-Picayune today. In this bill, there is about $7 billion for levees, to finish the construction of levees that broke—Federal levees that should have held and didn't. We are in a mad dash to get these levees and this infrastructure rebuilt strongly, correctly, and safely so people can begin to rebuild this city higher, yes, and stronger, yes. But no one living in the middle of a city or urban area should have to go to bed at night and wonder when they wake up if they will be in 8 feet of water or 12 feet.

This is the 17th Street Canal, and you have seen this many times in pictures. That is what is in this bill. I urge my colleagues to vote yes on the supplemental.

I ask unanimous consent for 2 more minutes.

Mrs. MURRAY. Madam President, I can only yield 30 more seconds. Other Senators wish to speak.

Ms. LANDRIEU. We have hurricane levees in this bill. We also have housing vouchers. The risks have increased substantially in the region. After the storm, we lost 250,000 dwellings in Louisiana and thousands in Mississippi. We have a homeless population that has doubled. There are housing vouchers in the bill for the homeless, for the very low income, and for the disabled. After storms like these, that population is gravely threatened.

I will come back later and finish my remarks. This is important to the people of the gulf coast. I thank the Senator for the time allowed this morning. I urge my colleagues, in supporting the war funding in Iraq, please let's remember the emergency still going on at home.

Mr. COCHRAN. Madam President, I ask unanimous consent that the remaining Republican time be allocated as follows: Senator GRAHAM for up to 20 minutes to engage in a colloquy with Senators BURR, KYL, and CORNYN; Senator VITTER for 5 minutes; Senator BROWNBACK for 5 minutes; and that the remainder of the time, if anything, be allocated by Senator MCCONNELL, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 2419, which the clerk will read, and which will be spread in full upon the Journal.

The legislative clerk read as follows:

Veto message on H.R. 2419, a bill to provide for the continuation of Agricultural programs through fiscal year 2012, and for other purposes.

Mr. REID. Madam President, so that there is no misunderstanding, I ask unanimous consent that the veto message on H.R. 2419, the Food Security Act, be considered as having been read, that it be printed in the RECORD, and spread in full upon the Journal, and held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the ''Food, Conservation, and Energy Act of 2008.''

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 21, 2008*.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008—Continued

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, the Senate has a real opportunity today to do right by our newest veterans who have served us well in Iraq and Afghanistan.

When our troops came home at the end of World War II, our Nation made a choice to make college a reality for millions of them. Nearly 8 million veterans—half of all who served in that war—took advantage of the Montgomery GI bill. They had their college education paid for. Our country made a decision to invest in our warriors' future as they returned from the battlefield. As a result, the ''greatest generation'' produced broad-based growth and prosperity.

Today, we are great at sending our troops off to war, but we are coming up short in providing the benefits their service has earned. That is short-sighted and wrong.

A very small percentage of Americans actually serve in our Armed Forces, the military, on Active Duty, Reserves, and National Guard. It totals less than 3 million people in a country of 300 million.

So far, 1.6 million troops have served in Iraq and Afghanistan. Tens of thousands more of our troops will rotate through in the coming months. These men and women and their families are the ones who have borne the sacrifice of 15-month deployments, multiple tours of combat zones, injuries, and the loss of far too many of their battle buddies.

It is right that the Senate give back to them by giving them a GI bill that meets today's needs. It is time to treat doing right by our veterans as a true cost of war. These folks all joined the service because they love their country, they want to serve, and they want to be a part of all the great work our military does. It is hardly glamorous, but it is critical to our Nation.

A GI bill that provides our troops the full cost of a college education is a vital recruiting tool, and it helps us give back to the people who are serving our country.

Today, nearly one-third of all Active-Duty servicemembers who signed up for the GI bill never use the benefit. There are many good reasons, but one of the main reasons is that the current GI bill doesn't provide enough benefit to meet the needs of today's veterans.

Madam President, today's GI bill is woefully inadequate. It only provides about $9,000 in costs for an academic year of college. When you factor in tuition, room, board, books, and other living expenses, that is only about 70 percent of the actual cost of attending a university such as the University of Montana. It is only a drop in the bucket for a private school.

The Webb amendment that we have before us today fully covers the cost of any instate public school's tuition and fees, and it creates a matching program to help create incentive for private schools to do the right thing and pay for a veteran's education. It will stay this way for a generation. This legislation is tied to the cost of public education so the benefit to our veterans will keep pace with the annual rise in tuition and fees, which have averaged about 6 percent over the last decade.

Another thing that makes this amendment so important is that for the first time it brings the National Guard and reservists more access to the GI bill. Right now, few guardsmen and reservists can get the full benefit. Given how much we have relied on the Guard in Iraq, I think that is wrong.

Let me also say we know the vast majority of servicemen sign up for the GI bill, but that has a cost. When you first receive a paycheck from the military, you have to decide whether to spend $100 a month for the first year on buying into the GI bill benefit. That is a total cost of $1,200. Now, $100 may not seem much to some folks in Washington, DC, but I guarantee you that to an airman just out of basic and on his or her first tour at a base such as Malmstrom Air Force Base, that $100 is a big deal. The Webb GI bill gets rid of that fee, and it is about time we did so.

Finally, I wish to address one of the complaints about the Webb bill. Some have said the Webb bill will hurt retention, especially in the mid-career officer corps. This is simply untrue. A commissioned officer would have to serve 8 or 9 years before being fully eligible for the new enhanced GI benefit. It is not the GI bill that causes mid-career folks to leave the military. It is 15-month deployments, multiple tours, and stop-loss involuntary deployment extensions, the so-called back-door draft.

So I hope we can get this done today. This bill will cost about $2 billion a year, and that is a little less than we spend in Iraq in 1 week.

Keep in mind that, over a lifetime, the average individual who goes to college earns more than $500,000 more than someone who does not. This is the right thing to do for our troops, but it is also a good investment in our country's future, especially at a time when the economy is sputtering, wages are stagnant, and jobs are being lost. So I call on this body to stand by our Nation's warriors and to pass a 21st century GI bill. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I wish to be recognized for 6 minutes because we are going to split the time with my colleagues. Would the Chair let me know when 5 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. GRAHAM. Madam President, three quick points.

The procedure being employed is bad for the country, it is bad for the Senate, and my Republican colleague, Senator COCHRAN from Mississippi, expressed himself very well. If we give in to this, pack and go home. We don't deserve to be here.

Now, I have a proposal, I say to my good friend, Senator TESTER. I have a proposal that does two things. It helps those who leave the military get a better GI benefit. He is right; we need to increase the money we give to people who leave the service to go to college. But the Webb bill, unfortunately, according to CBO, hurts retention. The benefits of $52, $53 billion are all driven to the people who would leave, and the consequence of that is we are going to hurt retention, according to CBO, by 16 percent.

Our approach, Senators MCCAIN, BURR, and many of us here, is to do two things: Increase the benefit for those who leave but entice people to stay and reward those who will make a career out of the military. The backbone of the military, I say to Senator TESTER, is the career NCOs, and we have a proposal that if they will stay in for 6 years, they can transfer half their benefits to their family members, to their spouse or to their child. If they will stay to the 12-year point, they can transfer 100 percent of their GI benefits to their spouse or their child.

That would reward people for staying in and making a career. They can get their retirement pay and have money to send their kids to college. It rewards people to stay in the military and make a career of the military at a time we need a career force because we don't draft people anymore.

This is not World War II, this is not Vietnam, this is a global struggle being fought by a few, and we need to do two things: Reward those who serve and decide to go back into civilian life, and tell those families and military members who will stay on for a career, God bless you, we are going to treat you differently than we have ever treated you before. We are going to give you a benefit you have never had before. You are not only going to be able to retire, but you are going to be able to send your kids to college without using a dime of your retirement pay.

But under this procedure, we can't even talk about this. To my Republican colleagues who denied me a chance to put up my idea, shame on you. I have never done that to you all. Now, if there is some project in this bill that means that much to you that you are going to throw the rest of us over, we don't need to be here.

As to the war and the funding, Senator REID said on April 20, 2007:

> This war is lost. The surge has not accomplished anything, as indicated by the extreme violence in Iraq yesterday.

April 20, 2007. April 13, 2007:

> Reid said he plans to continue an aggressive path for early withdrawal from Iraq and does not particularly care if the Republicans are trying to paint that position as a lack of support for U.S. forces. Why? Because we are going to pick up Senate seats as a result of this war.

SCHUMER, April 25, 2007:

> The war in Iraq is a lead weight attached to their ankles, Schumer warned, predicting that congressional Democrats will pick up additional Republican votes for Democratic initiatives as the 2008 elections approach. We will break them, because they are looking extinction in the eye, Schumer declared, making no attempt to hide his glee.

Come down to the floor today and stand by those statements. It is not about the Republicans winning or losing seats, it is about this Nation being able to be safer. It is about winning in Iraq, not being a stakeholder in our defeat. It has never been about the next election to me, it has been about standing behind moderate forces in Iraq that will fight al-Qaida. Well over a year later, we have evidence now from the surge, with better security, that Muslims in Iraq have taken up arms, stood by us, and are giving al-Qaida a punishing blow. Reconciliation, political economic reconciliation in Iraq is beginning to bear fruit because of better security and Iranian desires to dominate that country, to kill Americans, and split Iraq. They are losing. We are killing special groups from Iran by the droves.

So I hope this President, President Bush, will veto this bill, if that is what it will take.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. GRAHAM. I thank the Chair.

Senator WEBB said he is going to test President Bush's concerns for the troops to see if he will sign the Webb bill. To President Bush: Do not sign this bill. It will hurt retention.

We can all come together to help those who serve and leave the military and give them a benefit better than they have today because they deserve it, but we should be working together for the common good to retain a career force that is going to fight this war and the war of the future.

The people who put the Webb bill together had no idea what they were doing when it came to retention. They didn't even think about retention. Senator OBAMA said: Yes, if people leave, you will get some more. The heart and soul of any military is that career NCO officer, and we need to retain them, tell them their service is valuable, and help them stay around. We need to help those who leave, but, for God's sake, reward those who stay.

So this is a defining moment for the Senate, for the Republicans, and for this war. I can tell you that if we will leave the generals alone and support our troops, they will win this war.

To my Republican colleagues, if we will stand firm for a fair procedure and a sensible solution to the veterans' problems, we will get rewarded in the next election, not punished. If we give in to this, we don't deserve to be here.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I also would request to be notified at the end of 5 minutes.

The PRESIDING OFFICER. The Chair will notify.

Mr. BURR. To my colleagues: What we have today is a choice between something and nothing. I am not sure that is fair for our veterans. I am not sure it is fair for the American people. Procedurally, what the leadership has decided to do is to give us one choice. When you have one choice, it is not a choice, it is a mandate. The choice they have given us today as Republicans, quite honestly, and as a Senate, is either support what they have prescribed to us or vote against it.

The President has already said: I am going to veto this bill because, from a policy standpoint, it does not embrace what is in the best long-term interest of this country and of our security. I think the American people understand that.

Procedurally, the only tool we have is to say we are not going to vote for it or we are going to stand with the President and uphold his veto and bring the majority back to the table to present a process that allows us to debate the differences between the two competing views. I believe it is worth it when we talk about the education of our veterans.

I believe there are parts of the Webb bill that are very well done, and there are parts of the Graham bill that are extremely beneficial to our soldiers. We will never get that opportunity unless enough people in this body are willing to stand up and say this process absolutely stinks and we are not going to stand for it.

The politics of it Senator GRAHAM pointed out very well. There are some who believe the politics of the next election trump whether this bill is right or whether the process is fair. I don't believe politics should play a part

in this. I only wish those who have expressed such concern about this education benefit would help me fix K-through-12 education, where last year 70 percent of the high school students in this country graduated on time, and 30 percent of our kids do not have the tools to be asked to interview for a job. But we are more passionate about making sure we don't even create a choice on education for our veterans. They have no voice in this. This dictates what their benefit is going to be in the future. I think we have a right to come down and debate the merits of two proposals but not under the structure we have been given today.

The politics of this have gotten ugly. This week an ad was run that showed a veteran who had been injured in battle, a service-connected injury, and it said unless you support the Webb bill, there is no education benefit for this injured vet. Well, let me say today that is a lie. It is factually challenged. Any servicemember who has a service-connected injury has 100 percent coverage for their education benefit today without us doing one thing. It is called the Vocational Rehabilitation Program within the Veterans Administration. It covers their tuition, public and private, Harvard or North Carolina at Chapel Hill. It doesn't matter if it is a State or private school. It covers their room, their board, and their tuition. It will even pay for somebody to work with them on their resume enhancements, on interview techniques.

Every person with a service-connected disability is covered under vocational rehab. To suggest in an ad that they are left behind if the Webb bill is not passed is absolutely the most disingenuous thing I have ever seen.

From a policy standpoint, do our veterans deserve the ability to determine whether the GI benefit they have qualified for is, in fact, transferable to a child? Well, what we are saying today is no. No, you don't have a right to do that. That is our benefit. We dictate in legislation how you use it. We are not going to have a debate on whether transferability, whether a servicemember who qualifies for an education benefit should have the right. Their decision.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. BURR. I thank the Presiding Officer.

Should it be their decision to decide whether a spouse or family member, who has sacrificed so much, is going to be the recipient of a benefit or whether they are going to let it expire because they have the education they need? Well, not having the debate, we are not going to have an option to sell to our colleagues, to sell to veterans, to sell to the American people why veterans deserve more than what the Webb bill offers. We have only valued it on dollars, not on benefit.

From a policy standpoint, this creates a tremendous inequity between States because the benefit is actually determined by where a veteran actually chooses to go to school, not by where they live or where they came from.

It is not equal for every veteran. Some will get more, some will get less, and the unintended consequences are that States will look at that subsidized higher education today and say: Why should we subsidize it in the future, we get cheated when the Government pays us.

We know who will pay for that: All the kids who go to school. All the kids in the future who are not connected to the military, when they go in to make their tuition payment, are going to be the ones who pay the brunt of this situation.

There is only one way to stop this, and that is to make sure we uphold the President's veto. We are not going to defeat the legislation to move forward, but we have to uphold the President's veto if, in fact, we want to bring this legislation back to the Senate floor, have a real debate about the differences in the legislation, a real debate about what is important to our veterans, a real debate on what affects retention, a real debate on what provides the security we need in this country in an all-volunteer Army.

I am convinced that our colleagues understand the importance procedurally of making sure this comes back to the Senate in a fashion that we can actually have a real debate about creating a choice between something and something versus the setup today, which is something and nothing.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from North Carolina and the Senator from South Carolina for their leadership, but I also wish to congratulate Senator WEBB, the Senator from Virginia. I do believe that all of these Senators, and those of us who join them, are operating with the best of intentions, and that is how do we modernize the GI bill that helped provide my father an education after he left the Air Force after World War II? How do we modernize the GI bill and provide the maximum benefit we can but also make sure it provides for benefits to military families by allowing for transferability to spouses and children under some circumstances? And, I would think, fundamentally to our national security, how do we preserve and protect the All-Volunteer military force?

I know it is not his intention, but Senator WEBB's bill actually would encourage people not to reenlist by providing a perverse incentive to leave early in order to obtain the benefits they would receive after 3 years of service. We need to make sure we encourage continuation of service, retention in the military in the best interests of our All-Volunteer military force.

To me, it is ironic—I remember the Senator from Virginia had an amendment where we would restrict the amount of time a servicemember could be deployed and then provide for a minimum time they had to be back home before they could be deployed again. Again, it was a noble aspiration that he had but, unfortunately, because our forces were spread too thin because we had allowed the end force, the end strength of our military to degrade over time, we had to, as a matter of our national security and success in our current efforts in Iraq and Afghanistan, ask these servicemembers to return to service without an adequate dwell time.

Perversely, I think the Senator's bill, by encouraging early exit from the military and hurting retention, according to the CBO, by some 16-percent, would actually be at cross-purposes with the very proposal he advanced earlier about allowing our military more time at home because it would reduce the number of people in our All-Volunteer military and make it necessary that they be deployed more often and at greater sacrifice.

I do believe we ought to reward those who continue to serve. We ought to reward the families by allowing transferability of the benefit upon continued service to spouses and children.

I can tell my colleagues, speaking to groups in Texas this last weekend, that one feature was something they very much appreciated. We ought to do everything we can to strengthen and nurture our All-Volunteer military force and not to cause a 16-percent decline in retention rates.

Mr. President, I see the Senator from Arizona on the floor. I yield to him for a question.

Mr. KYL. Mr. President, I wonder if the Senator from Texas will yield for two questions I have.

Mr. CORNYN. I will be happy to yield.

Mr. KYL. Mr. President, I absolutely agree with the Senator from Texas that we have to get to a point where we can debate and vote on alternatives to assist our veterans. It is very distressing to me to hear there are TV ads running against the Senator from Texas and against my colleague from Arizona that call into question your commitment and his commitment to the veterans of our country.

I am informed that one of the ads says:

> Senator Cornyn is fighting tooth and nail against giving adequate benefits to our troops and veterans, using it as a wedge in partisan politics.

Is the Senator aware that language is being used in an ad against the Senator from Texas.

Mr. CORNYN. Mr. President, I am aware of the ad. I have to say to the distinguished Senator from Arizona, it is not the first time I have seen a phony ad on television. Of course, as he suggests, there is no basis for it.

Mr. KYL. Mr. President, if I may just say, the Senator from Texas, as you just heard and as we all know, has been

speaking on the floor of the Senate and in meetings we have been having about this issue. He has been working very hard to find the best way to support our veterans with their educational benefits. I want that crystal clear on the record.

Secondly, is the Senator aware that there is also an ad—my understanding is it says that ''Senator MCCAIN, as the leader of the Republican Party, must send a signal to his colleagues in the Senate that now is not the time to play politics by forcing Senators to choose between his bill and the Webb-Hagel measure.''

It seems to me that statement is exactly right, that we should not be forced to choose between one or the other, but procedurally, the way the bill comes before us, we have two choices: to vote for or against Webb; whereas if the President were to veto this bill, there is an opportunity to negotiate between the two different approaches, both of which have some merit, and get the best of all worlds.

Will the Senator from Texas comment about the process by which we might actually get the best bill to assist our veterans with GI educational benefits?

Mr. CORNYN. Mr. President, the Senator from Arizona is exactly right. We need to have a fair debate and fair opportunity for a vote on these competing proposals, both of which I say, again, were borne out of the best of intentions, and that is providing educational benefits for our military servicemembers and their families.

But I have to add that calling into question Senator MCCAIN's commitment to veterans is laughable. It would be laughable if it wasn't so pathetic. No one serving in the Congress and few serving anywhere in the United States have given more to support our military servicemembers, both active and retired, and, obviously, Senator MCCAIN himself is a war hero. To me, that is the kind of phony ad that I think causes most people simply to dismiss it because there is just no basis for it.

I agree with the Senator from Arizona that this procedure, whereby we are asked to vote on what started out to be an emergency funding bill to support our troops in harm's way in Afghanistan and Iraq, has now been larded up with a bunch of pet projects and other spending which have nothing to do with supporting our troops in harm's way.

Congress, by engaging in this sort of conduct, is actually slowing down delivery of the money to the troops who need it. We have been told by the Secretary of Defense and the Secretary of the Veterans' Administration—particularly the Secretary of Defense—that unless we act——

The PRESIDING OFFICER. The time for the colloquy has expired.

Mr. CORNYN. Mr. President, I ask for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Unless we act promptly, we are going to find out our troops are not going to get their paychecks, and the services that are available for our military families are going to be denied unless Congress acts. So why would we engage in this kind of delay?

Finally, the Graham-Burr bill does provide for the full cost of a 4-year public school education in my State of Texas, which costs roughly $55,000 a year. This bill provides $58,000 a year worth of benefits and added to items such as the Hazlewood Act, which allows tuition forgiveness, is a good benefit and one certainly deserved by the veterans who take advantage of their GI benefits in my home State, and I am proud to support them.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following four Senators be our next speakers, rotating back and forth with the other side: Senator HARKIN for 4 minutes, Senator KOHL for 3 minutes, Senator LINCOLN for 4 minutes, and Senator CLINTON for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, let me state the obvious. The administration's position, and what I hear from the other side of the aisle, is a blank check for Iraq but not a dime for urgent domestic priorities. I can tell you that is a nonstarter with the American people. We have more to do here internally for America than just borrowing money from China and sending it to Iraq.

I have worked to add to this bill urgently needed funding for an array of domestic needs, including health care, extended unemployment insurance, and grants to fight crime in neighborhoods across America.

We have added emergency funding for the Byrne Grant Program to provide critical funding to local law enforcement, and this funding is crucial. Unless we restore the Byrne funding for fiscal year 2008, local law enforcement operations will be severely cut back—set back, even—if we provide the funds in 2009.

In my State of Iowa, over half of all the drug task forces will be forced to shut down unless these cuts are restored. Mr. President, 15 out of 21 regional drug task forces will be eliminated. That is just my State. Think about your State. It is going to devastate our law enforcement activities to fight drugs and crime. Law enforcement has made it clear that once these programs are stopped, they are very hard to start again. It is hard to hire back trained and experienced law enforcement, hard to restart a wiretap, for example, to reconnect with lost witnesses. So the Byrne Grant Program is absolutely essential. But there are other things we need to do.

There is $400 million for NIH in this bill. Much of that is for cancer research. We are making great strides, but in the last few years, we have not kept up with medical inflation, and therefore the amount of dollars we have for cancer research is being eroded.

We have $1 billion in this bill for LIHEAP, the Low-Income Home Energy Assistance Program. Mr. President, 15.5 million households are at least 30 days overdue in meeting their heating costs. We know how high costs are going, and now we have the summer months coming on, and in the South particularly, where they are going to need air-conditioning, we need this money for our low-income and our elderly people.

We extend unemployment compensation by 13 weeks. We know the best stimulus of all is to help those who are unemployed, to get them the money, to get them through a rough patch so they can get back to work.

We also defer the implementation of seven Medicaid and Medicare amendments. These are supported by the National Governors Association. If we do not defer the implementation of these amendments, it is going to have a profoundly bad effect on health care in all of our States, and many of these regulations go into effect in June and July of this year unless we put a stop to them.

These are all the provisions that are in the domestic package.

Again, we have $100 billion in this bill for Iraq and Afghanistan. What about America? What about using this bill to stimulate our economy, extend assistance to the unemployed, fight crime, create jobs, and invest in medical research? It is not just Iraq and Afghanistan, it is also America. That is what this first domestic package is about, and I urge all Senators to vote to adopt this amendment to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, the pending amendment includes several provisions within my jurisdiction as chairman of the Agriculture Subcommittee. Under the current unanimous consent agreement, these provisions will be stripped from the bill if we fail to get 60 votes. So I want my colleagues to know exactly what they are voting against if they oppose this amendment.

The amendment includes $180 million to help American communities and families in most States recover from recent natural disasters, including floods and tornadoes. Already this year, we witnessed a new record of tornado touchdowns, and flooding in the South, Midwest, Pacific Northwest, and other parts of the country has been devastating. If these funds are dropped from the bill, then we are asking for even greater destruction when other storm events strike later this year.

The amendment also includes $275 million for the Food and Drug Administration. I know this is important to the senior Senator from Pennsylvania, and I suspect it is also a priority for

other Members as well. The FDA needs to get its house in order on food and drug safety, and these funds are targeted to do just that. FDA Commissioner Von Eschenbach called me himself to stress the need for this funding.

Finally, I wish to talk about food aid. For Pub. L. 480, this amendment provides an additional $500 million over the President's request in the current fiscal year. These additional resources will compensate for skyrocketing food and transportation costs that no one in the administration seems to be acknowledging.

I have written two letters in recent weeks, one to the President of the United States and another to the Secretary of State, urging them to support these additional resources. I am still waiting for a response. I am troubled by their silence.

I ask unanimous consent these two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 5, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Although the food aid proposal you unveiled last week is a welcome signal of our Nation's commitment to hungry people across the globe, I feel obliged to respectfully disagree with the specifics and make several observations.

While your proposal calls for an additional $395 million for Public Law 480 food assistance, none of this additional assistance would become available until the beginning of the next fiscal year. Sadly, I don't believe the crisis of escalating food and transportation costs can be held at bay that long and I fail to see how these additional resources help anyone right now. I would welcome an explanation from your administration.

As Chairman of the Senate Subcommittee with jurisdiction over P.L. 480, I believe we need more timely action. I intend to include enhanced P.L. 480 funding in the upcoming supplemental appropriations bill so that additional resources will be available for the current fiscal year. I realize this may be at odds with your oft-stated pledge to veto any supplemental which exceeds $108 billion. While I do not wish to invite unnecessary controversy over such an important topic. I think we have a moral obligation to act quickly. The poorest of the poor across the globe cannot wait nearly half a year for us to make good on this pledge.

Sincerely,

HERB KOHL,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 16, 2008.

Hon. CONDOLEEZZA RICE,
U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: News that our government has reached agreement with North Korea to provide food aid for the coming year is a welcome development.

U.S. food aid is tremendously important in many corners of the globe, and as chairman of the Senate Appropriations Subcommittee with jurisdiction over PL–480 food assistance I welcome the opportunity to collaborate in this area. Recent food shortages and price increases have sparked unrest and instability in a variety of places. I believe it's critical that we maintain robust capacity to respond with U.S. food aid.

With those thoughts in mind, I recently sent the attached letter to the President regarding supplemental funding for PL–480. As you know, the $770 million in food aid announced with much fanfare earlier this month would do little to provide immediate new resources for this key program. Consequently, I insisted that the Supplemental Appropriations Bill approved yesterday by the Senate Appropriations Committee include an additional $500 million for PL–480 in fiscal year 2008. I hope you will agree that this is a necessary and appropriate course of action and that you will encourage the Administration to endorse this revised funding level.

Our moral obligation to ease human suffering and our strategic interest in promoting stability could not be more closely aligned where food aid is concerned. Please join me in pushing for these additional resources and convey to the President how his oft-stated threat to veto any supplemental which exceeds his request runs counter to this worthy objective.

Sincerely

HERB KOHL,
U.S. Senator.

Mr. KOHL. Mr. President, Public Law 48 provides our Nation's response to hunger and malnutrition around the globe. By all accounts we are facing a serious crisis in the months ahead. UNICEF estimates that 6 million Ethiopian children under the age of 5 are at risk of malnutrition and that more than 120,000 have only about a month to live—that is a chilling and disturbing thought; 120,000 children in Ethiopia have only a month to live—and we know this tide is coming. Our moral responsibility, I believe, is clear.

There are other critical situations around the globe. The Secretary General of the United Nations is in Burma today, surveying the crisis at hand. These additional resources are needed now and not just for places that are making headlines.

Each of the provisions I described—the flood recovery money, the food and drug safety money, the food aid money—cover legitimate needs that deserve to be addressed. They are not pork, they are not excessive, they are rational responses to critical problems. If we fail to address them in this bill, we have done a disservice to the public.

I urge my colleagues to weigh these items carefully as they consider their support for the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I come to the floor today to voice my support as well to the supplemental appropriations bill before the Senate today. I commend Chairman BYRD and all the hard-working members of the Appropriations Committee for the good work they have done. It reflects many diverse needs at home and abroad at such a critical time in our Nation's history.

A proposal we will be voting on this morning—as we enter the sixth year of this war in Iraq and Afghanistan—will provide the necessary resources for our brave troops to continue their task and finish the job. It also makes clear to the Iraqi people our support for this war can no longer be open-ended. It sets practical and realistic goals for beginning the phased deployment of U.S. troops in Iraq. When our troops begin returning home and transition back to civilian life in their communities, we appropriately recognize their service in this bill by providing benefits that better reflect the sacrifices they have made for each one of us.

I appreciate the leadership exhibited by Senators WEBB and HAGEL, LAUTENBERG and WARNER, to keep the drumbeat alive and make this a priority. They have served our country honorably in past conflicts, and they understand that educating our Nation's soldiers, sailors, airmen, and marines is a cost of war.

One provision included in the GI bill will ensure that our citizen soldiers, our National Guard and Reserve serving multiple deployments abroad, will accrue additional education benefits similar to those Active-Duty troops receive when they are deployed.

I have fought for this equity because guardsmen and reservists who serve multiple tours of duty do not receive one extra penny of educational benefits for their added service because benefits are based on the single longest deployment. Passage of this bill will make that change, and it will make it possible for those Guard and Reserve to accrue their educational benefits.

Another important piece of this bill is the domestic investment it makes. There are dollars for VA polytrauma centers, rural schools, and law enforcement that need immediate attention. It also includes funding under the Adam Walsh Act to track and prosecute sex offenders and those who would do harm to our children.

In addition, this bill provides vital resources to help in recovery efforts from all kinds of disasters, from Hurricanes Katrina and Rita and other natural disasters such as the string of tornadoes and flooding that hit my State earlier this year. Arkansas has suffered a series of natural disasters this year unlike any I have seen in my lifetime. It has left 60 of our 75 counties in our State in need of Federal disaster assistance. Wave after wave of storms has rocked the residents of Arkansas and left many of them shocked by the disaster. It started on February 5, when a band of tornadoes created a path of destruction that stretched across 12 counties in Arkansas, killing 13 people and injuring 133—the deadliest storm in nearly 10 years.

A little more than a month later, heavy storms hit Arkansas once again, this time bringing rain, floods, and devastation that we have not seen the likes of in 90 years. Thirty-five Arkansas counties were declared disaster areas from that storm.

Again, on April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the February tornadoes, four twisters touched down in a five-county area, including some of the

counties suffering already from the floods. In addition, two more rounds of tornados hit the State earlier this month, bringing the total to 60 counties affected by these storms this year.

This is evidence of the disaster upon disaster that hit our State. As we look at the opportunities we have before us with supplementals, this is what we use to address those kinds of devastation.

I ask my colleagues to please support this part of the bill. These resources will help our State and other States in many other initiatives we truly need in our country.

The citizens of Arkansas and in our communities all across this Nation have suffered much at the hands of Mother Nature. We are asking our colleagues to work with us to ensure that the things we could not predict, the things we could not prepare for, could be taken care of for those brave Americans in our great State.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I certainly add my support to the very passionate appeal of my friend from Arkansas on behalf of that wonderful State. I remember very well all the difficult storms and floods that too frequently impact Arkansas. I hope our colleagues will support the request for disaster assistance.

I rise to support strongly the GI bill that has been proposed in the Senate. I thank Senator WEBB for his hard work on this bipartisan legislation, as well as Senator LAUTENBERG, Senator WARNER, and Senator HAGEL—each one a veteran who understands, deeply and personally, the importance of honoring the service and sacrifice of our men and women in uniform.

I am proud to be a cosponsor of this legislation. It is in the spirit of the original GI bill of rights to provide every American who has served honorably since September 11, 2001, on Active Duty, with real help to go to college, to earn a degree, to end his or her military service with a new beginning in civilian life.

After 36 months of Active-Duty service, a veteran's tuition and fees for any in-State public college would be fully covered. We provide a stipend for books and supplies and a housing allowance based on actual housing costs in the area. The benefit would apply fully to members of the National Guard and Reserve who have served on Active Duty, and all Active-Duty servicemembers would be entitled to a portion of the benefit based on the length of their Active-Duty service.

This is not a half measure or an empty gesture. This is a full and fair benefit to serve the men and women who serve us, and that is why this is such a key vote.

We often hear wonderful rhetoric in this Chamber in support of our troops and our veterans, but the real test is not the speeches we deliver but whether we deliver on the speeches.

There are some who oppose this benefit, arguing that our men and women in uniform have not earned it, that it is too generous. I could not disagree more strongly. This is a question of values and priorities. Each one of us will answer that question with our votes today. Let's strengthen our military by improving benefits, not restricting them.

There are those opposing this important legislation who have offered a half measure instead, designed to provide the administration with political cover instead of a benefit to our veterans. That is not leadership and it is not right. It is time we match our words with our actions. After all the speeches are done and the cameras are gone, what matters is whether we act to support our troops and our veterans—before, during, and long after deployment.

I have proposed my own GI bill of rights to build on this legislation with opportunities to secure a home mortgage, to start a small business or expand it with an affordable loan. As a member of the Senate Armed Services Committee, I am proud to support our troops and veterans, improving health care for the National Guard and reservists, providing our servicemembers with the equipment and supplies they need to improve treatment and care at our military and veterans hospitals.

The original GI bill was proposed 2½ years after the attack on Pearl Harbor and, more than a year before the war ended, President Roosevelt signed that bill into law. Eight million veterans participated, improving their skills or education. At the peak in 1947, veterans accounted for nearly half of all college admissions. That is the way we should be honoring the service of those who served us. This is our moment to provide each and every new veteran the opportunity to realize their version of the American dream—the dream they have spent their lives trying to defend.

It is time we started acting as Americans again. We are all in this together. Let's send this legislation to the President and let's serve the men and women who served us.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Louisiana has 5 minutes.

Mr. VITTER. Mr. President, I rise in strong support of that portion of the emergency funding bill we will be voting on in about 35 minutes. The reason I do so is because it is absolutely essential to deliver the help the President has committed—that the Nation has committed—to our continuing recovery in Louisiana.

First, let me begin by thanking all my colleagues and, perhaps even more importantly, the American people, the American taxpayer, for an unprecedented outpouring of support for our recovery. True, Hurricanes Katrina and Rita, a devastating one-two punch, were unprecedented disasters, the biggest natural disasters—particularly when put together—that the country has ever faced. Still, it is very significant, very important to acknowledge that the American people have also stepped to the plate and made an unprecedented response. The people of Louisiana are deeply grateful.

The provisions in this bill are an essential part of that commitment and that response. Very soon after Hurricane Katrina, I sat in Jackson Square, in the middle of the French Quarter, and heard the President deliver his live address to the Nation from Jackson Square, right in front of St. Louis Cathedral. It was a strange, eerie night because New Orleans had not yet recovered, in significant ways, from the storm. It was only a few weeks since Hurricane Katrina. The whole French Quarter was dark—no electricity. The only light, lighting a small portion of that part of the world, was from light trucks sent in so the President could speak from that historic point to the American people.

The President made a clear and a firm commitment to the full recovery of our region. I thanked him for that. I thank him for that today.

A big part of that commitment, of course, was strong, meaningful hurricane and flood protection for southeast Louisiana, building at a minimum a 100-year level of protection and building it quickly enough to sustain a storm that you might expect to see only once every 100 years.

Again, I thank the President for that commitment. I thank the American people for that commitment. But this funding in this bill passed now is absolutely essential to keep that commitment.

The Corps of Engineers itself says, if they do not have this money by October 1, they will slip from their schedule and that rebuilding and that level of protection for southeast Louisiana will not be here in the promised timeframe for the hurricane season of 2011. We cannot allow that schedule to slip. We cannot allow that solemn commitment of the President not to be fulfilled in a real and a timely manner. That is why these funds in this emergency funding bill are so essential.

I know many of my friends who have fiscal concerns, as I do in general have concerns about this bill. I would simply say with regard to these funds for our recovery, the President has asked for 95 percent of these moneys. The President himself has asked that those moneys be emergency spending. So this is hardly some Christmas tree on which we are trying to put ornaments for needs that are not there, that the President has not requested. At least 95 percent of this recovery package is what the President himself has explicitly requested and even requested be made emergency funding.

Let's follow through on that solemn commitment of the President, of the Congress, of the American people, and let's be sure to do it in a timely way so this enormously important protection

system is built in time for the hurricane season of 2011. This is very important to our recovery.

Besides levees and hurricane protection, it also addresses, in a small but important way, hospital needs, criminal justice needs, relocating businesses from the MRGO so that hurricane highway can finally be closed and we do not have a repeat of the devastation it helped cause in eastern New Orleans and St. Bernard Parish. Again, this is our opportunity to do this this year in a timely way.

I respectfully again thank all of my colleagues for their support in our recovery and ask them to support this essential step in meeting the President's commitment, meeting these needs in a timely way.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for her leadership and especially to Senator BYRD from West Virginia, the Chairman of the Senate Appropriations Committee.

What we are considering on the floor of the Senate is not normal business, this is emergency spending. President Bush has come to Congress and said: We have an emergency in Iraq. Set aside whatever you are doing and deal with this emergency. He said: I am not going to pay for this. It is such an emergency, we are going to add it to the debt of America—not the first time President Bush has come to us and asked for that. In the 5 years plus of this ongoing war, President Bush has now asked us for $660 billion to be spent on the war in Iraq and the reconstruction of that country, $660 billion this administration says is such an emergency that we do not pay for it, we are going to spend it, put it on the debt of America and leave it to our kids and grandchildren.

Well, some of us believe that, first, Iraq has a responsibility to pay its own bills; this country has a surplus. Iraq, with all of its oil, has a surplus of almost $30 billion. Why in the world are we taking billions of dollars out of our Treasury, the hard-earned paychecks of American families at a moment when we are facing a recession to send over and rebuild Iraq?

Why would not the Iraqis spend their own money from their own oil first? That is going to be part of this in a later amendment. But to put it in perspective, this President says no. He wants $180 billion for the war in Iraq. We met in the Appropriations Committee, on a bipartisan basis. We said, as important as the war in Iraq may be to the Bush administration, we believe a strong America begins at home.

If there is an emergency in Iraq, there is an emergency in America, and we need to address that emergency. No. 1, we include in this amendment the Webb GI bill. You know what happens when a Nation goes to war, when America invades a country as we did in Iraq? I can tell you. We love our soldiers when we send them to war. Our hearts go out to them and their families. We honor them while they are serving in that war, some unfortunately losing their lives and some coming back injured. We honor them with our speeches and all of our attention.

Senator WEBB, with this GI bill asks the basic question: Will you honor these soldiers when they come home? Will you make sure they have the education they need to go on with their lives or will they join the ranks of the unemployed after serving our country?

We know a GI bill works. It worked after World War II. Millions of returning veterans, women and men, had an opportunity to go to college, and America enjoyed the greatest prosperity in our modern history because we put an investment in people in our future.

JIM WEBB, with this bipartisan amendment, does exactly the same thing. I tell my friends on the Republican side of the aisle, do not tell me how much you love the soldiers if you will not stand behind them when they come home. Do not tell me how much you honor our military if you will not honor them and their families by giving them a chance at a quality education.

Voting ''no'' on this GI bill will be remembered across America not only by soldiers but by many others. And that is not all. In this bill there is $437 million for VA polytrauma centers. Do you know why we need them? Because of traumatic brain injuries, post-traumatic stress disorders, amputations. Our VA was not ready for this, all of these thousands of returning veterans with all of their problems. We put the money in to rebuild the VA so they can respond and help those veterans.

It also provides money for our communities and towns. In the city of Chicago, which I am proud to represent, we have had a painful year of gang violence. Over 20 schoolchildren have been killed outside of Chicago public schools by gang warfare.

We put money in this bill, $490 million, to give to police forces around America to fight the drug gangs, to fight the violence, to bring peace to our neighborhoods. I want peace in Baghdad, but I want peace in Chicago as well. We can spend some money on America if we can find $180 billion to spend in Iraq.

We also provide money for the Americans who are out of work. We are facing a recession. We have millions of Americans who cannot find a job. This bill provides them an extension of unemployment insurance so they can keep their families together. Is there a higher priority? Is there a higher family value?

Let me also tell you, this bill provides assistance which is essential for health care for the poorest people in America; families who are struggling to get by, many of them going to work with no health insurance whatsoever. This bill provides assistance through Medicaid and Medicare. So if you believe a strong America begins at home, if you believe we have to honor our soldiers not only when they are at war but when they return, there is only one vote that can be cast. It is a ''yes'' vote for the pending amendment.

Mr. LEVIN. Mr. President, I speak today to lend my support to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2008. S. 22 establishes a new GI bill for our servicemembers who have served after 9/11 and represents a comprehensive readjustment benefit for our brave men and women, one they richly deserve, just as members of an earlier generation benefited from a GI bill following World War II, with a huge gain for our Nation from the more educated work force and leaders that resulted.

Senators WEBB, HAGEL, and WARNER have talked at length about the virtues, and need, for this landmark legislation. I want to speak today on the impact on retention, the transferability provisions recently added, and recruiting.

Much has been said about the effect on retention this legislation may have. Some are afraid servicemembers may leave the military in unacceptable numbers in order to take advantage of these benefits.

Our need to focus on retention is clear. The military we have today is vastly different from the military we had in 1945. Since 1973 we have enjoyed the benefits of the All-Volunteer Force. Rather than drafting servicemembers, we encourage them to join. Over the past 35 years of the All-Volunteer Force, we have seen military basic pay rise significantly. As an employer, the military departments are competing with the private sector. This has led to a system of increasing benefits, bonuses, special and incentive pays. In analyzing the impact of S. 22 on retention and recruiting costs, the CBO recently estimated that the Department would have to spend $6.7 billion over the next 5 years in additional retention bonuses to maintain retention at current levels, to a large extent offset by a $5.6 billion savings in recruitment bonuses and other recruitment costs.

The challenge then is to provide a comprehensive reform of readjustment educational benefits while ensuring the continued viability of the All-Volunteer Force. These are and must be the twin goals of any legislation. I think this legislation achieves these goals.

This legislation retains and supplements retention incentives. In the first place, S. 22 retains the system of ''kickers'' in additional incentives that exists under the current GI bill. Under this program, the services may provide up to an additional $950 per month of educational benefit to retain personnel with critical military skills or to retain any individual in a critical unit. For someone who qualifies for the full

36 months of educational benefits, that comes out to an additional $34,000, a significant retention incentive. Moreover, under this program, servicemembers who serve for at least 5 consecutive years on Active Duty may receive an additional $300 per month of educational benefit. Over 36 months, that comes to over $10,000. That is also a significant retention incentive.

Our bill goes further in terms of retention. S. 22 has been amended to add a pilot program to provide transferability of education benefits. The CBO cost estimate I mentioned earlier did not consider this additional retention tool.

I have long been a supporter of the transferability of GI bill benefits. There is an old maxim in the military that while you recruit the servicemember, you retain the family. These transferability provisions provide additional incentive for servicemembers to stay on Active Duty by tying continued service to varying levels of transferability of the benefit to immediate family members, with 100 percent transferability coming after the servicemember has served 10 years. Ten years is an important milestone. Once a service member hits midcareer, the military retirement benefit, an extremely generous benefit that is collectible immediately upon hitting 20 years of service, becomes the strongest retention incentive. Getting servicemembers to midcareer is critical, and this transferability provision will help do that.

Not only does transferability help to address the retention issue, it is the right thing to do. This war has been fought not just by our brave servicemembers but by their families as well. Children may have missed one or both parents for as much as 4 years out of the past 5 or 6. That is a steep toll to pay. But by providing transferability, we can help ensure a quality education for a spouse or child of a servicemember who has served so bravely since 9/11. I believe it makes this bill stronger and addresses a concern that has been raised against its provisions.

This legislation should actually incentivize recruiting. What better promise can we make to a recruit or his parents than the promise that we will provide a more fully funded college education after fulfillment of the Active Duty commitment? Many in this body have raised the issue of recruiting—whether the Army in particular is granting too many waivers in order to meet recruiting goals. This legislation will help significantly in this regard. You have to recruit people before you can retain them, and this legislation will help recruiting, I believe significantly, over time. Recruiting young men and women into the military is more than half the battle; I have faith the services can retain the servicemembers they need, and Congress stands ready to provide additional authority if necessary.

Regarding recruiting, I want to make another point that I do not believe has been raised, and that is on the subject of the ''influencers.'' As many in this body know, support for military service among the influencers, including coaches, teachers, and school counselors, of the 17- and 18-year-olds who are our prime recruiting-age demographic, is critically important. Aside from the immediate benefits of this legislation, my hope is that over time military service becomes in the minds of these influencers synonymous with a free, quality college education. After you serve us, we will serve you. We will pay for your college education.

What better way to influence the influencers than this? As we know, the costs of education continue to soar. In these difficult economic times, paying for a college education is at the top of many parents' list of worries, a list that is already too long. We have read the stories of returning veterans having to work at night so that they can attend school during the day—even with their current GI bill benefits. I believe this bill will go a long way to increasing the support for military service among that critical segment of society, the people who influence our youth's choice of career.

Finally, this readjustment benefit is an investment in our future as a nation. Indeed, seven members of this body were educated on the post-World War II GI bill. As an editorial from last week's LA Times observed:

> College is the essential ticket to upward mobility, and who more deserves a chance at that than the young men and women who volunteered for military service in wartime? The post-World War II experience shows that educating them is good public policy. . . . First, it would boost military morale and the quality of recruits—even though the military worries that it could hurt retention. Second, the investment in education is likely to pay for itself many times over as veterans join the workforce at higher pay rates.

The brave men and women of our Armed Forces today will produce many future leaders of this Nation, and we owe them and their families this comprehensive readjustment educational benefit.

I am proud to cosponsor this landmark legislation, and I urge my Senate colleagues to pass it expeditiously. We must do everything possible to assist our servicemembers, and their families, in the transition back into civilian life, to provide the tools that allow them to thrive and prosper in their postservice lives, and to become the next generation of leaders that this Nation needs them to be.

I thank Senator WEBB for his dogged pursuit of this legislation from his very first days in office. It will help our servicemembers and their families for generations to come.

Mr. AKAKA. Mr. President, the junior Senator from Virginia and I have worked together closely on his proposal for a new GI bill since he introduced it in January 2007. I was delighted to be able to join him as a cosponsor of S. 22. I deeply appreciate his very strong—and very personal—commitment to it.

Now it is time to give those young service members who are stepping forward voluntarily—putting themselves in harm's way—an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. Mr. President, the time has come for a new GI bill for the 21st century. I believe that it should be promptly signed into law.

Sadly, despite the fact that it has passed this body by a veto-proof majority, President Bush, who sent our troops into war and is again requesting billions of dollars to pay for it, has threatened to veto this measure.

Today, I extend my personal pledge to Senator WEBB and all who support a revitalized GI bill. If bill is vetoed and Congress fails to override the veto, I will bring Senator WEBB's New GI bill before the Veterans' Affairs Committee during our markup next month and urge that the Committee favorably report it to the Senate. It is time to give those young service members, stepping forward voluntarily and putting themselves in harm's way, an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. I am committed to seeing this legislation become law.

Mr. COBURN. Mr. President, Medicare and Medicaid cost the American taxpayers a combined $770 billion in 2007; Medicare costing $432 billion and Medicaid $338 billion. In 2007, the Federal Government's share of Medicaid expenditures was $190 billion and is expected to be $402 billion by 2017.

Medicare expenditures alone account for 3.2 percent of GDP. Over the next 75 years these expenditures are expected to explode to almost 11 percent of GDP. Every American household's share of Medicare's unfunded obligation is like a $320,000 IOU.

The Medicaid Program, because of the promise of a generous Federal match of State Medicaid dollars, has given States heavy incentive to increase their State Medicaid spending. Medicaid spending now accounts for 26.3 percent of state budgets, up from just 6.7 percent in 1970. In some States, as much as half of all new revenues will go to Medicaid in the coming years.

We have heard a lot of talk about bipartisan commissions on entitlement reform come out of the Budget Committee, but the least that we can do is to stop blatant fraud and abuse in the mean time. Eliminating waste, fraud, and abuse is a baby step in addressing entitlements. The Centers for Medicare and Medicaid Services, CMS, has worked over the last 5 or so years to curb waste, fraud, and abuse. They have done work on a State-specific basis and also by promulgating detailed regulations so that States have the clarity they need. Over the years, Medicaid has proven to be a program susceptible to fraud, waste, and abuse. Many States have pushed the limits of what should be allowed to maximize the Federal dollars sent to them.

The Government Accountability Office, GAO, put Medicaid on its ''high risk'' report a few years back because of questionable financing and the lack of accountability.

According to the Wall Street Journal:

> The GAO and other federal inspectors have copiously documented these ''creative financing schemes'' going back to the Clinton Administration. New York deposited its proceeds in a Medicaid account, recycling federal dollars to decrease its overall contribution. So did Michigan. States like Wisconsin and Pennsylvania fattened their political priorities. Oregon funded K–12 education during a budget shortfall.

According to the Wall Street Journal:

> The right word for this is fraud. A corporation caught in this kind of self-dealing—faking payments to extract billions, then laundering the money—would be indicted. In fact, a new industry of contingency-fee consultants has sprung up to help states find and exploit the ''ambiguities'' in Medicaid's regulatory wasteland. All the feds can do is notice loopholes when they get too expensive and close them, whereupon the cycle starts over. No one really knows how much the state grifters have already grabbed, though the Congressional Budget Office estimates that the Administration remedies would save $17.8 billion over five years and $42.2 billion over 10. We realize this is considered a mere gratuity in Washington, but Medicaid's money laundering is further evidence that Congress isn't serious about spending discipline.

Examples of fraud in the Medicaid Program are plentiful. One dentist billed medicaid 991 procedures in a single day. According to the New York Times, a former State investigator of Medicaid abuse estimated that as much as 40 percent $18 billion of New York's Medicaid budget was inappropriate. New York spent $300 million of its Medicaid money on transportation.

In 2005, Congressional testimony showed that 34 States hired contingency-fee consultants to game Federal Medicaid payments.

Medicaid regulations by CMS are efforts to provide clear guidance in critical areas where there have been well-documented problems and result from years of work on the part of CMS and myriad reports by the GAO and the Office of the Inspector General, OIG, at the Department of Health and Human Services, HHS.

When CMS doesn't know how a State is billing for a service and States don't have clear guidance for how they should, neither Medicaid beneficiaries nor the taxpayers are well served. The Medicaid regulations fix that problem.

According to the Congressional Budget Office, CBO, the regulations would save the Medicaid Program $17.8 billion over 5 years and $42.2 billion over 10 years by eliminating wasteful and fraudulent Federal payments to the program.

The Federal Government will spend $1.2 trillion over the next 5 years on Medicaid, so the regulations save only about 1 percent of Federal spending on Medicaid. If Congress is afraid of taking on these very modest changes to Medicaid, does it really have the will to take on the special interests that is necessary to truly address entitlement reform?

The very purpose of these regulations is to build accountability into the Medicaid Program that is long overdue. The proposed delay is a budgetary gimmick to avoid paying for the real costs of delaying the Medicaid regulations.

CBO estimates that delaying the rules until April 1, 2009 would cost $1.65 billion. However, if the rules were withdrawn or permanently delayed—as it is likely they would be under the next administration—the CBO estimates a 5-year year cost of $17.8 billion and a 10-year cost of $42.2 billion. Even if the regulations should be delayed, a war supplemental is the wrong place to include Medicaid policy changes. The war supplemental is given expedited consideration procedures because funding our troops is an urgent matter. The Medicaid regulations have been considered for years, and Congress has already put one 6-month delay on them. This isn't a new or urgent issue that justifies inclusion in a war supplemental.

If ensuring that America's safety net programs are adequately funded is such an important issue, it deserves the full debate and consideration of the Senate. Burying a flat-out moratorium of Medicaid regulations on a war supplemental appropriations bill isn't being honest with the American people. Congressional leaders put a moratorium on the Medicaid regulations last year and are poised to do so again. If Congress truly opposes the regulations, then it should repeal them instead of pretending to ''study them'' a little longer. However, Congress is avoiding that kind of honesty because it will cost ten times the amount of a moratorium.

Instead of blaming the Bush administration, Congress needs to decide for itself how it will address waste, fraud, and abuse in the Medicaid Program. The Bush Administration has taken its turn and taken a stand to protect the integrity of one of our largest entitlement programs. Now it is Congress's turn.

This is no longer about the Bush administration. This is now about Congress. Congress needs to decide whether or not it will ignore years of GAO and HHS OIG reports. Congress needs to decide whether it will listen to their State Medicaid directors and Governors or whether it will safeguard taxpayer dollars.

States have had their turn and demonstrated that they will take advantage of loopholes, ambiguities, and lack of clarity. Congress is the one ultimately responsible for these programs. Congress is elected to set policy and fund priorities.

By imposing another moratorium, Congress is failing to live up to its responsibilities. Congress is running away from them. Congress has closed its eyes and ears to the abuses that have been going on. By stopping the regulations from going into effect, Congress is simply giving more sugar to a diabetic. It may feel good for a moment, but it is not good in the long run. Congress doesn't really need another year to deal with these issues. These abuses have been going on for a long time. The GAO and the OIG have been issuing audits and reports on the abuses for years.

Problems with the regulations themselves warrant a conversation not a moratorium. There have been very few substantive policy disagreements with the administration's regulations. The Finance Committee hasn't engaged the administration on specific problems with the regulations. There have been no hearings over the last 6-month delay. The only ''hearing'' that has occurred is the parade of Governors and providers pleading to not turn off the funding.

The rule to impose a cost limit on government providers—CMS–2258—is commonsense and good government. The cost rule saves $9 billion over five years and $22 billion over 10 years by ending creative State financing schemes. First, it requires that providers, like hospitals and nursing homes and physicians, receive and retain the total computable amount of their Medicaid payments for the services they provided. Why would Congress object to that? It seems simple that if you provided a service, you should get to keep the money.

During the 1990s, States figured out creative ways to pass off their obligations to providers. That was wrong and unfair. Each time Congress stopped one financing practice, a new financing scheme popped up.

In 1991, Congress cracked down on loopholes in provider taxes. States opened up new loopholes. In 1997, Congress cracked down on abuses in the disproportionate share hospital, DSH, payments program. In 2000, it tried to stop the abuses in upper payment limits, though it failed to close them completely.

In 2003, the Bush administration put new emphasis on ending these schemes through the State plan amendment review process. This strategy proved to be effective and many States ended their ''recycling'' arrangements. But some States complained to Congress.

In July 2004, Senator BAUCUS wrote the Administrator of CMS:

> As you know, and as I indicated to you in those conversations, I feel strongly that any new CMS policy on intergovernmental transfers (IGTs) must be implemented in a manner that is transparent, that is applied equally to all states, and that responsibly takes into account the potentially serious financial consequences of eliminating a source of state funding on which some states have a longstanding reliance. Based on my understanding of current law and practice, with respect to IGTs, and on my interest in promoting public confidence in government decision-making judgment that a rulemaking or legislative process is warranted in these circumstances. Accordingly, I urge you to develop rules or a legislative proposal as soon as possible on this issue.

The current chairman of the Finance Committee requested Medicaid regulations nearly 4 years ago. The administration has responded to that request by promulgating regulations. As soon as the regulations left the desk of the CMS Administrator, Congress blocked them from going into effect LAST year. What has Congress done since then in the way of hearings or conversations with CMS? Nothing. What is Congress doing now? Trying to delay them again.

Chairman BAUCUS is right about treating States equally; Congress needs to let CMS do so. It is ironic that hospitals are telling Members to stop the Medicaid rules. The policy of the cost rule is that providers should get to keep the full amount of Medicaid reimbursement paid for the services they deliver. Why should hospitals or other types of providers be forced to send part of their payment for services back to the State or local government? It is not their responsibility to fund the State's share of the cost of Medicaid. That is the responsibility of the State and local governments.

Another major part of the cost rule seeks to limit government providers to cost. This has been a recommendation of GAO dating back to 1994. Under this provision, government providers would receive 100 percent of their costs for delivering services to a Medicaid recipient. But they would be limited to cost, they simply could not charge a ''profit'' to the Federal taxpayers.

A government entity shouldn't bill the taxpayer for more than the cost of delivering a service. That is nothing more than Medicaid subsidizing non-Medicaid activities. If State and local officials decide not to fund a program, that doesn't mean the Federal taxpayer should pick up the tab.

Congress may have heard pressure from their States about how the cost rule will ''shred the safety net.'' If Congress really cared about hospitals, shouldn't Congress be supporting the policy that they get paid in full? When this type of policy was put in place in California, revenues to hospitals increased by 12 percent.

If Congress really cared about providers, there are other tax-relief policies that would be helpful to them. Provider taxes on hospitals, nursing homes, and others totaled $12 billion in 2007.

The estimated savings for the cost rule for 2008 and part of 2009 is about $770 million. If you accept the argument that all providers in the entire country will ''lose'' $770 million if the cost rule goes into effect, consider that the hospitals in New York alone paid $2 billion in provider taxes. The hospitals in Illinois paid $747 million in provider taxes. If Congress really cared about them, what about a little tax relief instead?

The real story is that States are using creative ''provider taxes'' to forego paying their share of the Medicaid Program. A few years back, Congress gave a special deal to Illinois supposedly to support the Cook County Hospital system worth about $350 million per year. The hospital is forfeiting more than $300 million in order to generate supplemental payments back to the State for this.

If you add provider taxes and what Cook County Hospital is forfeiting, it totals a billion dollars per year impact on Hospitals in Illinois. Instead of addressing that blatant example of taxpayer money abuse, these rules are an easier target.

Senator BAUCUS is right that the States should be treated equally. The Senate should instruct the Finance Committee to identify all of the special treatment situations and report legislation to get rid of them.

The school-based administrative costs and transportation rule—CMS–2287—ensures that Medicaid money goes for medical care—not school buses. First, those individuals and groups who have been scaring parents of a child with a disability that this rule will end their child's treatment need to hear the truth about what this rule does. Schools are required to provide such services and if a child is on Medicaid, Medicaid will continue to pay for medically necessary services. This rule ensures that Medicaid pays only for medical and medically necessary services. Medicaid administrative claiming among schools varies widely among States. There are many States that do not bill Medicaid for administrative activities at all. Much of the funding is concentrated in a small group of States.

Abuses in administrative claiming have been well documented. Comments on the rule confirm that schools are simply using Medicaid as a source of revenue to support activities that are related to education, not health care.

Medicaid reimbursement has been used for a wide variety of unrelated purposes such as instructional materials and equipment or to fund staff positions. Schools use funds to attend workshops and purchase educational technology and materials, even to support after school activities, arts and music programs.

There is no problem with those types of programs, but there is a problem when Medicaid is paying for them. If citizens at the local level decline to raise their property taxes for education, that doesn't mean that Federal taxpayers should have to pick up the tab. If State legislators increase funding for transportation rather than education, Medicaid shouldn't be the means of easing the impact of their decision.

Allowing schools access to open-ended funding of Medicaid with virtually no accountability will erode the decision making process of every school board, State legislature as well as the Federal Government.

Another rule—(CMS–2279) would stop the use of Medicaid dollars—intended for low-income people—going to fund training for doctors.

There is no question that training the next generation of physicians in this country is important. However, it should be paid for out in the open. There needs to be accountability as to where the dollars go and for whom they are used.

Under Medicaid's graduate medical education, GME, funding, there is no obligation on the part of physicians who are trained with Medicaid dollars to serve Medicaid patients once the physicians graduate. In contrast both the military and the public health service corps require time commitments as repayments for help with medical school.

There is no authority in the Medicaid statute to pay for GME. It is not there. Congress and CMS don't even know the exact fiscal impact of this rule because states are not required to report expenditures as GME.

If Congress wants to fund a training program for doctors serving poor people, it should be done out in the open with real program accountability.

I understand concerns that CMS shouldn't just abruptly end the Medicaid GME program without a transition plan in place, but at the same time the Administration is right in questioning how this money is spent. If we are going to fund residency training, we should do it right and out in the open.

The Targeted Case Management—CMS–2237—rule targets scarce Medicaid dollars. In the Deficit Reduction Act of 2005, Congress appropriately acted to end state abuses. The rule promulgated by CMS is designed to be person-centered, comprehensive, and demand accountability.

CMS has been accused of overstepping its authority because it is applying the criteria across the board however case management is delivered. In other words, states cannot get around the rules by hiding under administrative claiming rather than actual services. And that applies to home and community based service waivers as well as State plan amendments. So the complaint is really this—CMS did not leave any loopholes open.

There are generally three provisions that have drawn the most complaints about this rule. First, there is a complaint about charging Medicaid only for a single case manager. The message of this requirement is simple and sensible—if you are the case manager for a person with mental illness, you should be capable and qualified to deal with all sorts of issues like housing and employment as well as health care needs. Why should Medicaid pay for four or five different case managers? Case management by qualified professionals should lead to better outcomes for the individual and lower costs in the long run. If one case manager is too few, then let the Finance Committee figure out if it should be two or three or four. We don't need a 1-year moratorium to figure that out. This provision does not take effect for another year—without

the moratorium—so there is no immediate impact on states. They have plenty of time to come into compliance.

The second complaint is based on another accountability provision—billing in 15-minute increments. This will help ensure that rates are appropriately set and that there is an audit trail. If 15 minutes isn't appropriate, then we can change the time allotment. We don't need an all-out moratorium on the rule to figure that out.

The third common complaint is about limiting the period of time for which case managers can bill for transitioning an individual from an institution into the community. The rule provides that the transition period is the last 60 days of an institutional stay that is 180 days or longer. If 60 days is too short, then let us have the Finance Committee tell us what the right number is.

The targeted case management rule was published December 4, 2007, nearly 6 months ago. That certainly is plenty of time for the committee to tell us how these three policies in this rule should be different. Delaying and delaying through a series of moratoriums only succeeds in throwing taxpayer dollars out the window.

This rule is intended to fix another example of how States had incentives to transfer their obligations to the Medicaid Program's funding stream. States used Medicaid case management to fund their foster care systems, juvenile justice programs, and adult protective services.

The State of Washington had used Medicaid to fund non-Medicaid activities. The State legislature has now done the right thing and appropriated $17 million to replace the reduced Medicaid funding after the TCM regulation was published. If the State legislators in Washington can live up to their obligations, why should we not expect that of the other States?

Medicaid has become well known as the budget filler for States. If funding was short, find someway to call it Medicaid and State costs will be cut at least in half.

This is a dangerous path. If Medicaid keeps picking up the tab for schools or foster care or the correctional system, then we are simply inviting even larger raids on the Federal Treasury in the future.

A provision that will prevent health coverage for low-income children doesn't belong in a bill to provide funding for American troops. Hidden in a bill intended to provide funding for our troops at war is an unrelated provision that would have the effect of denying health care to low-income children. The provision would impose a moratorium on a CMS directive which requires that States cover low- income children before expanding their State Children's Health Insurance Programs SCHIP to higher income levels. This commonsense initiative, implemented in an August 17 letter from CMS to State health officials, ensures that children's health resources are targeted towards those children and families who need help the most. The result of the moratorium will be that States will be able to ignore the needs of low-income children and instead direct resources to families with higher incomes who are more likely to have existing health insurance coverage.

SCHIP should focus on low-income children first. SCHIP was designed to cover low-income children between 100–200 percent FPL. Even though studies have shown that a significant number of children below these income levels remain uninsured, States have tried to expand coverage to higher income levels without first taking steps to make sure that they have covered as many low-income children as possible. Health coverage of low-income children must remain the number one goal of SCHIP.

The CMS August 17 letter implemented reasonable steps to ensure that States focus on low-income children before expanding their program. The letter explains the steps that States must take to ensure that their SCHIP programs cover low-income children before expanding to higher income levels. The letter only applies to those States that wish to expand their SCHIP programs above 250 percent of the federal poverty level (FPL). CBO reported that fewer than 20 states offer coverage above this income threshold. Additional, on May 7 CMS issued a letter clarifying the August 17 letter and specifying that current enrollees would not be impacted and that the agency would work with States to show they are meeting the requirements.

CBO showed that covering families at higher income levels is an inefficient use of taxpayer dollars. The CBO has repeatedly stated its views that expanding SCHIP to families at higher income levels will result in a ''crowd-out'' rate of up to 50 percent. That is, for every 100 children who gain coverage as a result of SCHIP, there is a corresponding reduction in private coverage of up to 50 children. The CBO estimates that 77 percent of children living in families with incomes between 200 and 300 percent of the FPL have private coverage, as do 89 percent of children in families with incomes between 300 and 400 percent of FPL.

It is wrong to take away seniors' choices in hospitals, and it is wrong to do that on a war supplemental so it can't be debated out in the open. Americans enjoy the highest per capita GDP among large nations mainly because we have the highest rate of productivity gains. The hospital sector sorely needs productivity-enhancing innovations like specialty hospitals.

U.S. health care costs are the world's highest at 16 percent of GDP, creating major problems for Americans and their employers. For example, General Motors' financial woes are exacerbated by $1,500 of health care costs per car, which exceeds their cost of steel.

Hospitals are the largest component of our health care costs, accounting for over one-third of our $2.2 trillion health care system. They are also the major reason for the growth in costs. According to a recent article in Forbes Magazine, 1 in 200 patients who spend a night or more in a hospital will die from medical error. The same article continues:

> 1 in 16 will pick up an infection. Deaths from preventable hospital infections each year exceed 100,000, more than those from AIDS, breast cancer and auto accidents combined.

Specialty hospitals have consistently offered high-quality health care with high-quality outcomes. Risk-adjusted 30–day mortality rates were significantly lower for specialty hospitals than for community hospitals, according to a 2006 Health Affairs article.

There are 200 specialty hospitals in the U.S. out of the 6,000 hospitals overall, often delivering better, safer services at lower costs.

According to a recent University of Iowa study, Medicare patients who receive hip or knee replacement at specialty orthopedic hospitals have a 40 percent lower risk of complications after surgery—(bleeding, infections, or death) compared to Medicare patients at general hospitals. A 2006 study funded by Medicare found that patients of all types are four times as likely to die in a full-service hospital after orthopedic surgery as they would after the same procedure in a specialty hospital.

McBride Clinic in Oklahoma City is Oklahoma's best hospital for overall orthopedic services, according to the Tenth Annual HealthGrades Hospital Quality in America Study released last month. McBride has 5–star ratings in joint replacement, total knee replacement, hip fracture repair, spine surgery, and back and neck surgery. The hospital received HealthGrades' 2008 Orthopedic Surgery Excellence Award, and is the only Oklahoma hospital among the top five percent in the Nation for overall orthopedic services.

When it comes to specialization, the question is not whether to specialize, but rather how to do it. Everyone agrees that the health care system should provide focused, integrated care—especially for the victims of chronic diseases and disability who account for 80 percent of costs. For example, Duke Medical Center tried an integrated, supportive program for congestive heart failure. The approach resulted in better patient outcomes, increased patient compliance with their doctors' recommendations, and a 32 percent drop in costs per patient. Hospital admissions and lengths of stay dropped and visits to cardiologists increased nearly sixfold.

Some contend that physicians who invest in specialty hospitals have a conflict of interest that may lead to overutilization. But a recent study published in Health Affairs found that most physicians refer patients to specialty hospitals for reasons totally unrelated to profits.

The Medicare Payment Advisory Commission, MedPAC, has also found no evidence that overall utilization rates in communities with specialty hospitals rise more rapidly than the

utilization rates in other communities. MedPAC and the Centers for Medicare and Medicaid Services, CMS, have found no evidence that physicians who have an ownership interest in a specialty hospital inappropriately refer patients to that hospital or have increased utilization.

The connection between corporate ownership and performance is a bulwark of our economy. Adam Smith argued in 1776:

> The directors of . . . [joint-stock] companies, . . . being the managers rather of other people's money than of their own, it cannot well be expected, that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own. Negligence and profusion, therefore, must always prevail . . .

One CEO of an orthopedic surgery practice said:

> Orthopedists . . . in a hospital . . . work in the same operating room [as] general surgery and obstetrics. Orthopedics is nuts-and-bolts equipment intensive. It drives them crazy to have a staff that's not familiar with a tray of multi-size screws and nuts and bolts.

Some object to specialty hospitals by arguing that they only select the most profitable cases in their area and leave the other hospitals with less profitable services—burn units, trauma centers, et cetera. MedPAC has recommended changing the payments for all acute care hospitals to reduce the incentives in the overall inpatient payment system that some believe fueled the growth of specialty hospitals. Based on those MedPAC recommendations, CMS has just implemented major In-patient Prospective Payment System reforms.

There is also an abundance of evidence that community hospitals are making record profits. A recent news article reported:

> Profits for U.S. general acute-care hospitals hit a record high of $35.2 billion in 2006—a one-year jump of more than 20%—on net revenue of $587.1 billion for a margin of 6%.

We should resist efforts to bind our health care system in regulatory straightjackets. Both the hospitals' and economy's problems could be solved if we allow the market, rather than insurance bureaucrats, to set prices.

If the Members of the Senate really believe that specialty hospitals are harmful, then there shouldn't be earmarks protecting the specialty hospitals in home States of certain members of the Appropriations Committee.

According to a recent Congressional Quarterly, CQ, article, during the committee process, four Democrats on the Senate Appropriations Committee made language changes to the underlying ban on new growth of physician-owned hospitals that happen to protect the specialty hospitals that are located in their home States.

According to CQ:

> A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in [their state]: Wenatchee Valley Medical Center. A loosening of the grandfather clause will allow the Wenatchee's physician-owners to maintain their 100 percent stake in the hospital, as opposed to being forced to sell part of it.

According to CQ, spokesmen for [two other Appropriations members] confirmed their Senators' roles in getting the language changes.

One Senator's spokesman claimed:

> We were concerned that forced divestiture would cripple the marketplace.

In Michigan, the home State of another appropriator, physician-owned Aurora BayCare Medical Center would benefit from the looser rules passed by the Appropriations Committee.

If Congress really believes specialty hospitals are harmful, why are they not harmful in the home States of four appropriators?

The Congressional Budget Office needs to get its story straight on the budgetary impact of killing specialty hospitals.

Congress has heard from the hospital association groups about the potential cost savings from eliminating the potential for new specialty hospitals. That argument is untenable when the Congressional Budget Office can't even get their story right on the budget impact. If 3 years ago, eliminating specialty hospitals barely saved anything how can it save billions of dollars today?

During the drafting of the Deficit Reduction Act of 2005, the Senate reconciliation bill contained a similar provision to curtail specialty hospitals. At that time, the Congressional Budget Office, CBO, projected less than minimal savings to the Medicare Program resulting from that provision.

Subsequently, CBO scored a similar provision in the Children's Health and Medicare Protection Act of 2007. This time they changed their story and projected Medicare savings of $700 million over 5 years and $2.9 billion over 10 years, with the bulk of the projected savings attributed to the assumption that Medicare spends more for outpatient services for patients treated in physician-owned hospitals.

In December of 2007, CBO changed its story again and attributed the savings from restricting specialty hospitals to a presumed shift of services to ambulatory surgical centers, admitting that the use of fewer outpatient services accounts for only a small portion of the estimated savings.

This bill has troops fighting to keep birth control prices low for Ivy League students and profits high for Planned Parenthood clinics and drug companies.

Congressional leaders are using the war supplemental appropriations bill to expand preferential governmental drug pricing policies to university based clinics and more Planned Parenthood clinics than currently allowed under the Medicaid statute and regulations.

To have their products available in the Medicaid Program, drug manufacturers must pay rebates to the Federal Government and States. The rebates are calculated as the difference between the manufacturer's average price and the ''best price''—lowest—at which their drugs are sold.

A tiny provision tucked away in a war supplemental will allow drug manufacturers to avoid counting these deeply discounted drugs sold to certain types of clinics when calculating how much they will owe the Medicaid Program in rebates, thereby protecting their profits. If the provision becomes law, the clinics could receive cheaper drugs—like RU-486 and birth control—from manufacturers which they can sell to their customers at a higher price, thereby making a profit.

Manufacturers previously offered high volume clinics the discounts as a marketing tool to attract long-term loyal customers so long as they could avoid the Medicaid rebate. Taxpayers were in effect subsidizing these clinics by forfeiting Medicaid rebates. In the Deficit Reduction Act of 2005, DRA, Congress limited the types of health care clinics that can benefit from this special arrangement, providing the preferential treatment only to certain safety net clinics. Not convinced by arguments that college campus health clinics are serving ''vulnerable populations,'' the Bush administration refused to add them and additional Planned Parenthood clinics to the list of providers designated by Congress.

The Deficit Reduction Act didn't prevent drug manufacturers from selling their products at lower acquisition costs to any health clinic regardless of the DRA. They would not, however, be able to avoid counting those discounts when paying States and the Federal Government their respective Medicaid rebates. Auditors in California found two Planned Parenthoods had overbilled the Medicaid Program in excess of $5 million based on the difference between their customary fees and acquisition costs. This suggests that restoring these subsidies nationwide is likely worth hundreds of millions of dollars over just a few years.

The current congressional leadership's usual approach towards drug companies is to get higher rebates from them. However, that's not the case when it comes to forfeiting rebates for the Medicaid Program in order to make certain frat boys and sorority sisters get cheap drugs—including birth control—and the clinics that provide them get bigger profits.

Instead of debating the merits of such a policy change in the open, the leaders in Congress are using funding for our troops to slip this through.

Mr. LAUTENBERG. Mr. President, I wish to speak in favor of the amendment to the supplemental that focuses on our domestic priorities, which is the first amendment we will be voting on this morning. I encourage my colleagues to vote in support of this important package.

While President Bush is fixated on trying to get his next check for the Iraq war, we on the Senate Appropriations Committee under the leadership

of Chairman BYRD have brought to the floor important priorities for Americans here at home.

As our economy continues to struggle, more and more Americans find themselves without work and having trouble paying their bills. In April, the unemployment rate in New Jersey was 5 percent. That is up from 4.8 percent in March of this year and 4.3 percent in April of 2007. Not only are more people out of work, but they are staying unemployed for longer periods of time as they search for new jobs. These unemployed Americans are facing the prospect of losing their homes and fighting to afford the rising costs of food, gasoline, and health care. They need our help, which is why in this amendment we extend unemployment benefits by 13 weeks in all States and an additional 13 weeks in States with the highest unemployment rates. This is the right thing to do, and we must do it now.

This amendment also includes a provision that I successfully offered in the Senate Appropriations Committee markup last week to delay a Bush administration policy that threatens the health care of hundreds of thousands of children across the country, including 10,000 in New Jersey. Last year, I supported and the Senate passed, an expansion of the Children's Health Insurance Program that would have provided health insurance for an additional 4 million children nationwide. President Bush irresponsibly vetoed that bill twice—and then made matters worse by issuing a new policy that will actually take away health care from children who have it today. This is not only misguided—both the Government Accountability Office and the Congressional Research Service found that it violated Federal law. During these tough economic times, the last thing we should be doing is taking away health care from our children. My provision in this amendment would delay this policy until April 1, 2009.

As our veterans return home from overseas, we must show our gratitude for their service by improving educational benefits to help them afford to go to college. Our veterans are finding that the current G.I. bill has simply not kept up with the rising costs of college, and they are forced to either forego college entirely or face mounting debt to get a degree. The amendment now on the floor includes a provision based on the Webb-Hagel-Lautenberg-Warner legislation which closes the gap between the current G.I. bill and the costs of college by paying for tuition, books and housing at the most expensive public institution in the veteran's State. This update of the G.I. bill deserves our strong support.

The domestic package before us also includes $10 million to conduct oversight of American taxpayer dollars spent in Afghanistan. Our work in Afghanistan is critical to our national security and our fight against terrorism. But right now, we know too little about how billions of U.S. dollars in reconstruction and assistance funding are spent in Afghanistan and whether there is any waste, fraud, and abuse of these funds. In January of this year, President Bush signed into law my legislation to establish a Special Inspector General for Afghanistan Reconstruction, SIGAR, to root out waste, fraud, and abuse of taxpayer money in Afghanistan. The SIGAR funding we would provide today would bring us one step closer to better oversight and accountability, and to the beginning of SIGAR's work to uncover information about any corruption and mismanagement of U.S. assistance to Afghanistan.

Finally, we must help our States and local communities recover from and prepare for natural disasters, including floods. This amendment includes more than $8 billion for the Army Corps of Engineers to address the damage caused by Hurricanes Katrina and Rita and other recent natural disasters. We have had our eyes opened to the massive devastation that can occur when we neglect our Nation's flood control infrastructure. In addition to gulf coast recovery, I am pleased that this amendment will also provide funding for emergency infrastructure needs in other areas, including my home State of New Jersey.

The Senate has an opportunity with this vote to honor our responsibility to our returning veterans and all those who are struggling in our country today. I implore my colleagues on the other side of the aisle to join us in supporting this critical amendment.

Mr. HATCH. Mr. President, I rise today to address the impasse—the completely avoidable impasse—that we face with regard to the Emergency Supplemental Appropriations bill, which, if I'm not mistaken, is intended to provide much-needed funds and resources for our troops serving in Iraq and Afghanistan. You'll have to pardon my confusion because, looking over the substance of the bill in front of us, it is difficult to determine exactly what purpose it is meant to serve.

There has been in this and in virtually every recent election year a sensitivity among those on the other side of the aisle whenever anyone questions their support for our Nation's military and their commitment to national security. Indeed, it seems that any time these issues are mentioned, whether it is by the President, those of us in Congress, or by candidates running for office, Republicans are accused of ''questioning their patriotism'' or engaging in the ''politics of fear.''

Certainly, I don't believe that we should question the patriotism of those in the Senate majority. I believe that every one of them loves their country and that there is no one in this chamber who does not honor and respect our nation's military. However, while the majority's patriotism should not be subject to question, their judgment on these issues is fair game.

Frankly, after the recent FISA debacle and now the absurd course being taken on this emergency supplemental, I believe that the Democrats in Congress have given all of us reason to question their judgment.

As I stated, the purpose of this bill is to provide much-needed funding for our troops in harms way. However, it appears that the Democrats see this—not as an opportunity to support our military, but as a vehicle for unrelated, nonemergency funding for a number of their pet programs. In this time when the American people are clamoring for more fiscal discipline in Congress, the majority has decided to tack onto a war supplemental billions of dollars in domestic spending, none of which was requested by the President and all of which is unrelated to supporting the troops.

For example, the bill includes $1.2 billion for a science initiative, $1 billion for government-funded energy assistance, nearly half a billion each for transportation projects and wildfires, and $200 million for the U.S. census—an event that has taken place every 10 years since 1790. They have also added more than $60 billion in mandatory spending relating to unemployment insurance extensions—in a time of very low unemployment, no less—and veterans education benefits.

Now, I am sure that many of these are worthwhile endeavors deserving of the Senate's time and attention. However, they can and should all be debated separately and should not be tied to funding for the troops.

Given these efforts to add such a large number of unrelated and nonemergency provisions, is it really unreasonable for the American people to conclude that supporting the troops is not the majority's highest priority?

Certainly, they'll want all of us to believe otherwise. In fact, I am fairly sure that there is a Democrat somewhere watching me give this speech preparing a response that accuses me of practicing the ''politics of fear.''

But when Members of the Senate majority flatly refuse to provide resources for the troops without unrelated spending, what other conclusion is there for the rest of us to draw?

It gets worse. I wish that the added funding was the worst thing about this bill. Unfortunately, it is the least of our worries.

In addition to the nonemergency spending, the Democrats have once again attempted to use a bill that funds our troops as an opportunity to play armchair quarterback with the conduct of the war.

The majority knows that the inclusion of this provision guarantees that the President will veto the bill. One also has to assume that they know that they do not have the votes to override such a veto. Yet, once again, we are about to send to the President a bill that conditions our support for the troops on his agreement to supplant the judgment of his military commanders with the political whims of the Senate majority.

This comes at a time when even the most strident opponents of the war have begun to acknowledge our military's successes on the ground in Iraq. Even worse, it comes at a time when our men and women in uniform are in desperate need of additional funding.

As we have heard, on May 5, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, indicated that it was essential that funds be approved before the Memorial Day recess, which begins in less than 2 days. In his words, the military will ''stop paying soldiers on June 15 '' meaning that they have ''precious little flexibility'' with respect to the funds.

The majority leader, in his own words, believes that not finishing the bill before the recess is ''no big deal.'' Indeed, he admits that sending the bill in its current form to the President guarantees that we will go to recess without having funded the troops. Instead of heeding the warnings of our military leaders, the majority would apparently rather subject emergency military funds to yet another partisan debate and even more election-year political wrangling.

I understand that many in the majority have come to oppose this war. I, for one, do not oppose an honest, straightforward debate about our policies in Iraq and the war on terror. However, that is simply not what is going on here today. This is not a serious debate about our future in Iraq; it is a needless political maneuver aimed at appeasing the more radical elements of the Democrats' political base.

Once again, I can't help but wonder about the majority party's priorities when its members purposefully and dangerously delay funding for our troops in order to make a political statement. As I stated, I will not question their patriotism, but I will continue to question their judgment. Given what has been displayed here, I believe the American people will as well.

Mr. CARPER. Mr. President, I have come to the floor to speak about Senator WEBB and Senator HAGEL's new GI bill.

Mr. President, one of the smartest things Congress has ever done is pass the GI bill for World War II veterans.

Several of the Members of the Senate—including me—would not be here if it were not for the GI bill.

I went to the Ohio State University on a Navy ROTC scholarship, and when I got out, I went to graduate school at the University of Delaware on the GI bill.

As you know, the authors of this new veterans benefit proposal and two of my fellow Vietnam veterans—Senators WEBB and HAGEL—were also able to use the GI bill to help transition back into society after fighting in the jungles of Vietnam.

I share their belief that we need to reexamine the current GI bill with an eye toward Iraq and Afghanistan veterans.

To that end, Senators WEBB and HAGEL have worked tirelessly to try to provide the men and women of the Armed Forces who have served since 9/11 with the education benefits they deserve.

These two Senators have created a bill that represents the best hope of increasing veterans' education benefits. They should be commended for their hard work and their commitment to our troops.

Let me be clear: I support their proposal, and I would be proud to pass an emergency supplemental with this proposal included.

However, how we pass this bill will be very important.

This emergency supplemental provides these veterans education benefits at about $50 billion over the next 10 years.

Like the rest of this bill, there is no offset and no way to pay for these benefits.

Our colleagues in the House, however, did something quite different and, in my view, a lot better.

When the House passed this same veterans education benefit, they also included a way to pay for it.

They created a nominal tax increase of .47 percent on individuals making over $500,000 or couples making over $1 million.

By offsetting this increase in veterans' benefits, the House sent a clear message to the country and to the troops. That message was that we will honor the members of the Armed Forces by giving them the benefits they rightfully earned, but we are going to do this in a fiscally responsible way; we are not going to do this by going deeper into the red; we will exercise a little discipline; we will tighten our belts; and we are going meet our troops' sacrifice with a sacrifice of our own.

In this time of war and economic hardship, I believe the Senate needs to send a similar message to our troops: We will sacrifice here at home to give you what you deserve, because you sacrificed abroad to protect the United States.

That is why I have offered an amendment to this bill that provides the same offset as the House bill.

In order to pay for the new GI bill, my amendment calls for a small sacrifice: a nominal tax increase—less than one-half of 1 percent—on individuals making over $500,000 or couples making over $1 million.

One of the principles that I have always tried to follow is, if it is worth doing, it is paying for.

I doubt any of my colleagues would argue that providing veterans with a new GI bill is not worth doing. So then, I ask my colleagues, why is trying to pay for this benefit not worth doing?

I realize my amendment is not the most popular idea. We in the Senate like to talk a good game about the need to rein in Government spending, reduce the deficit, and to adhere to pay-as-you-go principles. But we are not so good at walking the walk.

I also know that several of my colleagues have argued that when this bill passes, we will have spent nearly $600 billion in Iraq and none of that has been paid for. Why shouldn't we, then, try to find an offset for $50 billion in education benefits for our veterans?

I understand that sentiment. I am a veteran. I benefited from the GI program. And I, too, am not happy about our situation in Iraq.

I have complained for years that our spending in Iraq lacks accountability and that we have done little to nothing to make Iraq pay its fair share.

Again, I want to unequivocally state that I will vote to pass this new GI bill—offset or not—because our troops deserve this benefit.

However, I just feel strongly that before we pass a new entitlement, we should at least make an attempt to pay for it, that we in the Senate should be willing, as the House has done, to put our money where our mouth is, to step up to the plate, and say this is worth doing and it is worth paying for.

Mr. KERRY. Mr. President, we are in the sixth year of the war in Iraq, and the costs to our troops, our security, and our country rise by the day. With the current course still not working, I have no choice but to vote against amendments 4817 and 4818 to the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2008. It is clear that these measures continue to give President Bush a blank check to continue his chosen policy, despite the constant warnings of military experts who tell us that there is no military solution to Iraq's civil war and that political compromise in Iraq will not occur absent meaningful deadlines for the transition of our mission and the redeployment of U.S. troops.

I believe this was an occasion where Congress had the responsibility to force the President to change a policy that is broken. Not to caution, warn, or cajole—not to give a blank check and hope for the best—but to force a change in a policy that is making us weaker, not stronger.

Make no mistake—on the core issue of changing our deployment in Iraq, these amendments are deficient, and that is why I must oppose them. However, they contain provisions many of us have supported time and again.

Particularly, the first amendment has many important provisions that I support, including mandating dwell time between deployments for our troops, a prohibition on permanent bases in Iraq, and the requirement that any long-term security agreements with Iraq be subject to approval by the Senate. But because the language with respect to Iraq—setting a nonbinding goal of completing the transition of the mission by June of 2009—is not strong enough, I cannot support the amendment.

I also oppose the second amendment, which provides billions and billions more in funding for the war without

any policy corrections at all. This is tantamount to giving the President another blank check to continue with an Iraq war policy that I strongly believe is making America less safe. There is no requirement to transition the mission and no deadline to leverage political progress. And there is no relief for a military stretched to the breaking point. That approach will not resolve the sectarian divisions that have fed this civil war, it will not bring long-term stability to Iraq, and it will not protect our national security interests around the world.

All of us—and I would underscore, all of us—are incredibly grateful for the remarkable sacrifices our troops have made in Iraq. They have done whatever we have asked of them, and they have served brilliantly. The question before us now is whether we have a strategy that is worthy of their sacrifice.

We can all agree that there is no purely military solution to the problems in Iraq. All of our military commanders, including General Petraeus, as well as Secretary Gates and Secretary Rice, have told us as much. And when the President announced his escalation to the American public last January, he said the purpose was to create ''breathing room'' for national reconciliation to move forward.

Over a year later, it is clear that this escalation did not accomplish its primary goal of fostering sustainable political progress. General Petraeus himself recently said that ''no one'' in the U.S. or Iraqi Governments ''feels that there has been sufficient progress by any means in the area of national reconciliation.''

I don't believe that it is too much to ask of Iraqis to make tough compromises when over 4,000 of our troops have given their lives to provide them that opportunity. In fact, I think the only strategy that honors the tremendous sacrifice of our troops is one that pushes the Iraqis to solve their own problems. And by General Petraeus's own account, the current strategy is not accomplishing that.

By my count, we are now entering the fifth war in Iraq. The first was against Saddam Hussein and his supposed weapons of mass destruction. Then came the insurgency that DICK CHENEY told us nearly 2 years ago was in its last throes. There was the fight against al-Qaida terrorists whom, the administration said, it was better to fight over there than here. There was a Sunni-Shia civil war that exploded after the Samara mosque bombing. As we saw in Basra, there may be a nascent intra-Shia civil war in southern Iraq. And nobody should be surprised if we see a sixth war between Iraqi Kurds and Arabs over Kirkuk.

We are also on at least our fifth ''strategy'' for Iraq. First there was ''Shock and Awe,'' which was supposed to begin a peaceful transition to democracy in Iraq. Then there were ''search and destroy'' missions designed to fight the growing insurgency. There was the era of ''As they stand up, we'll stand down,'' focused on transitioning responsibility to Iraqi security forces. That was followed by the ''National Strategy for Victory'' and the introduction of the ''Clear, Hold and Build'' approach. And last year, we had the ''New Way Forward,'' with the troop escalation that was supposed to provide breathing room for the Iraqis to make political progress.

What we have never had is a strategy that brought about genuine political reconciliation or that made Iraqis stand up for Iraq or that allowed us to meet our strategic objectives and bring our troops home. What we have never seen is an exit strategy.

In fact, at the beginning of the war in 2003, we had about 150,000 U.S. troops in Iraq. Today, there are still about 150,000 U.S. troops on the ground. After more than 5 years, after more than 4,000 U.S. lives lost, after more than $500 billion dollars spent, we are basically right back where we started from—with no end in sight.

And we know that after the escalation ends in July the plan is to keep some 140,000 troops in Iraq—slightly more than the levels of early 2007, when the violence was out of control and political reconciliation was nonexistent.

So it looks like the sixth strategy is basically to repeat what didn't work the first time and hope for a different result. And we keep hearing that approach justified with the twisted logic that because we cannot afford to fail in Iraq, we must continue with a strategy that has failed to achieve our primary goals.

We clearly need a new approach that fundamentally changes the dynamic, and I continue to believe that Iraqis will not make the tough political compromises necessary to stabilize the country while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

One thing we know is that the costs of continuing down this path are extraordinary. Over $12 billion per month and over 900 soldiers dead since the surge began. And while we are bogged down in Iraq, we continue to neglect the most pressing threats to our nation's security.

Let's be clear: The war in Iraq is not making us safer—it is making us less safe. Iran has been empowered in the region and emboldened to defy the international community in pursuit of its nuclear program. Hezbollah and Hamas are stronger than ever. Our military is stretched to the breaking point. Our intelligence agencies have told us Iraq is a ''cause célèbre'' for al-Qaida that helps ''to energize the broader Sunni extremist community, raise resources and to recruit and indoctrinate operatives, including for homeland attacks.'' So it is no surprise that terrorist incidents outside Iraq and Afghanistan have risen dramatically since the war began and are now at historic highs.

And we know where the real threats lie: Our top national security officials keep warning us that the next attack is likely to come from the Afghanistan-Pakistan border—not Iraq. Meanwhile Afghanistan slides backwards, in part because—as Admiral Mullen has acknowledged—with so many troops tied down in Iraq, we simply don't have the manpower available to give our military commanders the troops they need.

Every day we fail to change course we play further into the hands of our enemies. We need a fundamentally new approach to our Nation's security in the region and around the world—and that starts with a new strategy that in Iraq. The events of the last year have shown once again a basic truth: Iraqis will not resolve their differences and stand up for Iraq while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

As we redeploy, we need to engage diplomatically with Iraq's neighbors in a way that creates a new security structure for the region. And we must responsibly redeploy from Iraq so we can refocus our efforts on fighting al-Qaida around the world—especially on the real front line in the war on terrorism in Afghanistan and Pakistan.

Mr. FEINGOLD. Mr. President, I voted for the non-Iraq portion of the supplemental because it included a number of provisions I support, such as Senator WEBB's GI bill, an extension of unemployment insurance, funding for LIHEAP and Byrne grants, and a number of important Africa-related provisions. The Webb GI bill represents one of the best ways that the Federal Government can support members of our Armed Forces who might not otherwise have the opportunity to obtain a higher education. Expanding educational benefits is the least we can do for the men and women in uniform who have been asked to do so much for our country.

However, I am disappointed that the Senate was prevented from voting on the fiscally responsible House version of the GI bill. We should not be piling up more debt for future generations to repay, and I will work to try to make sure that the cost of this benefit is paid for. The Senate should not get into the habit of using nonoffset emergency supplemental bills to bypass the regular appropriations process. Just because the President refuses to pay for the cost of the war in Iraq doesn't mean we should follow his path of fiscal irresponsibility.

I am deeply disappointed that neither the House nor the Senate version of the supplemental contains language that would end the Iraq war. In fact, both bills—particularly the Senate Appropriations Committee bill—are actually weaker in this respect than the first supplemental we passed just over a year ago. Democrats took power of Congress last year pledging to work to bring an end to the war. While we have made significant progress in other

areas, we are actually moving backward, not forward, when it comes to Iraq.

What do I mean that the current supplemental is weaker than the one we passed a year ago? The new House supplemental requires redeployment of troops from Iraq to begin in 30 days, with a goal of completion within 18 months, or approximately the end of 2009. The supplemental we sent to the President a year ago set a goal of completing redeployment no later than the end of March 2008, or around 11 months from passage of the bill. So we have gone from an 11-month goal to an 18-month goal.

And the exceptions have become even broader, meaning that even more U.S. troops could be allowed to remain in Iraq. In the new version, the administration is no longer limited to conducting targeted missions against ''members of al-Qaida and other terrorist organizations with global reach.'' Now, it can leave troops in Iraq to go after any ''terrorist organizations'' in that country. Going after al-Qaeda and its affiliates makes sense because they represent a direct threat to the United States. Leaving U.S. troops in Iraq to launch missions against any organization that the administration labels ''terrorist,'' regardless of whether they pose a threat to our country, doesn't make sense. It is just a continuation of the current administration's muddled, misguided approach, which focuses so much of our resources on one country while largely ignoring the threat posed by al-Qaida around the world.

In addition, the House language allows U.S. troops to not just conduct training and equipping of Iraqi troops but also to provide ''logistical and intelligence support,'' which wasn't in last year's supplemental. That could mean our troops would still be fighting on the front lines, embedded with Iraqi forces, or providing air power, as we saw during the recent clashes in Basra. If you are looking to keep tens of thousands of U.S. troops in Iraq indefinitely, then you won't have a problem with this new language. If, however, you want to bring our involvement in this war to a close, then you can and should be troubled by these big loopholes in the House bill.

The House bill may be bad in this respect, but the Senate bill that we actually voted on and passed is far worse. It doesn't have any loopholes—it doesn't need them because it doesn't do anything. It simply expresses the sense of Congress that the mission in Iraq should be transitioned to a few limited purposes by June 2009. That is it—nonbinding language that may make a few Members feel better about themselves but that won't do a thing to bring the war to a close.

To make matters worse, the Senate bill includes a provision requiring a report on transitioning the U.S. mission in Iraq but leaving 40,000 troops in Iraq at the end of the transition. Based on existing estimates, it would likely cost $40 billion a year to maintain such a presence in Iraq. We should be promptly redeploying our troops, not studying the option of transitioning to an open-ended, significant military presence in Iraq.

Both the supplemental bills, and the process by which we are considering them, seem devised to maximize our political comfort, rather than put pressure on the White House to end a disastrous war. This shouldn't be about allowing ourselves to cast votes that make us feel better and look good.

Now I realize, like my colleagues, that we have limited options to try to end the war before the next President and the next Congress take office. But that doesn't mean we can simply ignore Iraq or write off the next 10 months. More brave Americans will die in Iraq over the next 10 months, and our national security will continue to suffer while we focus on Iraq to the exclusion of so much else, including the global threat posed by al-Qaida. We have a responsibility to our constituents and to the American people, who have been demanding an end to the war for far, far too long, only to have that call go unheeded.

At a minimum, we should be voting on an amendment I filed to safely redeploy our troops by setting a date after which funding for the war will be ended. The Senate has voted on such an amendment several times, offered by myself and the majority leader. I am under no illusions about whether such an amendment would pass. But Members of Congress should have to put themselves on the record as to whether they are serious about wanting to end the war. That may make some of them, even members of my party, a little uncomfortable. But making tough decisions, casting tough votes, standing on principle—that is what our constituents expect of us.

As all of this weren't bad enough, this so-called supplemental spending bill doesn't just include Iraq spending for the current fiscal year. It also includes tens of billions of dollars to keep the war going in the next fiscal year. That means we can spare ourselves the inconvenience of taking up another Iraq spending bill this Congress. That may make us all feel better, but it is another way of showing that we aren't serious about putting pressure on the President to bring the war to a close.

Instead of negotiating backroom deals, instead of trying to devise procedures and votes that minimize our discomfort, instead of acting like we are against the war without following through, instead of all that pretense and posturing, let's act like a legislative body and do some actual legislating. Let's have debates, and amendments, and votes. Let's do this in the open, on the record. That way our constituents will see whether we really are committed to ending the war, to fiscal responsibility, and to the other principles and goals that matter to the folks back home but that seem to have been forgotten here.

Mr. JOHNSON. Mr. President, I wish to point out to my colleagues what we will not be funding if this amendment fails. First and foremost, we will not be funding critical military construction projects for our troops serving in Iraq and Afghanistan. These are emergency infrastructure requirements that our men and women in uniform have requested—projects that will contribute to their safety and security and that are crucial for them to be able to perform the mission with which they have been tasked.

We will not be funding construction of critically needed VA polytrauma rehabilitation centers. These are cutting-edge centers for the treatment of Active Duty and separated Iraq and Afghanistan war veterans suffering from the signature injuries of those wars: traumatic brain injury, post-traumatic stress disorder, hearing loss, amputations, fractures, burns, visual impairment, and spinal cord injury. It is hard to think of anything more important than providing the best possible care to our wounded soldiers.

We will also be leaving a $787-million shortfall in the BRAC account, meaning that important construction at our bases here at home will be delayed, and the 2011 deadline for completing BRAC may become impossible to meet.

We will be delaying emergency renovation and replacement of barracks for our soldiers returning from war. Many of us were appalled at the deplorable conditions at Fort Bragg, which is why this bill provides $200 million to rebuild the ''worst of the worst'' of the Army's barracks. If we fail to pass this amendment, we will be leaving our soldiers to continue to live in unacceptable conditions.

We will not be funding childcare centers for our military families. Childcare is a serious quality of life issue for the families who bear the brunt of war, and this bill would accelerate funding for 31 of the highest priority child development centers—funding for which the President himself has signaled support.

In short, this bill provides critical funding for some of the highest priorities of our Nation, including our military forces. All of my colleagues should be very aware of what they are voting against if they vote against this amendment. I urge my colleagues to support it.

Mr. GRASSLEY. Mr. President, I come to the floor today to object to the inclusion of provisions that are clearly in the jurisdiction of the Finance Committee in an emergency supplemental appropriations bill to fund the war.

The supplemental appropriations bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

It also prevents implementation of a CMS policy to ensure States cover poor kids before expanding their SCHIP programs.

I know some people have concerns with the CMS policies.

Let me be clear: I am not here to argue the regulations are perfect. I have issues with some of them I would like to see addressed.

However, the regulations do address areas where there are real problems in Medicaid.

Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations . . . low-income seniors, the disabled, pregnant women, and children. They depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges.

Medicaid has a history of States abusively pushing the limits of what should be allowed to maximize Federal dollars sent to them.

And while sometimes States have clearly pushed the envelope, at other times, States have struggled to understand what is and is not allowable in Medicaid.

So after years of work by CMS, numerous reports by GAO and the Inspector General at HHS, and frequent Congressional hearings, CMS issued regulations to try to clarify the rules in some very problematic payments areas of Medicaid.

I will start with the public provider regulation.

We know that in the past, many States used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

For years, the Medicaid Program was plagued by financial gamesmanship. States used so-called intergovernmental transfers or IGTs, to create scams that milk taxpayers out of millions—even billions—of dollars.

Here is an example: a State bills the Federal Government for a $100 hospital charge. The hospital gets the $100 payment and then the State would require the hospital to give $25 of it back to the State. In my view, that is a scam.

What happens to the $25? In the days before Congress and CMS cracked down on the behavior, the money could go to roads or stadium construction.

That is right. Medicaid IGT scams paid for roads and stadiums instead of health care for the poor.

In 1991, 1997 and again in 2000, Congress took specific action to limit the States' ability to use payment schemes to avoid paying the State share of Medicaid.

CMS has continued their work since then.

Over the past 4 years, CMS has been working with States to try to limit these scams.

I will note these efforts have not been without their controversy. States have been very concerned about exactly what the new standards are.

Senator BAUCUS and I wrote the GAO and asked them to look into what CMS has been up to in trying to limit the way States make these payments.

We were concerned that there was not enough transparency in what CMS was doing.

And CMS did publish a rule for all to see. It is out there in the open.

The core goal of the rule is to limit provider reimbursement to actual cost.

I know some people consider this a radical idea, but I just don't understand why anyone thinks it is a good idea to have hospitals paid more than cost so they can be a part of these scams that rob the taxpayer to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1994, GAO recommended that payments to government providers be limited to cost. This is a fundamental issue for program integrity.

What did GAO find in their 1994 report that led them to this conclusion?

The State of Michigan used these questionable transfers to reduce their share of the Medicaid Program from 68 percent, which is what it should have been, to 56 percent.

The GAO found evidence that in October 1993, the State of Michigan made a $489 million payment to the University of Michigan. Within hours, the entire $489 million was returned to the State.

The report found that in fiscal year 1993, Michigan, Tennessee, and Texas were able to obtain $800 billion in Federal matching funds without putting up the State Share.

Congress and CMS have spent the last 17 years combating that behavior.

Last year, the emergency supplemental included a provision to delay implementation of the public provider rule for 2 years.

Fortunately, cooler heads prevailed and the delay was reduced to 1 year.

But I wish to read what I said at the time. This is from remarks I made on March 28, 2007:

> If some people think CMS has gone too far, then we should review their actions in the Finance Committee. We should call CMS in, make them testify, and ask the tough questions to which we need answers. If we think there are things we should have done differently, then we should legislate. That is the way it ought to be done.

That is the right way to operate. We should have dealt with it in the Finance Committee.

We should have tackled the issues here that are extremely complex. They deserve thorough consideration so we can insure we are taking appropriate action.

But a year has passed with no action and instead we are here with this amendment to the supplemental appropriations bill. No hearings have been held. No testimony submitted. Nothing.

Making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Intergovernmental transfers can have a legitimate role, but it is critical that States have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will still not be adequately defined.

Why should we care if the lines are not adequately defined? Let me read from the National Conference of State Legislatures Web site: ''IGTs can enhance a State's Federal match and thus bring additional funds to the State in two main ways. First, States can use county funds instead of State funds to generate a Federal match to support services provided by counties. Second, States can use IGTs to help it claim additional Federal funds based on upper payment limits. Under this model, a State can make payments to eligible public facilities using the rate Medicare pays for the same service, a rate that may exceed the State's standard Medicaid reimbursement rate. If it chooses to do so, a State then could use a portion of the new revenues generated—a share of the portion that remains after the standard Medicaid rate is paid for other goods or services.''

States speak openly about these payment schemes to maximize Federal dollars flowing to the States.

It is absolutely the worst thing we could do for the Medicaid Program to leave States without clear guidance on these types of payments.

We cannot simply walk away from this subject.

Now I would like to turn to the CMS regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I do not think the taxpayers are well served by the way Medicaid GME operates today.

If we simply make the regulation go away, what are the rules for States to follow?

There are five different methods States use in billing CMS, 11 States don't separate IME from GME, and CMS cannot say how much they are paying States for GME.

Let me quote from a CRS memo I submitted for the RECORD during the budget debate a few months ago: ''States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming Federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected State behavioral changes, for example.''

To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid.

That is because the States do not provide CMS with data on how much they pay in GME.

That is simply unacceptable.

You can disagree with the decision to cut off GME, but simply leaving the current disorderly and undefined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases I think the answer to that is yes.

I do think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid does not pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away allows States to bill Medicaid for school buses and for transportation on days when a child is not in school, we still have a problem.

It is also critical that Medicaid pay only for Medicaid services.

We all openly acknowledge the Federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: ''States, school districts, interest groups, and parents of children with disabilities often argue that the Federal government is not living up to its obligation to 'fully fund' Part B of the Individuals with Disabilities Education Act—IDEA, P.L. 108–446—the grants-to-States program.''

We can also acknowledge that just because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.

Again quoting from the CRS memo: ''It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.''

If a child is required to be in school under IDEA and receives a Medicaid service while in school, is the transportation of that child 100 percent Medicaid's responsibility?

We should define clear lines so that States know what is and is not Medicaid's responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly would argue that Medicaid paying for rehabilitation services is good for beneficiaries. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word ''rehabilitation'' means in the Medicaid Program.

Again quoting from the CRS memo: ''Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall.''

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: ''There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services.''

You can say the CMS regulation went too far, but that doesn't mean there isn't a problem out there.

As CRS notes, billing for rehabilitation services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005—DRA—relating to case management received a full review in the Finance Committee, along with Senate floor consideration and conference debate prior to enactment of the DRA. This regulation relates to a recently enacted statutory provision.

There is reason to believe that States have been using case management to supplement State spending. Some believe that States are shifting some of their child welfare costs to the Medicaid Program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration.

There are some who would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would support. Getting these children the proper services requires thoughtful review, planning and management, and I believe that Medicaid has an appropriate role in supporting these activities.

On the other hand, driving a child in foster care to a court appearance and billing the caseworker's time to Medicaid is not an activity that should be billed to Medicaid.

Certainly, the regulations are not perfect. The degree that CMS has gone to in specifying how case management should operate conflicts with the efficient operation of the benefit in certain respects.

But again let me quote from the CRS memo:

> Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program.

When CMS tried to come up with rules to increase accountability in case management, they had good reason to be trying to provide clarity and specificity for States.

Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for case management services between 1999 and 2005 grew by 105.7 percent. With spending growing that fast, we must make absolutely certain States understand how they should be billing CMS.

During the Appropriations Committee markup, a provision was added to delay implementation of an August 17, 2007, State Health Officials letter regarding the SCHIP program.

Simply put, the idea behind the policy is that States should have to show they are covering their poorest kids before they can expand to cover kids with higher incomes.

No matter how many technical issues people might have with the ability of CMS to implement the policy, I find it mind boggling that anyone would argue with the idea of covering poor kids first.

Poorer kids are generally sicker and in need of care. It is reasonable public policy to require States that want to cover higher income children to first demonstrate that they are doing a good job covering poor kids.

It is just common sense.

Earlier this month the administration issued further clarification on the August 17 directive. The purpose of this additional State Health Official letter is to respond to some of the concerns that have been raised by States looking to accommodate the August 17 directive.

Rather than work with the administration to find solutions—even after the administration made an effort to clarify the policy—this bill simply makes the policy go away.

This bill provides for $1.3 billion in savings to address the various policy provisions in the Finance Committee's jurisdiction.

I actually support the provisions that save money in this bill.

I have been working on the provision related to physician-owned hospitals for years.

But it is wrong to move it in this bill, and as much as I do support that provision, I must object to its inclusion here as well.

The provisions in this bill are scored by CBO as spending $1.7 billion. It is $1.7 billion because the regulations are delayed only until the end of March of next year.

I know supporters hope that the next administration will pull back and undo the regulations completely.

What would it cost if we tried to completely prevent these regulations from ever taking effect?

Not $1.7 billion that is for sure.

It would actually cost the taxpayers $17.8 billion over 5 years and $42.2 billion over 10 years.

It is an absolute farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

Instead of just making the regulations go away, the Finance Committee and the Energy and Commerce Committee should sit down with the administration and fix the problems with the regulations and address real problems in Medicaid.

That is what we should be doing for the taxpayers.

Secretary Leavitt states that the most pressing of regulations will not go into effect on May 25 as many have feared.

He has offered to sit down with us and work on these issues.

There is no cause for us to act today to block the implementation of these regulations while an offer to talk is on the table.

After the President vetoes this bill, I encourage my colleagues to drop these provisions and sit down with the administration to find real solutions.

Separately, I want to voice my concern over the inclusion of an authorization relating to imports of uranium from the Russian Federation.

The Finance Committee has not had an opportunity to examine this complex legislation and evaluate how it relates to our bilateral agreement with Russia concerning the disposition of highly enriched uranium extracted from nuclear weapons, and its potential impact on our bilateral agreement to suspend the antidumping investigation on uranium from the Russian Federation.

The Finance Committee is the committee of jurisdiction over international trade in the Senate, and circumvention of that jurisdiction has in the past led to significant trade disputes. I am disappointed that the Finance Committee was not fully engaged on this matter.

We were deprived of an opportunity to contribute expertise and provide input so that any potential consequences under our trade laws could be mitigated.

Perhaps my concern will prove unfounded in this case. But nevertheless, this manner of legislating does not serve our best interests and should be avoided in the future.

In conclusion, I oppose provisions that are the jurisdiction of the Finance Committee being considered in this bill.

Mr. VITTER. Mr. President, I rise today to talk about a very important provision to New Orleans in the supplemental and to thank the Senate Appropriations Committee members for their strong and continued support for Louisiana during the long and difficult posthurricane recovery process.

Included in the emergency supplemental bill before the Senate is $70 million for emergency funding for 3,000 rental subsidies, which will provide permanent supportive housing in Louisiana for its most at-risk residents. These are the individuals who normal housing assistance programs are most likely to fail or miss, or who are unable to take advantage of available assistance without extra support. They are the homeless, the elderly in need of additional outside care or supervision, and individuals with severe disabilities. For them, permanent supportive housing can mean the difference between being exposed to the streets or having a secure, stable home environment.

The permanent supportive housing funding is the final piece of a three-prong initiative in Louisiana to address the post-storm needs of its most at-risk population. Louisiana has already dedicated significant resources toward this project: Louisiana's Road Home recovery plan will provide the necessary supportive services funding for the first 5 years of the initiative and some capital funding and the State has already invested in 800 to 1,000 permanent supportive housing units through existing affordable housing programs. All that remains now before this initiative can become a successful reality is the rental subsidy funding, which would provide Louisiana with the 2,000 project-based voucher and 1,000 shelter plus care units that will finally bring the services and housing to the people that need it most.

However, without the $70 million in rental subsidy funding included in the supplemental, this important initiative will fail. This is an issue that transcends politics and party affiliation. It enjoys the bipartisan support of myself and Senator LANDRIEU, as well as the support of the Appropriations HUD subcommittee chair and ranking member, Senators MURRAY and BOND, and the committee leadership. The Louisiana House congressional delegation supports the funding and wrote the House appropriators to advocate for it. In fact, Louisiana's new Governor, Governor Jindal, signed that letter as a Congressman and has since written the House and Senate leadership last month urging its adoption.

As of the latest count last year, the homeless population in New Orleans had almost doubled to approximately 12,000 persons compared to the period prior to the storm. This is an opportunity to bring the most disadvantaged and at-need home. I urge Congress take this critical step of providing the necessary housing funding for this important Louisiana recovery initiative. And, I strongly urge my colleagues to support this funding in negotiations with the House of Representatives to ensure its inclusion in the final funding package.

Mrs. FEINSTEIN. Mr. President, simply put, I cannot vote for another $165 billion to give President Bush a blank check and fund the continuation of the war in Iraq, without condition, for over another year.

This is a difficult decision and not one I take lightly. But I believe that the time has come for Congress to exercise the power of the purse and bring this war to a conclusion.

I am a strong supporter of our troops in the field. They have done a tremendous job under difficult circumstances. They weren't greeted as liberators as Vice President CHENEY said they would be.

Instead, they found themselves targets in an internecine battle, whose roots go back hundreds of years. They found themselves in the crossfire between Sunni insurgents and Shia extremists. They've done everything asked of them, with the courage and dedication that we expect from our service men and women.

But President Bush has never provided an exit strategy for Iraq. He has never laid out a plan for bringing our troops home.

So, here we are more than 5 years after this war began. More than 4,000 troops killed. Tens of thousands injured. And no end in sight. $525 billion spent all designated as emergency spending and none of which is paid for simply added to our Nation's growing debt.

This is the first major war that has not been paid for, but instead has relied time and time again on emergency supplemental funds outside of the Federal budget.

I, along with many of my colleagues in the Senate, have voted again and again for a change of course to transition the mission. But the minority has obstructed the vote or President Bush has vetoed the bill each time we have tried.

So the power of the purse is the only tool we have to change the Iraq war. And it is time to bring this war to a conclusion after 5 long years.

The $165 billion supplemental funds the war for 1 year and 1 month, or until July 2009. This is all funded on the debt. I simply cannot agree to do it.

It would have been one thing if the supplemental had been to fund the war for an additional 6 months. But it is not. This means that the next administration essentially need not make any move or change until July 2009. This is simply not acceptable to me.

To me, it is a big mistake to have a supplemental this big because it simply means ''business as usual.'' And I don't believe we can be ''business as usual.''

On Tuesday, I questioned Secretary of Defense Robert Gates on the funding for this war. I told Secretary Gates that it is unclear to me why the passage of a $165 billion 2009 bridge fund is urgent at this time, particularly given that funding needs for next year are very much up in the air.

I told him that it is my understanding that if DOD transfers funding to the Army to meet its personnel and operational expenses, the Army could stretch its current funding quite far. And I asked how long the Army and Marine Corps could operate without the '09 bridge fund.

The Secretary said:

''The notion of having to borrow from the base budget in '09 to pay war costs . . . we probably could make it work for a number of months.'' And ''can we technically get thought some part of fiscal year 2009 without a supplemental? Probably so.''

So the other question that I have been grappling with is why should we provide 13 months of funding now? Where is the urgency to fund this war through July 2009? That is over a year away. It is simply not necessary to appropriate $165 billion for the Iraq war in a single day. This is almost twice the size of any previous supplemental the Senate has considered to date.

President Bush won't listen to the wishes of the majority of Congress and the American people. He has shown a complete unwillingness to evolve in the face of compelling evidence of the need for change.

After the fall elections, a new President will offer new ideas and policies, and at the top of the list should be a new plan for Iraq.

Congress should not, during this time of transition and great opportunity to seize the moment and change our war policy, allow the war to linger unaddressed for up to 7 months of the new administration.

Congress should not relinquish its constitutional right and obligation to use the power of the purse to require the next President to present a plan for Iraq one that includes the funding he or she will need to put that plan in motion.

So now, we are faced with another choice: Do we provide $100 billion through the end of this year and an additional $66 billion to take us through July 2009? Do we give the next President a pass and affirm that he or she does not have to change the mission or plan an exit strategy until the middle of next year?

I cannot support this.

Passing a year-long supplemental is an abandonment of the power of the purse, the greatest power that the Congress has. I believe that the time has come for the Senate to assert its will, and another year and a month of funding for this war is not the answer.

Mr. SPECTER. Mr. President, I seek recognition today in support of the domestic spending amendment to the fiscal year 2008 Military Construction, Veterans Affairs and Related Agencies bill, which is the underlying vehicle for fiscal year 2008 supplemental funding.

These appropriations include funding for programs vital for our Nation's welfare. With my long record of support for these programs, I could hardly reject supporting them now especially in the face of supporting significant additional funding for national defense. There must be some semblance of balance on military and domestic spending.

This legislation includes emergency unemployment compensation, UC, benefits for individuals who have exhausted all regular unemployment benefits after May 1, 2006. The UC program, funded by both Federal and State payroll taxes, pays benefits to covered workers who become involuntarily unemployed for economic reasons and meet State-established eligibility rules. These emergency UC benefits will provide a 13-week extension of unemployment benefits for those Americans in need of help.

Although America's economic growth has been positive during each of the past 25 quarters, between January and March 2008, payroll employment fell by some 160,000 and the unemployment rate rose to 5.1 percent in March of this year. Inflation has accelerated with the consumer price index rising to 3.9 percent for the 12 months ending in April 2008 compared with 2.5 percent during 2006 and 3.4 percent in 2005. With the increased costs of food and energy and loss of jobs in the United States, we need to offer assistance to those employees who have lost their jobs in order for them to provide for their families until they can find another job. I have consistently supported efforts to extend UC benefits to help our fellow Americans through difficult times. The Senate failed to extend UC benefits during consideration of the economic stimulus bill on February 6, 2008, despite my support. Therefore, I support this amendment recognizing the need to capitalize on the opportunity it provides for a much needed economic boost to those hard-working Americans hit hardest by the recent economic downturn.

Additionally, I support this amendment as it includes a much needed update to the GI bill of rights, which has not been revised for over 20 years. I joined 57 of my colleagues in sponsoring legislation that would provide a 4-year public university education for anyone who has served on active duty for at least 36 months since Sept. 11, 2001. This legislation would provide for this generation what the post-WWII GI bill provided for veterans of that global conflict. The current proposal is supported by the current chairmen of the Armed Services Committee and Veterans' Affairs Committee, as well as by a former chairman of the Armed Services Committee.

This reform is a real necessity. Regrettably we do not take care of our veterans as we should. We find that men and women are coming back now from Iraq and Afghanistan and the wonders of modern medicine have been able to keep people alive, but they have very serious disabilities. Many need a lot of counseling, have a lot of psychiatric problems and a lot of brain damage. Some young men and women coming back in their early twenties will require decades of care. General Colin Powell recently said, ''For someone coming back after serving in Iraq or Afghanistan for two or three or four tours of duty, they need to catch up quickly, and we need to help them.''

For those veterans ready to return to school, it is vital that they not be hindered with financial impediments to accessing higher education. It is a very sound economic approach to provide this education. The post-WWII program has been paid off many times over by producing men and women who have been very productive and paid more taxes. According to a recent editorial by Tom Ridge and Bob Kerrey, ''for every tax dollar spent on the World War II GI bill, our country received $7 in tax remittances from veterans whose careers benefitted from enhanced education.'' I agree with General Powell's statement that, ''America got that money back in spades.'' I think this is something we ought to do, most fundamentally to treat the veterans properly, but also for the future of the country. We would be well served by another generation of very well educated men and women; they deserve it, and it would help the country a great deal in the long run.

This amendment before the Senate contains $400 million for the National Institutes of Health, NIH. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society. I was very disappointed in the small increase NIH received in fiscal year 2008. In fiscal year 2009, I am asking for an increase of several billion dollars.

This amendment contains an additional $26 million for Centers for Disease Control and Prevention, CDC, to respond to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics. Funds would be used for research, education and outreach activities.

Further, I have consistently supported efforts to increase funding for the Low Income Home Energy Assistance Program, LIHEAP, as the ranking member of the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education. This amendment provides an additional $1 billion for fiscal year 2008 for this critical program. With the cost of energy continually increasing, it is essential that those on fixed incomes have assistance in making their home heating and cooling payments. This additional funding will bring the total level for fiscal year 2008 closer to the goal of the fully authorized level of $5 billion.

Paying heating and cooling bills for low-income households throughout this Nation has always been a struggle, but never more so than today with the soaring energy costs. The inability to pay for heating or having to make decisions to forgo other needs such as food and medicine pose health and safety hazards—especially to the elderly, the disabled and children. This winter, Americans, on average, spent $977 to heat their homes which is 10 percent higher than last winter. Nationwide average oil heating bills are expected to be 22 percent higher than in the previous year. I support this amendment

which will go a long way towards addressing the serious plight of those individuals facing a critical need for assistance during this energy crisis.

This amendment will also provide a moratorium on several Medicaid regulations. These Medicaid Programs are critical to providing healthcare to low-income individuals in Pennsylvania.

The moratorium prevents the elimination of school-based administrative and transportation programs and case management services for individuals with multiple health and social complications. This amendment will provide access for beneficiaries to rehabilitation services. Further, the moratorium would continue the payments to hospitals for graduate medical education funding, allowing Pennsylvania hospitals to train the physicians of tomorrow. These programs provide an important health safety net for disadvantaged children, seniors and parents that must be preserved.

This amendment would restore access to nominal drug pricing for selected health centers specifically those clinics based at colleges and universities whose primary purpose is to provide family planning services to students of that institution.

The domestic amendment also contains provisions that will decrease Federal spending. This includes the expansion of a demonstration project that verifies the assets held by Medicaid applicants. It saves federal dollars by preventing noneligible people from receiving Medicaid benefits inappropriately.

Additionally, this amendment would impose a 1-year moratorium on the August 17, 2007, directive by the Centers for Medicare and Medicaid Services. This directive changed Federal policy by prohibiting coverage of uninsured children under SCHIP if their family income is above 250 percent of the Federal poverty level or $42,400. This is of particular importance in Pennsylvania where the SCHIP program covers children in families up to 300 percent of the poverty level or $63,600.

For these reasons that I have outlined above—an extension of unemployment insurance benefits, enhanced benefits for our nation's veterans, and additional funding for LIHEAP, FDA, CDC and NIH where insufficient funding has been provided—I support the domestic spending amendment to the supplemental bill.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about a number of important provisions in this domestic funding amendment. I am delighted that this amendment passed the Senate by an overwhelming vote of 75–22, and I hope the House will pass it swiftly and overwhelmingly as well.

There are many provisions in this amendment that will meet many important needs we are facing as a country, but I would like to mention a few that are of particular note. First, the bill contains a total of $15 million to help reduce drug-related violence in the border region by aggressively stepping up efforts to prevent weapons from being smuggled into Mexico to arm drug cartels. Of this money, $5 million would be allocated for ATF to provide assistance to Mexican authorities in investigating weapons trafficking cases and $10 million would be set aside for ATF to enhance Project Gunrunner Teams in the southwest border States.

This funding is based on S. 2867, the Southwest Border Violence Reduction Act, which I recently introduced with Senator HUTCHISON. This measure is also cosponsored by Senators FEINSTEIN, KYL, DURBIN, and DOMENICI.

According to ATF, about 90 percent of the firearms recovered in Mexico come from the United States. These weapons are used by drug gangs to forcefully maintain control over trafficking routes and greatly undermine the ability of Mexico to fight drug traffickers. These violent groups use smuggled weapons to assassinate military and police officials, murder rival members of drug organizations, and kill civilians. In the Mexican state of Chihuahua, which shares a border with New Mexico, there have been over 200 killings since the beginning of 2008, an increase of about 100 percent over the previous year.

Violence perpetrated by international drug trafficking organizations impacts the well-being and safety of communities on both sides of the United States-Mexico border. I am pleased that additional resources are being allocated to target weapons trafficking networks and enhance international cooperation in investigating these cases.

The second provision I would like to discuss relates to assistance we are providing to local law enforcement situated along the southern border. The bill includes $90 million for a competitive grant program within DOJ to help local law enforcement along the southern border and other agencies located in areas impacted by drug trafficking. As the sponsor of the Border Law Enforcement Relief Act, I have been pressing for Congress to help border law enforcement agencies with the costs they incur in addressing criminal activity in the border region. I strongly believe this funding is greatly needed and I am glad the Congress is giving this issue the attention it deserves.

This bill also takes an important step forward in advancing our economic security by increasing funding for math and science education programs by $50 million. In America Competes, this Congress recognized that in order to ensure an educated and skilled workforce, we needed to strengthen math and science education. Accordingly, we significantly expanded math and science education programs at the National Science Foundation. I am particularly pleased to see an increase of $20 million in the Robert Noyce Scholarship program, which recruits and prepares talented students and professionals to become math and science teachers. The bill also contains an additional $24 million to support graduate study in STEM fields.

Further, earlier this year Senators DOMENICI, ALEXANDER, DORGAN, CORKER, FEINSTEIN, KENNEDY, SCHUMER and I wrote a letter to the Appropriations Committee requesting $250 million for the Department of Energy's Office of Science. This bill allocates some $900 million for agencies performing science, including $100 million for the DOE's Office of Science. In addition, it provides $400 million for the National Institutes of Health to keep its budget up with inflation and $200 million for NASA and their space flight mission. I am grateful to the committee for recognizing the importance of science and taking it into account in this supplemental appropriations bill.

In light of the ''silent tsunami'' of the food crisis in the developing world, I am pleased that the Senate version of the supplemental provides for approximately $1.2 billion in funding for food aid through fiscal year 2009. I am also pleased that USAID will reportedly announce a $45 million package in food aid for Haiti, of which $25 million will be distributed via the World Food Programme, at a press conference tomorrow morning.

However, I believe that more needs to be done for Haiti. According to Haitian President René Preval, Haiti needs $60 million in U.S. food aid assistance to avert famines over the next 6 months. Accordingly, I call upon USAID to allocate at least $60 million of the $1.2 billion food aid appropriation to Haiti.

Haiti is the poorest country in the Western Hemisphere, where approximately 76 percent of Haiti's population subsists on under $2 per day and 55 percent on under $1 per day. One in five Haitian children is malnourished. We must address these challenges, partly for reasons of preserving stability in the Caribbean, and partly to provide an alternative to emigrating to the United States, but mostly because it is the right thing to do.

I am also pleased that the supplemental provides for $100 million of assistance for Central America, Haiti, and the Dominican Republic to support the Mérida Initiative in those regions and countries. In particular, I am pleased that the Senate version of the supplemental set aside $5 million of this money to combat drug trafficking and for anticorruption and rule of law activities in Haiti. This amount doubled the $2.5 million called for in the House version.

Last year, when the Drug Enforcement Agency stationed two helicopters in Haiti on a temporary basis, the level of cocaine shipments transiting the country by air and sea declined significantly. This decline resulted in lower levels of corruption in Haiti and less cocaine reaching the United States. I hope that today's $5 million in funding for Haiti will replicate these successes,

and I call upon the DEA to use a portion of these funds to increase interdiction capability in Haiti by placing helicopters there on a more sustained basis.

Finally, I would also like to voice my strong support for provisions within this legislation to block attempts by the Bush administration to reduce health care access for low-income children, seniors, and others. In the last year and a half the Bush administration has aggressively attempted to shrink the Federal Medicaid program by reducing the ability of States to provide Medicaid coverage to their most vulnerable populations. These actions have been taken under the ruse of ''fraud and abuse'' reforms but we should be clear about what they really are, an attempt to reduce Federal expenses on the backs of poor Americans. At a time when we are spending approximately $12 billion a month on the war, that is about $5,000 a second, and at a time when so many Americans are facing economic hardship and will be depending on low-income programs, it is unconscionable that the Bush administration is attacking the poorest among us—all in a weak attempt at appearing fiscally responsible.

These programs are critical to many low-income patients and safety-net providers in my home State of New Mexico and across the Nation. For example, the most significant of the administration's proposals would devastate New Mexico's Sole Community Provider Fund, which plays a critical role in ensuring New Mexicans in rural areas of the State have access to lifesaving hospital services and funds programs for uninsured New Mexicans. It also would cause the University of New Mexico Hospital and other New Mexico institutions to lose millions of dollars for the care they provide to our low-income residents. It is important to note this is not a partisan issue. I have worked for the last year and a half to block this specific proposal including introducing legislation with Senator DOLE, S. 2460. Seventy-four members of the Senate, Democrats and Republicans alike, have gone on record opposing this Bush proposal. We were successful in blocking it last year and I am very pleased that we are acting to block it for an additional year.

Sadly, the Bush administration's proposals don't end there. The White House also would undermine the ability of schools to help enroll children in Medicaid and coordinate their health care services. The administration would also cut rehabilitation services provided to people with disabilities, especially those with mental illness and intellectual disabilities; cut case management services for the elderly, children in foster care and people with disabilities; reduce specialized medical transportation services for children; and severely limit Medicaid payments for outpatient hospital services. Finally, the administration also is attempting to severely limit States' abilities to expand enrollment of children in the State Children's Health Insurance Program or SCHIP.

Taken together the Bush administration's efforts would cost my State approximately $180 million this year in Federal low-income support and much more in subsequent years. The Nation's Governors oppose the Bush administrations efforts, as do State Medicaid directors, State legislators, and the National Association of Counties. More than 2,000 national and local groups—such as the American Hospital Association, the American Federation of Teachers, and the March of Dimes—also oppose these efforts. They know the devastating effect these rules would have on local communities, their hospitals, and vulnerable beneficiaries.

Mr. BIDEN. Mr. President, today we are voting on funding our troops on the front lines. We can disagree about whether we should be in Iraq at all and we can disagree with the President's failed policies, but as long as Americans are in harm's way, we need to give them the best possible protection this country has. To me, that is a sacred obligation. In terms of protection, there are a lot of reasons to vote for this funding—it provides $2 billion to fight deadly improvised explosive devices, it funds 25 C–130s to replace planes worn out by nonstop use moving people and supplies around the war zone, it gives more assets to families, it funds much needed military health care, and it provides $1.7 billion for Mine Resistant Ambush Protected vehicles. That is a good thing.

Now in our fifth year of the Iraq war and the seventh year of the war in Afghanistan, it often seems that good news is hard to come by. But sometimes good things do happen here on the Senate floor. Sometimes we are able to profoundly improve the odds for American men and women fighting in those wars. For my colleagues, I would like to review one good story.

For me, this story begins in the summer of 2006 on one of my trips to Iraq. A Marine commander in Fallujah showed me a new vehicle they were using called a Buffalo. He told me that these Buffalos were saving lives and that they needed more of them. I was impressed. This Buffalo was a huge vehicle with a large claw arm, high off the ground, with a v-shaped undercarriage. I found out later that it was the largest of a group of vehicles called Mine Resistant Ambush Protected vehicles, or MRAPs.

So, when the next wartime funding bill came to the Senate, I looked into what was going on with these MRAPs. The most important thing that I found out was that military experts were starting to say that MRAPs could reduce casualties from improvised explosive devices, those roadside bombs also called IEDs, by two-thirds. At that time, 70 percent of all the casualties suffered by Americans were caused by IEDs. So even if MRAPs only worked half as well as the military claimed, they would have a tremendous effect reducing deaths and injuries.

In a March 1, 2007, memo to the Chairman of the Joint Chiefs of Staff, General Conway, the Commandant of the Marine Corps, emphasized the importance of the MRAPs, saying, ''The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. Multi-National Force—West estimates that the use of the MRAP could reduce the casualties in vehicles due to IED attack by as much as 70 percent.'' He ended by saying, ''Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.'' Later that month, in testimony to Congress, General Conway told us that the likelihood for survival in Iraq was four to five times greater in an MRAP.

Two weeks after that memo was written, then Chief of Staff of the Army, General Schoomaker told the Committee on Appropriations of the funding shortfalls for MRAP procurement. I will be honest here. I was genuinely surprised. It was clear to me that this vehicle was essential and needed to be fielded as quickly as possible. I could not understand why funding was not already in the supplemental.

I looked into it and found out that in fiscal year 2006 and in the bridge fund for fiscal year 2007, there was a total of $1.354 million for MRAPs, but much more was needed because this was a new vehicle. Only one company was making MRAPs then, and the military was only ordering small amounts of them.

In February 2007 the military ordered and received 10 MRAPs. That is it. It became clear to me that we needed to do more to push this process.

The Marine Corps was running the program for all of the services. They told me that one issue was that the requirements in the field had changed dramatically—it started with a request for 185 in May of 2006, then another 1,000 were requested in July, the total went to 4,060 in November and to 6,728 in early February of 2007. By March, the total need was thought to be 7,774 MRAPs for all four services. The plan at the time was to spend $8.4 billion to build those 7,774 MRAPs—$2.3 billion in fiscal year 2007 and $6.1 billion in fiscal year 2008. The administration, however, had not asked for $2.3 billion. Despite this, my colleagues on the Appropriations Committee put $2.5 billion in their bill because they saw the need.

The Marine Corps believed that even that plan was not aggressive enough and that production could be accelerated if more funding was moved to fiscal year 2007. So I asked my colleagues to join me in adding another $1.5 billion to the wartime funding bill to produce and field 2,500 more MRAPs by December of 2007. I felt very strongly that we had to accelerate things. Some of you may remember that I came to the Senate floor in a tuxedo, to explain

how vital the funding was the night before the vote.

On March 29, 2007, we spoke as one. The vote was 98 to 0 to add the $1.5 billion and give the MRAP program a total of $4 billion. This Senate should be congratulated for that decision.

We stood up and said, ''We can do better.'' We also made clear our agreement with General Conway, who called this effort ''a moral imperative.''

I know that some had doubts. They were concerned that the vehicles had not been adequately tested and that producers simply could not expand production lines quickly enough. But in the end we all agreed that we had to take a chance on American industry because our kids' lives were at stake.

When the bill went into conference, some of our colleagues in the House had not yet realized how critical this was and what a difference early funding could make to the production schedule. So, the total in the final bill sent to the President in late May was reduced to $3.055 billion. The additional funds were important, but equally important was the interest that the debate sparked in the press.

Secretary Gates has said that he first heard about the MRAP program after reading a USA Today article. After which, on May 2, he made the MRAP program the Pentagon's top acquisition priority. On June 1, he gave the program a DX rating, giving it priority for the acquisition of critical items like steel and tires that multiple military programs need. He also established the MRAP Task Force to work on any issues that might delay MRAP production.

Despite Secretary Gates's clear understanding of the need for MRAPs, the fiscal year 2008 wartime funding request from the administration was only for $441 million. Four point one billion was needed just to produce the 7,774 MRAPs. So, on May 17, I formally asked the Armed Services Committee and the Appropriations Committee to provide the $4.1 billion needed. Again, to my colleagues' credit, 17 others joined those requests and both Committees responded with the $4.1 billion needed in the bills they presented to the Senate.

At almost the same time, we began to hear that the requirements in Iraq had grown again. GEN Raymond Odierno, commander of Multi-National Forces—Iraq, indicated that he wanted to replace all of the Army humvees in Iraq with MRAPS. That would mean the Army alone would need close to 17,700 MRAPs. The plan that we had been trying to fund included only 2,500 MRAPs for the Army. That now appeared to be 15,200 too few.

Given that MRAPs cost approximately $1 million per vehicle, that also meant that at least $15.2 billion more would be needed. We were now looking at a total price tag of over $23 billion for MRAPs, making the MRAP program the third most expensive in the entire defense budget.

It was clear to me, and to many colleagues here, that more needed to be done. Despite Secretary Gates's commitment to expedite production, there still seemed to be a lack of urgency in the administration and plenty of people were still saying that more MRAPs simply could not be produced quickly. So on May 23 I called on the President to personally engage so that the Nation could meet the needs of our men and women under fire.

I am sorry to say that we did not see the President engage. To this day, we must wonder how much faster we could have moved if he had.

Instead, in early July, the Army finally said publicly that they needed approximately 17,700 total MRAPs. The Joint Requirement Oversight Council, however, did not immediately approve that change. So, Congress was once again left knowing that the needs in Iraq were growing but not having a clear number or plan to meet the needs.

In speeches I made last year, I talked about some of the tensions within the military that slowed down the MRAP program, so I won't go into those details today. For now I will only quote Secretary Gates's analysis from May 13 of this year: ''In fact, the expense of the vehicles . . . may have been seen as competing with the funding for future weapons programs with strong constituencies inside and outside the Pentagon.''

Despite the frustration of not having a clear plan, some things were going well. The funding we had added to the supplemental combined with the hard work of the MRAP Task Force and MRAP program management team was making a difference. The Pentagon saw clear increases in production capacity and was ready to try to move faster. I told you that in February 10 MRAPs had been produced. In July, that number was up to 161—an amazing increase but clearly nothing close to the level needed to meet the requirement. The Pentagon asked Congress to approve moving $1.165 billion from other military programs to the MRAP program to try to keep growing the production. Congress agreed.

In July, I introduced an amendment to the Defense authorization bill to provide all of the funding that would be needed to get the Army 17,700 MRAPs and to deal with increased costs for the original 7,774 MRAPs that the committees had funded. I was also concerned that we were not moving fast enough to provide protection from explosively formed penetrators, EFPs, so I included funds for that work as well. The total amendment was for $25 billion, which included $23.6 billion for 15,200 MRAPs, $1 billion for cost increases, and $400 million for additional EFP protection. My goal at the time was very simple: to make absolutely clear to the Pentagon and to MRAP producers that Congress would provide all of the funding needed for MRAPs, up front and without delay, so that we could get these lifesaving vehicles to the front lines as quickly as possible.

That bill got delayed, but in the end, there was unanimous approval on September 27 for my amendment adding $23.6 billion to purchase 15,200 more MRAPs. The final bill, passed by the Senate on October 1, also raised the basic amount from $4.1 billion to $5.783 billion to address the increased costs for the 7,774 MRAPs already planned.

Three weeks later, October 23, the administration finally came to Congress and asked for $11 billion for 7,274 additional MRAPs for the Army. This officially made 15,374 the total request for all services and was approximately 8,000 MRAPs less than the Army appeared to need. However, at that time, Army leaders were telling us that they believed it was important to get MRAPs into the field and see how well they worked before committing to the much larger number. Concerned about this, I went to the floor again when it was time to debate the Defense appropriations bill. Mr. President, $11.6 billion was included for MRAPs, and Senator INOUYE promised on the Senate floor to closely monitor the Army needs and he personally guaranteed that if those additional vehicles were needed, they would be funded.

By this time, production was truly ramping up. In October, 453 MRAPs were produced. By November we were up to 842, and by December we were at 1,189 MRAPs. That means we got a total of 3,355 MRAPs produced in 2007 even though in February, industry could only make 10 per month. In the span of 18 months, this program went from trying to meet a requirement for 185 MRAPs to meeting the requirement for 15,374 MRAPs. This Senate stepped up and said we will meet the need. We provided over $22.4 billion to give industry the ability to ramp up their production ability.

When I argued in March that we could deliver close to 8,000 MRAPs to Iraq by February of 2008, some said it was impossible. We came close. Five thousand seven hundred and twelve MRAPs had been produced by the end of February.

As of this week, just under 8,300 MRAPs have been produced. More important, 4,664 are fielded and in the hands of front line forces in Iraq and 456 are fielded in Afghanistan. The rest are on the way, and we are producing well over 1,000 per month.

Let me go back to where we started. Something profoundly good happened on this Senate floor last year. Last year, we made it clear that we would provide the best possible protection to our troops. We recognized that this was a matter of honor and a matter of life and death. The results have been phenomenal.

Secretary Gates said last Tuesday, ''MRAPs have performed. There have been 150-plus attacks so far on MRAPs and all but six soldiers have survived. The casualty rate is one-third that of a humvee, less than half that of an

Abrams tank. These vehicles are saving lives.''

MG Rick Lynch, commander of Multi-National Division—Central, which operates south of Baghdad, told USA Today just over a month ago, ''The MRAPs, in addition to increasing the survivability of our soldiers from underbelly attacks, also have improved force protection for EFP attacks as well. So I've had EFPs hit my MRAPs and the soldiers inside, in general terms, are OK.'' He also pointed out that he had lost 140 soldiers, many in up-armored HMMWVs or Bradleys hit by IEDs and said, ''Those same kind of attacks against MRAPs allow my soldiers to survive. I'm convinced of that.''

And soldiers know it. On April 4, the Atlanta Journal-Constitution quoted SSG Jamie Linen of the 3rd Infantry Division talking about using MRAPs in the Baghdad area. He said, ''It is the one vehicle that gives us the confidence to go out there. Nothing is invincible here. You got tanks with three feet of armor getting blown up. But the MRAPs give us a sense of security.''

MRAPs have not only saved hundreds of lives, they have also saved limbs. The additional protection MRAPs provide usually means that injuries are less severe and complicated. That means more soldiers, airmen, sailors, and marines coming home and able to return to the lives they left behind. There is really no price too high to get this result, so again, I want to congratulate this Senate. What we did last year to support the MRAP program was not all that had to be done—the program managers and producers also had to do their part—but it was essential, and today, every day, it is literally saving American lives. What we did today continues that effort.

We have no higher obligation than to give those fighting for us the best possible protection. It is a sacred duty. Today and last year, with the MRAP, we fulfilled that duty, and I congratulate my colleagues.

• Mr. McCAIN. Mr. President, before us today is a supplemental appropriations bill that would provide vital funding for the men and women fighting valiantly on our behalf abroad. Yet instead of acting on the needs of our military in an expeditious and efficient manner, we find ourselves considering a bloated bill, loaded down with extraneous provisions unrelated to the ongoing conflicts in Iraq and Afghanistan. Sadly, this has become an unfortunate and reoccurring trend in recent years.

Congress has an obligation to provide our servicemen and women with the resources they need to fulfill their mission. Yet we have, once again, chosen to abrogate our duties and use this bill as a vehicle to fund various domestic projects that were not requested by the President, nor are they authorized, and have not been handled through the appropriate legislative process.

The President has already stated his intention to veto this measure if it arrives at his desk in its current form. Rather than demonstrating true bipartisanship and working together to produce a bill that meets the needs of our military and one that has the potential of becoming law, the Senate intends to pass a bill will be passed that is sure to be met swiftly by the President's veto pen, unnecessarily prolonging the delay in funding our troops.

Let us not underestimate the necessity of providing this funding to our military promptly and the consequences of delaying such payment. In a recent letter to Congress, Under Secretary of Defense Gordon England stated in no uncertain terms that if this funding is not provided, ''the Army will run out of Military Personnel funds by mid-June and Operation and Maintenance (O&M) funds by early July.'' In order to deal with these depleted accounts, the Department of Defense—DoD—would be required to borrow funds from other service branch accounts, hampering ongoing DoD activities around the globe. Under Secretary England goes on to state in his letter that by late July, the entire Department will have ''exhausted all avenues of funding and will be unable to make payroll for both military and civilian personnel . . . including those engaged in Iraq and Afghanistan.'' Let us understand what this means. If this appropriations measure is not enacted in a timely manner, thousands upon thousands of men and women in uniform will stop receiving a paycheck and our ability to conduct operations throughout the world will be severely restricted.

When we should be working together to produce a clean bill that provides our servicemen and women with the vital resources they need to fulfill their duties, we have instead reverted to the same old Washington habit of loading spending bills with billions of dollars going to unrequested, nonemergency projects. Examples include: $75 million not requested by the administration for expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulation on commercial fishing industries. This comes after Congress appropriated $128 million in 2005 for commercial fishery failures, $170 million in 2007 and included an additional $170 million in the Farm bill. Since 2005, Congress has provided almost $300 million for commercial fisheries disasters not including the $75 million in this supplemental and the proposed $170 million from the Farm bill. Additionally, questions remain by some commercial fishermen if this funding can be used to offset high gas prices which may be considered a disaster. The disaster here is that the American public isn't receiving any assistance on high gas prices.

Other examples are: $10 million not requested by the administration for Educational and Cultural Exchange programs; $75 million not requested by the administration for rehabilitation and restoration of Federal lands; more than $451 million not requested by the administration for emergency highway projects for disasters that occurred as far back as Fiscal Year 2005; $210 million not requested by the administration for the decennial census and $3.6 billion for 15 Air Force C–17 cargo aircraft. We have looked to the administration to inform Congressional budgetary decisions and the Department of Defense has been quite clear regarding the purchase of more of these cargo aircraft—they do not want them, because there is no military ''requirement'' for them and buying more C–17s is contrary to the Pentagon's current budget plan. DOD Secretary Gates, the DOD Deputy Secretary, and the Department's top acquisition official have all stated that additional C–17s were not necessary. Yet the Air Force continues to appeal to the parochial interests of Members of Congress, and once again the taxpayers find themselves on the wrong end of a bad decision. I am troubled by the Air Force's apparent disregard for proper acquisition policy, practice and procedure and seeming eagerness to further contractors' interests. As evidence of this, the Department of Defense Inspector General has an open investigation regarding how senior Air Force officials may have inappropriately solicited new orders for C–17s contrary to the orders of the President and the Secretary of Defense.

While I do not doubt the importance some may see in the various provisions included in the underlying bill, I strongly disagree with their inclusion in a war supplemental funding bill. Instead of attempting to hijack this vital legislation, the authors of these extraneous provisions should pursue their objectives through the normal legislative process and as part of appropriate authorizing and spending vehicles.

I also want to express my concerns about the authorizing legislation included in this emergency supplemental regarding veterans' educations benefits, commonly referred to as the Webb bill. There have been a lot of misrepresentations made about my position on this issue—not only on the Senate floor by the majority leader, who has alleged that I think the Webb bill is ''too generous,'' which is absolutely false, but most recently in an ad by VoteVets.org, which offers a complete misrepresentation of the facts and is a disservice to our Nation's veterans. I will once again attempt to set the record straight.

I believe America has an obligation to provide unwavering support to our veterans, active duty servicemembers, Guard and Reserves. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible and in a manner that not only promotes recruitment efforts, but also promotes retention of servicemembers. I would

think we could have near unanimous support for such legislation and I am confident that we will reach that point in the days ahead. But adding a $52 billion mandatory spending program to this war funding bill without any opportunity for amendments to improve the measure is not the way to move legislation nor will it expedite reaching an agreement in an efficient manner. Our vets deserve better than this.

On numerous occasions I have commended Senators WEBB, HAGEL and WARNER for their work to bring this issue to the forefront of the Senate's attention. Their effort has been for a worthy cause, but that does not make it a perfect bill, nor should it be considered the only approach that best meets the education needs of veterans and servicemembers. In fact, the Congressional Budget Office estimates that if their bill is passed, it will harm retention rates by nearly 20 percent. That is the last thing we need when our Nation is fighting the war on terror on two fronts.

Senators GRAHAM, BURR and I, along with 19 others, have a different approach, one that builds on the existing Montgomery GI Bill to ensure rapid implementation of increased benefits. And, unlike S. 22, we think a revitalized program should focus on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

We need to take action to encourage continued service in the military and we can do that by granting a higher education benefit for longer service. And, we need to provide a meaningful, unquestionable transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. S. 22, unfortunately, does not allow transferability. As a matter of fact, 2 days ago, Senators WEBB and WARNER agreed that transferability is a serious matter that merited change. What they proposed, however, does not go far enough and would only provide for a 2-year pilot program. Their efforts underscore the need for debate and further discussion on this important issue. But I applaud them for acknowledging the Congress needs to take a proactive stance and allow transferability of earned education benefits to a spouse or children.

We cannot allow this important issue to be hijacked by the anti-war crusade funded by groups like MoveOn.org and VetsVote.org who are running ads saying that that I do not ''respect their service.'' The accusation is wrong, they know that it is, and they should be ashamed of what they are doing to all veterans and servicemembers. I respect every man and woman who have been or are currently in uniform.

It is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign and as soon as possible. Such legislation should address the reality of the All Volunteer Force and ensure that we pass a bill that does not induce servicemen and women to leave the military; but instead bolsters retention so that the services may retain quality servicemen and women. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

As we move forward with consideration of this supplemental appropriations legislation, we must remember to whom we owe our allegiance—the soldiers, sailors, airmen and marines fighting bravely on our behalf abroad. These brave Americans need this appropriation to carry out their vital work, and we should have provided it to them months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. Unfortunately, it seems we have failed to live up to this obligation today, instead producing a bill fraught with wasteful spending more attuned to political interests instead of the interests of our military men and women.●

Mr. CARDIN. Mr. President, we are here today—after more than 5 years, 4,000 American lives lost, 30,000 wounded, and nearly $600 billion spent—to discuss funding for the wars in Iraq and Afghanistan.

I have always believed invading Iraq was a mistake. I voted against granting our President that authority in 2002. I have opposed, from the beginning the way this administration carried out that effort once begun. Last year, when the 2007 emergency supplemental appropriations bill came before the Senate, I, along with a majority of my colleagues, passed a bill that would have brought our troops home. The President chose to veto that bill. If he had signed it, most of our troops would be home today.

Instead, we now have more troops in Iraq than we did more than 5 years ago when President Bush declared our mission accomplished. The grave costs of his aimless strategy continue to plague us both at home and abroad.

Former President John F. Kennedy said, ''To govern is to choose.'' President Bush has repeatedly chosen to pursue his war in Iraq, despite its costs to our nation. After voters sent an overwhelming message that they wanted a different direction, President Bush charged full steam ahead. In his ''New Way Forward'' speech on January 10, 2007, President Bush announced his decision to place more troops in Iraq.

But even the President recognized, and I quote, ''A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi government to the benchmarks it has announced.'' ''America's commitment,'' he said, ''is not open-ended.''

As General Petraeus stated in a March Washington Post interview, ''no one'' in the U.S. and Iraqi Governments ''feels that there has been sufficient progress by any means in the area of national reconciliation,'' or in the provision of basic public services. And, in fact, only 3 of the 18 benchmarks the Iraqi Government and our Government agreed were important have been fully accomplished.

President Bush, however, has not held the Iraqi Government accountable for its failures as he promised. Instead, he has asked for over $170 billion to stay the present course: arming opposing militias, meddling in intra-Shi'a violence, and tinkering around the edges of the growing refugee crisis. The President wants money for his war, but says he will veto any conditions on those funds or any additional funds this Congress offers for the other urgent needs that face our Nation's troops, our Nation's families, and our Nation's economy.

To govern is to choose. I believe it is past time for a more comprehensive strategy in Iraq under which our current, unsustainable military presence evolves into a longer term diplomatic role. I believe it is past time to hold President Bush to his promise that American support to the Iraqi Government is not open ended.

So I will vote against providing any additional funds for this war until we have a new mission for our Armed Forces. I will also vote against a provision that merely suggests a new mission for United States forces in Iraq. The time for suggestions, pleas, and protests has passed. The President has demonstrated that these fall on deaf ears.

Because our troops remain mired in an Iraqi civil war, we as a nation remain distracted from efforts to combat terrorists and extremists in Afghanistan and Pakistan where they pose the greatest threat. We have stretched our military too thin. We have pushed our troops too far. Beyond the priceless cost in life and limb, the nearly $600 billion and counting we have spent in Iraq has kept us from rebuilding the gulf coast, improving our infrastructure, fixing our schools, and providing quality health care for all.

So far, Maryland has paid over $10 billion for the war in Iraq. With just that share of the cost of the war we could have:

Provided over 2 million people with health care;

Powered over 9 million homes with energy from renewable sources;

Put over 200,000 new public safety officers on the street;

Given over 1 million students scholarships to university; or

Allowed over 1 million children a brighter beginning in Head Start.

To govern is to choose. I am proud to vote for provisions, above and beyond the President's request, that will provide additional funds for barracks improvements, restore $1.2 billion in BRAC military construction funding, and provide nearly $440 million to construct world class VA polytrauma centers.

I am especially pleased to vote to provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. President Bush and some of my colleagues say the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. That is an opportunity we owe veterans who this administration has asked to serve extended and repeated combat tours. A new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

I believe that the Iraqi refugee crisis, international disasters in China and Myanmar as well as an international food crisis require bold action by our government. I am proud to support significant additional aid to Jordan who has accepted hundreds of thousands of Iraqi refugees, as well as disaster assistance and global food aid above and beyond the President's request.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. I find it unbelievable that the President would threaten to veto emergency assistance for Americans in crisis.

So I am happy that this Senate has ignored the President's veto threats and I support provisions that extend unemployment benefits by 13 weeks for all the nation's workers and by an additional 13 weeks in those States with the highest unemployment rates. Extending unemployment benefits helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent on benefits leads to $1.64 in economic growth.

The bill extends a freeze on seven Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for Marylanders and Americans all around the country. This bill also makes critical investments in our infrastructure including roads, dams, and levees; increases energy assistance by $1 billion to low-income Americans facing skyrocketing fuel prices; and provides commercial fishery disaster assistance that could help Maryland's watermen.

These are only a few of the critical investments this bill makes in our Nation. With this emergency supplemental legislation, we chose to address many of the most pressing issues of our time.

Mr. REID. Mr. President, 64 years ago, President Franklin Roosevelt signed legislation that would change the course of American history and greatly enrich the lives of millions of our country's finest minds and bravest souls. That day, President Roosevelt said that the bill ''Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down.''

Since 1944, nearly 8 million veterans have benefitted from the GI bill. Nearly 8 million men and women, home from war, provided with the opportunity to advance their education, get better jobs, and afford a brighter future for themselves and their families. Among them, seven now serve in the United States Senate: DAN AKAKA graduated from the University of Hawaii, CHUCK HAGEL graduated from the University of Nebraska at Omaha, DAN INOUYE graduated from the University of Hawaii and George Washington Law School, FRANK LAUTENBERG graduated from Columbia University, TED STEVENS graduated from UCLA and Harvard Law School, JOHN WARNER graduated from Washington and Lee and the University of Virginia Law School, and JIM WEBB, a Naval Academy alumnus, graduated from Georgetown Law School.

There is no doubt that if you ask any of these seven distinguished Americans, they would tell you that along with hard work, the GI bill was a major reason for their success.

The 8 million veterans on the GI bill became an army of prosperity here at home. They became doctors, teachers, scientists, architects, and, like the seven I mentioned, public servants. They saved lives, built cities, enriched young minds and expanded the opportunities available to a new generation of Americans.

Every dollar invested in the GI bill by the Government returns $7 to our economy—and the returns on our cultural prosperity are impossible to calculate.

In his time, President Roosevelt promised to never let our troops down. Now it is our time to do the same. The new GI bill, sponsored by Senator WEBB and cosponsored by nearly 60 Senators, Democrats and Republicans alike, does just that. It increases educational benefits to all members of the military who have served on active duty since September 11, including reservists and National Guard and it covers college expenses to match the full cost of an in-state public school, plus books and a monthly stipend for housing. This is a bipartisan accomplishment we can all be proud to support.

A small minority of voices in the Bush administration oppose it on the faulty logic that it would decrease retention rates. On the contrary, there is every reason to believe that it would increase recruitment rates.

I urge all of my colleagues to support this crucial bipartisan bill—supported by those among us who have served and understand the military best.

Democrats are committed to honoring our troops in deeds and not just words. This call should be a cause for all of us. Passing this new GI bill will send that message loud and clear.

Once this GI bill reaches the President's desk, I urge him to do the right thing for our troops and veterans by quickly signing it into law.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. BROWN). The Democratic side has 8 minutes 45 seconds remaining; the Republican side has 27½ minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the remaining time on our side be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we had understood that there was a Senator or two on our side who wanted to be recognized before we go to a vote on this issue. But pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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, I ask unanimous consent that the Senator from Mississippi yield me 4 minutes off the bill.

Mr. COCHRAN. I am happy to yield the distinguished Senator 4 minutes off the time allotted to the Republicans.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I rise to speak about one specific element of the next four votes which has been come to be known as the Webb GI bill; a sincere attempt and a positive effort to try address to the issue of updating the GI benefits.

I regret that that bill is being brought up in isolation and is not being juxtaposed with the Graham-Burr-McCain bill which also does the same thing, only does it in a much better way. I strongly support the Graham-Burr approach, which does not undermine retention while expanding benefits, the GI benefits to veterans.

The problem with the Webb bill, as the Secretary of Defense has said, and

senior leadership in the military have said, is the bill will undermine our ability to retain personnel in the military. That has also been the conclusion of CRS. The reason is because it has such a high incentive for people to leave the military after their first tour of duty in the military in order to take advantage of the educational benefits.

The Graham bill, on the other hand, takes a different approach. It gives even more generous benefits, in many ways, especially to the families of GIs, people serving in the military, but at the same time it increases those benefits with the more years you serve.

So the benefits go from $1,500 after 3 years of service, up to $2,000 after 12 years of service, and the ability to take those benefits and give them to your children or to your spouse is also authorized in the Graham bill, which does not occur in the Webb bill.

That seems to me to be proper approach here. We do not want to undermine retention as we address the issue of improving benefits for people who serve in the military for us. This does not seem to me to be rocket science. It seems to me we should be able to get these two bills together, merge them in a way that produces this sort of a positive response where we significantly expand the benefit to people who have served us, for the ability to get educational benefits after they leave the service but at the same time do it in a way that does not undermine the capacity of the military to retain quality people.

When the Secretary of Defense says this is going to cost us quality people, he is talking about national defense. These are the folks who have been trained to have the skills, who are extraordinary professionals whom we want to encourage to stay in the military. We do not want to create a system where we actually encourage them to leave the military.

The Graham-Burr bill takes the approach of encouraging these folks to stay in the military and allow the benefits to accrue and grow so they can use them or their family members can use them. Thus, I think that is a much more positive and appropriate approach. So setting up the Webb bill as a freestanding vote without any amendments—that is the structure we have got here on the floor, no amendments to the Webb bill; it hasn't gone through committee, it has not gone through regular order, it is being brought to the floor to make a political statement—basically is not constructive to getting the best product and the best benefits for our GIs, and also the best bill to make sure we have the strong and vibrant military in order to defend ourselves and have a strong national defense.

Regrettably I have to vote against the Webb bill until we can get it in a posture where it addresses the issue of retention, where it addresses the issues raised by the Secretary of Defense, raised by the military leaders who work for the Defense Department, and raised by our own congressional study groups. Hopefully we can step back from this issue and do it right and do it in a cooperative way that will actually accomplish the goals which we all want, which is to significantly extend and expand benefits for education to people who serve us in the military, and at the same time encourage retention, at the same time allow these benefits to be passed down to the children of the persons serving us if that is their choice.

I wanted to make that point clear prior to this vote. I appreciate the courtesy of the Senator from Mississippi.

I yield back to the Senator from Mississippi any time I have. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent that 5 minutes be allocated to the chairman of the Appropriations Committee, Senator BYRD, and that the time be added to the base time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President pro tempore is recognized.

Mr. BYRD. Mr. President, last week the Senate Appropriations Committee met for 3½ hours and reported responsible legislation that supports the troops, sets a goal for reducing the scope of the mission in Iraq, honors our veterans, and helps Americans to cope with a sagging economy.

The bill includes $10 billion of domestic funding not requested by the President, less than what the President spends in Iraq in 1 month. Yet the President has threatened to veto the bill if it is one thin dime—one thin dime—over his, the President's—your President, my President, our President—request. He wants this Congress to approve another $5.6 billion—that is $5.60 for every minute since Jesus Christ was born—to rebuild Iraq. Yes, he wants this Congress to approve another $5.6 billion to rebuild Iraq, despite the fact that Iraq has huge—I mean huge—surpluses from excess oil revenues. He wants funding for Mexico. He wants funding for Central America. But the President says he will veto the bill if we add funding for bridges in Birmingham or for help with the high cost of energy bills in Maine or to fight crime in U.S. towns and cities or to aid Katrina victims.

Just yesterday the Director of the Office of Management and Budget repeated the silly assertion that by taking care of America, we hold funding for the troops hostage. This is pure—I am sorry to say, something like horse manure—nonsense. Our legislation includes funds that the President did not request for health care for our troops, for Guard and Reserve equipment, for building and repairing barracks, and for training the Afghans to fight for their own security.

In the amendment on which we are about to vote, we honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina. We roll back Medicaid regulations that our Nation's Governors believe disrupt health coverage for our most vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the Global Food Aid Program. We also provide humanitarian relief to disaster victims in China, Bangladesh, and in Burma.

This amendment includes provisions that have broad bipartisan support, such as funding for Byrne grants and the Rural Schools Program, which runs out of money on June 30, 2008. In the last 18 months, the President has designated 62 disaster grants for floods in 32 States. Yet the President has not requested funding to repair levees, leaving our citizens in Arkansas, Missouri, Louisiana, and other States vulnerable to more flooding. We fund those repairs.

This is responsible legislation that supports our troops, honors our veterans, and helps our citizens to cope with a troubled economy. I urge adoption of the pending amendment.

Mrs. MURRAY. Mr. President, on behalf of all of our colleagues, I thank the distinguished Senator from West Virginia for his work on this appropriations bill and for taking into account all of the important needs across this country in presenting this amendment. I thank him for his words today as well.

How much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 6½ minutes, and the Senator from Mississippi has 19 minutes 50 seconds.

Who yields time?

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. OBAMA. Mr. President, at the end of the Second World War, this country thanked a generation of returning heroes for their service by giving them the chance to attend college on the GI bill. Stanley Dunham, my grandfather, was one of the young men who got that chance. More than half a century later, we face the largest homecoming since then, at a time when the costs of college have never been higher.

Senator WEBB, a former marine himself, along with the leaders of both parties, have introduced a 21st century GI bill that would give this generation of returning heroes the same chance at an affordable college education that we gave the ''greatest generation.''

We have asked so much of our brave young men and women. We have sent them on tour after tour of duty to Iraq and Afghanistan. They have risked their lives and left their families and

served this country brilliantly. It is our moral duty as Americans to serve them as well as they have served us. This GI bill is an important way to do that.

I know there are some who have argued that this will have an impact on retention rates. I firmly believe—and I think it has been argued eloquently on this side—that in the long term, this will strengthen our military and improve the number of people who are interested in volunteering to serve.

I respect Senator JOHN MCCAIN's service to our country. He is one of those heroes of which I speak. But I cannot understand why he would line up behind the President in his opposition to this GI bill. I can't believe why he believes it is too generous to our veterans. I could not disagree with him and the President more on this issue.

There are many issues that lend themselves to partisan posturing, but giving our veterans the chance to go to college should not be one of them. I am proud that so many Democrats and Republicans have come together to support this bill. I would also note that the first GI bill was not just good for the veterans and their families, but it was good for the entire country. It helped to build our middle class. Whenever we invest in the best and the brightest, all of us end up benefiting, all of us end up prospering.

I urge my Senate colleagues to give those who have defended America the chance to achieve their dream. I commend Senator WEBB and the many veteran service organizations that have worked so tirelessly on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield the remaining time to the Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Illinois for his statement. I appreciate that he mentioned his grandfather and others who were helped by the GI bill of rights. There are so many people I know in Vermont who were able to get an education because of that bill.

I also commend the Senator from Washington State. As always, she carries out Herculean tasks on this floor and does it in the best tradition of the Senate.

I thank Chairman BYRD and Senator COCHRAN for their work on this supplemental bill.

The Appropriations Committee has a long tradition of bipartisanship, and the two leaders, the Republican leader and the Democratic leader, have always demonstrated that, just as I have tried in the Foreign Operations subcommittee, working with Senator GREGG and his staff. We worked closely together to make difficult choices, including finding funds for urgent humanitarian needs that the President's budget overlooked.

For the first time, we require the Government of Iraq, which has an oil surplus—with oil selling for over $120 a barrel—to match U.S. funds dollar for dollar. It is time for Iraq to pay a larger share of its own reconstruction. This requirement, included by Senator GREGG and myself, would lessen the burden on American taxpayers.

We provide $450 million to Mexico and Central America, to help our neighbors to the south combat the drug cartels. This is the first down payment on a multi-year program. I spoke in this chamber at greater length about the Merida Initiative yesterday.

We have significantly increased funding for refugees, including Iraqi refugees. I thank Senator GREGG for helping us provide $650 million for assistance for Jordan, and I thank Senator EDWARD KENNEDY for the money included for Iraqi refugees. Thanks to Senators BIDEN and LUGAR, the bill includes essential authority to enable the administration to help dismantle North Korea's nuclear facilities.

As other Senators have mentioned, this bill also provides funds for critical domestic needs, from repairing decaying infrastructure in America to disaster relief for American victims of floods, tornadoes, and other disasters. We are helping to rebuild Iraq and Afghanistan, but we are also providing funds to help the American people the President's budget left out. I wish the President had considered these needs in his supplemental request. He wants to fix roads in Afghanistan, but we also need to fix roads in America. He wants to repair infrastructure in Iraq, but we need to repair infrastructure in America. My State and the States of every Senator are waiting for help from the Federal Government. Working together, both parties, we have addressed important national security interests, but we have also addressed the urgent needs of the American people at home.

The PRESIDING OFFICER. The time of the majority has expired. Who yields time?

Mr. COCHRAN. 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. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we are prepared to yield back the remainder of the time on the bill on this side.

The PRESIDING OFFICER. All time is yield back.

All time has expired.

Under the previous order, the cloture motion with respect to the motion to concur in House amendment No. 2 with amendment No. 4803 is withdrawn, and amendment No. 4804 is withdrawn.

The question is on agreeing to the motion to concur in House amendment No. 2 to the Senate amendment to H.R. 2642 with amendment No. 4803.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—75

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Hutchison	Reid
Bond	Inhofe	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Salazar
Byrd	Johnson	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Craig	Martinez	Thune
Crapo	McCaskill	Vitter
Dodd	Menendez	Warner
Dole	Mikulski	Webb
Domenici	Murkowski	Whitehouse
Dorgan	Murray	Wicker
Durbin	Nelson (FL)	Wyden

NAYS—22

Alexander	Corker	Hatch
Allard	Cornyn	Kyl
Barrasso	DeMint	Lugar
Bennett	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Voinovich
Burr	Grassley	
Cochran	Gregg	

NOT VOTING—3

Coburn	Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion to concur with an amendment is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4816

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4816.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I raise a point of order that chapter 3, section

11312, of the General Provision title violates paragraph 4 of Senate rule XVI in the Reid motion to concur in the House amendment No. 1, with an amendment.

The PRESIDING OFFICER. The point of order is sustained, and the motion to concur to the amendment falls.

The majority leader is recognized.

AMENDMENT NO. 4817

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4817.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to concur in House amendment No. 1 to the Senate amendment to H.R. 2642 with an amendment No. 4817.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—34

Akaka	Dorgan	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Inouye	Reed
Biden	Johnson	Rockefeller
Bingaman	Kohl	Salazar
Byrd	Landrieu	Smith
Cantwell	Levin	Snowe
Carper	Lincoln	Stabenow
Casey	McCaskill	Tester
Collins	Mikulski	Voinovich
Conrad	Murray	
Dole	Nelson (FL)	

NAYS—63

Alexander	Corker	Harkin
Allard	Cornyn	Hatch
Barrasso	Craig	Hutchison
Bennett	Crapo	Inhofe
Bond	DeMint	Isakson
Boxer	Dodd	Kerry
Brown	Domenici	Klobuchar
Brownback	Durbin	Kyl
Bunning	Ensign	Lautenberg
Burr	Enzi	Leahy
Cardin	Feingold	Lieberman
Chambliss	Feinstein	Lugar
Clinton	Graham	Martinez
Cochran	Grassley	McConnell
Coleman	Gregg	Menendez
Murkowski	Sessions	Vitter
Obama	Shelby	Warner
Reid	Specter	Webb
Roberts	Stevens	Whitehouse
Sanders	Sununu	Wicker
Schumer	Thune	Wyden

NOT VOTING—3

Coburn	Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is withdrawn.

The majority leader.

Mr. WHITEHOUSE. Mr. President, I rise to discuss my vote against the previous amendment which both appropriated $165 billion to continue the tragic and misguided war in Iraq, and also included a number of provisions relating to our policies regarding Iraq. I favor many of the policy provisions contained in the amendment, such as requirements that the Iraqi government share in some of the costs of the war and a prohibition against the establishment of permanent military bases in Iraq. I commend my Democratic colleagues in the Appropriations Committee, including my good friend and distinguished colleague from Rhode Island, JACK REED, for their work on these laudable provisions. I also strongly support the provision that requires our intelligence agencies to give access to detainees to the International Committee of the Red Cross. I have worked closely with my colleagues on the Intelligence Committee on this important provision, which is designed to end secret detentions.

While I fully supported some of the policy provisions in the amendment, I could not vote to fund this war in the absence of a firm and enforceable timeline for withdrawal. Unfortunately, it appears that the Republican minority remains intent on filibustering any attempts to mandate a rapid and responsible redeployment of our troops from Iraq. I, along with thousands of Rhode Islanders who have contacted me on this critical issue, oppose spending $4,000 per second on a war that has diminished our national security and damaged our standing in the world. I am hopeful that, under a new President, we can work together to bring an end to this war.

AMENDMENT NO. 4818

Mr. REID. Mr. President, I move to concur in House amendment No. 1 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642 with an amendment numbered 4818.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to concur with House amendment No. 1 to the amendment of the Senate to H.R. 2642 with amendment No. 4818.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—70

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Dorgan	Nelson (FL)
Barrasso	Ensign	Nelson (NE)
Baucus	Enzi	Pryor
Bayh	Graham	Roberts
Bennett	Grassley	Rockefeller
Biden	Gregg	Salazar
Bond	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Specter
Carper	Inouye	Stabenow
Casey	Isakson	Stevens
Chambliss	Johnson	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thune
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Craig	Martinez	Wicker
Crapo	McCaskill	
DeMint	McConnell	

NAYS—26

Bingaman	Feingold	Murray
Boxer	Feinstein	Reed
Brown	Harkin	Reid
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Clinton	Lautenberg	Whitehouse
Dodd	Leahy	Wyden
Durbin	Menendez	

NOT VOTING—4

Coburn	McCain
Kennedy	Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid on the table.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to ask for consent, in a few minutes, to have the override of the farm bill occur at 2 o'clock today. Senator GREGG will have 15 minutes, Senator CHAMBLISS and Senator HARKIN will have 15 minutes divided between them, a total of 30 minutes. That debate will take place before 2 o'clock, and at 2 o'clock we will vote.

I also inform all Members we still don't have particulars resolved on the budget. There are a number of alternatives. We can't do anything on it until we get the legislation from the House. They are going to take that up sometime this afternoon. As I said, the alternatives are, when it gets here we run out—I think there was at least a gentleman's agreement, although not on the record, that the 4 hours we used yesterday would run against the 10 hours, so we would have 6 hours to complete that today. We would vote sometime this evening on that. That is one alternative.

The other alternative is to consider all talking over with. I am sure we need to hear more on the budget, but that would be one alternative. We could come back after the recess at a time—when a vote is this close I think I need authority to determine when the vote would take place, but we would have 15 minutes of debate on that, and then we would vote on the budget. So that is what we are working on. We do not have it done yet.

Mr. MCCONNELL. If the majority leader would yield for a question.

Mr. REID. I will be happy to.

Mr. MCCONNELL. Is the Senator suggesting we do the farm bill around 2?

Mr. REID. Yes. I say to my distinguished colleague, counterpart, we would complete the debate on that and that debate would be 15 minutes with Senator GREGG, 15 minutes divided between Senators HARKIN and CHAMBLISS, a total of 30 minutes. We would do that in the next hour and 10 minutes and then vote at 2 o'clock.

Mr. MCCONNELL. That would be the last vote prior to—

Mr. REID. That, I say to my friend, we don't have resolved yet. We have to work out the time on the budget. I think, even though it is early Thursday and we are used to working late on Thursday and most all day Friday, we could make an exception and try to get out somewhat early on Thursday. But we have to work that out with you folks, as to how we would do the time. We could ask for a show of hands, asking if we want to finish, if we should have the vote tonight. I don't think the show of hands would be helpful to what I wish to accomplish. So we are going to try to do the second alternative, use all the time; when we come back, we will have a time certain—not a time certain but fairly certain—and we will try to have it on Monday or Tuesday when we get back, to have a vote on passage of the budget.

Mr. President, I ask unanimous consent that, when the Senate considers the conference report to accompany S. Con. Res. 70, the budget resolution—

The PRESIDING OFFICER. Can we have order in the Chamber, please. The majority leader.

Mr. REID. Mr. President, I am going to offer two unanimous consent requests. If they are both approved, then we will have no more votes today, other than the one on the override of the President's veto on the farm bill.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the veto message on H.R. 2419 and there be 1 hour of debate—we picked up a half hour. That is what happens when you take a little time off.

I ask unanimous consent that the Senate now proceed to the veto message on H.R. 2419, there be 1 hour of debate, divided as follows: 15 minutes equally divided between Senators CHAMBLISS and HARKIN or their designees, 15 minutes under the control of Senator GREGG, and the remaining 30 minutes to be divided between the leaders or their designees; that upon the yielding back or use of that time, the message be set aside until 2 o'clock; that at 2 o'clock the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 70

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate considers the conference report to accompany S. Con. Res. 70, the concurrent budget resolution, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the vote on the adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would say one thing. It appears we do much better when we don't have debate between votes. See how fast it went today. I think all the talking does is confuse us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the clerk will report the veto message on H.R. 2419.

The legislative clerk read as follows:

Veto message to accompany H.R. 2419, entitled an Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Mr. HARKIN. Parliamentary inquiry: I understand under the agreement, we each have 7½ minutes; that Senator GREGG has 15 minutes; and the two leaders have reserved 15 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, again for Senators and those staff who are watching, now we are on the override of the veto of the farm bill conference report we passed here last week.

To remind everyone, that bill, as you know, passed here overwhelmingly 81 to 15, a remarkable margin for a farm bill. It was widely supported on both sides of the aisle and by regions of the country, so we were very pleased with that outcome and that vote.

Of course it had passed the House with 318 votes; so again a very strong vote on the bill. It went to the President. We were hoping that maybe he would not veto it, but the President did exercise his constitutional right and he vetoed the bill.

The farm bill came back to the House yesterday and the House overrode the veto 316 to 108. So basically what we have before us is exactly what we voted on last week and approved with 81 votes but for one thing: The farm bill is missing a title.

Let me try to be as succinct as I can in this. What happened is when the enrolling clerk on the House side enrolled the bill and sent it to the President, the clerk did not put in title III, which includes the several Department of Agriculture trade programs and food assistance programs for foreign countries, mainly the P.L. 480, Food for Peace Program, the delivery of which goes through USAID, and other programs. So the President vetoed the enrolled bill which is missing that title. Well, I know Senator CHAMBLISS and I and others have had numerous phone calls and conversations with Parliamentarians and others to figure this out. The enrolled bill is properly attested to and fully effective and valid as to all of the provisions it contains. We will have to enact title III in another legislative measure. Again, I remind everyone, its omission was inadvertent. It was an innocent mistake; maybe inexcusable, but nevertheless an innocent mistake that title III was dropped out.

But for that title III, everything else in this bill is exactly what we approved with 81 votes. So I am here to ask Members to vote to override the President's veto and to make this bill the law of the land in accordance with the overwhelming wishes of both the Senate and the House.

This bill is a good bill, as I said earlier. It responds to needs all over this country, from farmers and small towns and rural areas to Americans in urban areas. The largest part of the bill is nutrition and food assistance. Over two-thirds of the total spending in this bill goes to nutrition. This bill does more to strengthen Federal food assistance than any bill we have passed since George Herbert Walker Bush was the President.

This bill does a lot for food assistance for low-income people. Basically all the added money above the budget baseline that we put into this bill goes for nutrition. We increase the food supplies to food banks. Our Nation's food banks are getting hit pretty hard. We put $1.2 billion into supplying them with more food. I might add, one of the reasons we must enact this bill in a hurry is because food banks are hurting. As soon as this bill becomes law with this override, $50 million will get out immediately to our food pantries and food banks across the country.

We also in this bill, as you know, provided more money to help growers of specialty crops, fruits and vegetables, than we ever have before. We include in this legislation a higher level of funding than in any previous farm bill for helping farmers and ranchers in conserving our natural resources, saving soil, cleaning up our water and our streams, protecting wildlife habitat.

Look at it this way: Of the combined total spending in this bill on commodity and conservation programs, 41 percent of that total is devoted to conservation. That is slightly more than double the highest percentage share for conservation in any previous farm bill.

The rural development title helps rural communities through a number of new initiatives, including a stronger broadband program, and by devoting mandatory funding for water and wastewater systems to fund some of the tremendous backlog of qualified applications that are on hold.

We have in this bill several important initiatives and improvements in programs to help beginning farmers. We improve the farm income protection system in various ways, including for dairy farmers, yet attain budget savings in the title of the bill covering commodity programs. We have a new option in here, a new reform, called the Average Crop Revenue Election, or ACRE, Program. This is going to be very significant for farmers to be able to choose whether to stay under the current farm program or do they go to the new program of income protection based on revenue.

I read the editorial in the Washington Post this morning and, of course, they have never editorially, as far as I know, ever supported a farm bill, at least in my time here. I have to take exception to one thing they said in the editorial this morning. They are talking about the ACRE Program, claiming how it will be some kind of boondoggle for farmers. They say here:

> [It] means farmers would get paid if prices fall back to the historical and, for farmers, perfectly profitable norms.

If the prices that our Nation's farmers receive for their grain and other commodities fall back to what the Washington Post calls ''historical norms,'' we will have tremendous economic hardship in the countryside. Here is why I say that: What the Post is missing is that from 2002 to 2009, the production costs for farmers have skyrocketed. The gasoline prices we are paying at the pump, farmers have got to pay even more for the diesel fuel for their tractors, for their combines. For example, fertilizer costs for producing corn are up 141 percent in 7 years. From 2002 to 2009, the cost of production for corn is up 22 percent; soybeans up 28 percent; wheat up 28 percent.

Now, if prices, God forbid, should fall to the levels they were before 2002, farmers will be wiped out all over this country. We will have bankruptcies and families forced out of farming on a huge scale.

That is why we have the ACRE Program to reflect the new realities, the new realities of what farmers have to pay for their fertilizer, their fuel, their equipment, their land. All of these expenses have gone up tremendously. We need a program that helps farmers deal with those higher costs and potential volatility in market prices for commodities, and that is why we put this new program in. It is a reform. It is one of the features of this bill that I believe will help family farms survive in America. So, again, this is a good, solid bill, the same bill we voted on last week minus title III, which we will enact later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, as my chairman said, I think everything that could be said about this bill has been said. We were on the floor off and on for a couple of weeks, and we, at the end of the day, after a lot of controversial votes and whatnot, achieved a milestone in the Senate for farm bills; that is, we had 81 Members of the Senate who voted in favor of this bill. It is not a perfect bill, but it is a very good bill for any number of reasons.

In the commodity title, we are spending significantly less money on our so-called subsidy program. I refer to it as an investment by the Government in agriculture, because that is exactly what it is. We are not guaranteeing farmers any kind of income. In fact, under the way this bill is written, the prices being what they are at the farm gate today, very little, if any, in the way of payments is going to be going from Washington to farmers. That is the way it ought to be. That is the way farmers want it. They would rather get the stream of income from the marketplace. Certainly that is the way we, as policymakers, want to see it happen. That is what will happen.

We have made significant changes in the payment limit provision. We have AGIs in this bill now that have never been thought of before. Nobody ever thought we would achieve the number we did from an AGI standpoint. But it is real reform. It is going to work.

We are also eliminating the three-entity rule. Again, if you had told anybody in this distinguished Senate 3 years ago that we would be eliminating the three-entity rule in the farm bill, you would have gotten blank stares. Nobody ever thought that would happen, but we were willing to make those kinds of reforms.

In the conservation title, we have expanded a number of programs, but we have done something significant in the conservation title. For the first time ever we are applying payment limits to the conservation title. So the so-called millionaires that have been beneficiaries of the conservation title in years past are no longer going to be able to participate in that program, and they should not.

I am pretty excited about the energy title. In my part of the world, we do not grow corn with the abundance that the Midwest part of the country does. Therefore, we are a little bit handicapped when it comes to the construction and manufacturing facilities to produce ethanol. Because out of the 201 ethanol-producing facilities that are in place or will be in place over the next 18 months, all but 2 of them are resourced with corn. The two that are not resourced with corn happen to be resourced with cellulosic products. One of them is in my State.

I am very proud of the fact that we are going to have a facility in Soperton, GA, that is under construction right now by Range Fuels that is going to produce ethanol from pine trees, because I will match our ability to grow a pine tree with anybody else in the country. It is a resource that is not going to increase the cost of food, which is an unintended consequence of the use of corn for the production of ethanol.

The title I am just as excited about is the nutrition title. We are seeing an expansion of the nutrition title again like none of us ever imagined we would see in this farm bill. Most people across America think because of what they read in the Washington Post and the Wall Street Journal and the Atlanta Constitution that farm bills are strictly payments to farmers when, in fact, about 11 percent of the outlays in this bill go to the commodity title which goes to farmers.

About 73 percent of the outlays in this bill go to the nutrition title to provide for the food stamp program, to provide for the school lunch program, to provide for payments to our food banks. All of those programs are designed to feed people who are hungry and needy in this country. We are the most abundant country in the world from an agricultural standpoint. We have the ability to feed people inside of America as well as outside of America, and we have an obligation to do that. In the nutrition title, that is exactly what we are going to be doing.

This is a bill that has been talked about an awful lot. And, again, it is not a perfect bill. There are some provisions in it that I wish were not in it. But it is a massive piece of legislation, as is every farm bill, and we have to reach compromise to be able to get a bill of that massive size passed by the House and by the Senate.

We did accommodate the White House. We negotiated very diligently with the White House. We moved a long way in the direction of the White House. They did not get everything they wanted, and we did not get everything we wanted. At the end of the day, we passed it with a big vote. And the White House, unfortunately, decided we did not move far enough for them. Obviously that caused the President's veto to the bill. At the end of the day here today, we are going to have at least 14 of the 15 titles hopefully passed into law.

I do not know what happened to the one title. They tell us that a clerk on the House side failed to include 33 pages of title III in the bill that was transmitted from the House to the White House.

Those things happen. Now it is up to us to figure out the best way to efficiently and in an expeditious manner fix the problem and move ahead to allow farmers and ranchers to have some certainty as they move into the planting season of 2008.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand I have 15 minutes under the prior order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, we are here to vote on the override of some portion of the farm bill which the President has vetoed. First, there is the great irony that the bill we are voting on isn't the bill that passed the Senate or the House. It is some element of that bill, other parts of the bill having not made it to the President. That sort of becomes an allegory for this entire exercise. This is a bill that really doesn't do the job it should, is incomplete in the sense that it fails the American taxpayer and consumer, and is misguided in that it spends a great deal of money, perverting the marketplace relative to the production of agricultural products. But we are here because of what was a bureaucratic snafu, I presume.

We all know the President's veto is going to be overridden, but the President was right to veto this bill. He was absolutely right. I said earlier—I know my colleagues take this in the sense of irony with which I make it, not in any personal way—this bill truly is a product of commissar politics, of the old approach that we saw years ago in countries that thought that they could have a top-down management of their farm production system.

I said in my earlier talk, where did all the economists who worked in the Soviet Union go, all those folks who sat behind desks and thought about 5-year plans and how to disconnect supply from demand and how to set arbitrary prices which caused the Soviet Union, a nation which was one of the great producers of agricultural products, to become basically a net importer of product? Where did all those economists go when the Soviet Union failed? It appears they moved to the Midwest and the South and developed our farm programs.

These programs have no relationship to the market or setting prices for commodities, which are basically totally out of tune with the market. They have no relationship to market forces. As a result, the American consumer ends up with a much higher bill and the short end of the stick.

Take sugar alone. Sugar prices in this bill are at least twice the world price for sugar. So the American consumer ends up getting hit for a much higher cost for any product that uses sugar. And just about any food commodity of any complexity uses sugar.

In addition, you have the huge effort to subsidize ethanol, which has driven up dramatically the price of corn and has the effect of basically creating an international incident in the area of food availability. We are hearing from numerous countries around the world that are finding they have shortages of other commodities because the American subsidization of ethanol has perverted the marketplace relative to the production of corn. That certainly is inappropriate. So the policy of this bill is not only an attack on the American consumer, it is basically bad policy for the world population just trying to make it through and avoid hunger.

In addition, this bill sets up all sorts of new programs, programs which make no sense on their face but which are in here because they have somebody who is protecting their initiatives, their ideas, their purposes. We have a new program for asparagus, a new program for chickpeas, an initiative for a National Sheep and Goat Industry Improvement Center, a new program that creates a stress management network for farmers. Then, according to the Washington Post—and I was not aware of this—there is the potential for a $16 billion boondoggle for agricultural products because of the new way that prices are set and payments are made, setting prices at their present high level, setting subsidy rates at their present high level under this new program called ACRE.

I ask unanimous consent to print in the RECORD the editorial of today's Washington Post which does a much better job than I of explaining how outrageous this new subsidy is and how much it will cost the American consumer, $16 billion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 2008]

PASTURE OF PLENTY: YOU THOUGHT YOU KNEW HOW BAD THE FARM BILL WAS

''Life is like a box of chocolates,'' Forrest Gump's mother used to say. ''You never know what you're going to get.'' The same could be said of federal agricultural legislation. Arcane and often irrational, its subsidy provision can be difficult to understand and, sometimes, even difficult to identify. Even after Congress passed a subsidy-riddled 673-page farm bill last week, with a price tag conservatively set at $289 billion, it was not entirely clear just how big a burden lawmakers had imposed on taxpayers. Now, however, the fine print is coming into focus, and—surprise!—the bill could authorize up to $16 billion more in crop subsidies than previously projected, according to the Agriculture Department.

The culprit is a new program called Average Crop Revenue Election, or ACRE for short. ACRE gives farmers an alternative to direct payments, which come regardless of how much money they make, and other subsidies. Starting in 2009, farmers can choose to trade in some of their traditional subsidies in return for a government promise to make up 90 percent of the difference between what they actually made from farming and their usual income. In principle, this provides farmers a federal safety net only in those years when prices or yields fall drastically—that is, when they really need one. Congress added the optional ACRE program to the bill as a sop to reformers who, sensibly, wanted to replace the current subsidy system with a simpler insurance-style program. Such a wholesale change would, indeed, have been a real reform. But since the farm bill continued direct payments and other old-style subsidies, no one expected huge numbers of farmers to volunteer for the new ACRE deal.

Then farmers got a look at the bill's formula for determining benefits under ACRE. It pegs the subsidies to current, record-high prices for grain, meaning farmers would get paid if prices fall back to their historical and, for farmers, perfectly profitable norms. A program that started out as streamlined insurance policy against extraordinary hardship has mutated into a possible guarantee of extraordinary prosperity. Small wonder that, as The Post's Dan Morgan reports, a farming blog is urging farmers to sign up for ACRE, which it describes as ''lucrative beyond expectations.''

The farm bill's defenders insist that a budgetary disaster will not come to pass, because grain prices will not come down much during the five years the bill will be in effect. ''The program does not look excessively expensive for the lifetime of the farm bill,'' said Rep. Robert W. Goodlatte (Va.), the ranking Republican on the House Agriculture Committee. In other words, even if they don't have to pay extra for ACRE, Americans will have to pay higher food prices—so they may as well get used to it. None of the legislators who rushed to override President Bush's veto of the bill yesterday will have the decency to blush the next time they pontificate about fiscal responsibility. But we can only wonder what other expensive surprise still lurk within this profoundly wasteful legislation.

Mr. GREGG. This bill has a lot of substantive problems. It probably will aggravate food consumption for nations around the world, their ability to produce product, and certainly dramatically increase the cost of product in the United States. It perverts the marketplace so a product that might be produced more efficiently would not be produced more efficiently. It spends a heck of a lot of money, $289 billion.

As we have seen, once again, it uses all sorts of budget gimmicks—when it was originally passed, and it will have to be replaced, or parts of it will because of the bureaucratic snafu—to get around the rules of the Senate and the

House, for that matter, in the area of trying to discipline spending. There is $18 billion worth of budget gimmicks in this bill.

Then we just had a new budget avoidance exercise when the chairman of the Budget Committee declared that the new baseline under a new budget—this bill would have violated the original baseline, as was in that new budget—will now be adjusted so this bill would not violate that baseline—another exercise, unfortunately, in gaming the pay-go rules. The budget chairman has a right to do that, but it cannot be denied that is an effort to try to get around pay-go rules, as they should be applied under the budget we will be passing the week after next. So there is 18 billion dollars' worth of budget gimmicks in this bill; the worst, of course, the changing of years and the assumption that some program, which we know is going to continue, will terminate at an arbitrary date so that you can spend the money up to that date and claim there is no budget failure and, then, later on, adjust it, put the program back in place, and avoid the budget pay-go rules—really inappropriate, to say the least, in the way this has been handled.

It is, of course, a bill that comes to the floor every 4 or 5 years. But the problem is, every 4 or 5 years the American consumer gets basically hit beside the head by this bill. Last time I spoke, I said they get hit beside the head with a lamb chop and they end up with a black eye the next day. As a result, I thought I would just stay away from that statement. But the fact is, the American consumer isn't doing very well under this bill. The American taxpayer is doing worse.

There is a claim that there is reform in this bill which is fairly specious on its face, considering all the new programs added to the bill, such as asparagus. One of the reforms they claim is that they are not going to pay farmers who have high incomes outrageous subsidies. Today you can get $2.5 million theoretically.

Well, unfortunately, the way the bill is structured, they say that, but that is not the way it works. Under this bill, a person with $500,000 of nonfarm income and $750,000 of farm income can still get the subsidy. If they are married, their spouse can have $500,000 of nonfarm income and $750,000 of farm income, so they end up basically with approximately the same amount of subsidy. Yet it is alleged this is some sort of major reform. It is not reform. It is simply an attempt to obfuscate the fact that these subsidies go to extremely wealthy people on products that should compete in the marketplace for a price and should not be subsidized in the manner in which this bill subsidizes.

Obviously, we are going to lose this vote because the way the farm bill is put together—and the American people should know this—one commodity goes to the next commodity and says: We will vote for your commodity, even though it is in my State and not in yours, as long as you will vote for my commodity which is in my State but not in yours. You go around the country and you pick up commodities. That is why asparagus has appeared here. Somebody in an asparagus district said: If you will cover asparagus and give us a new subsidy, you will get my vote for all the other subsidies in this bill.

That is the way it works. It is called log rolling. That is the historical term that comes out of the 1800s. But it is not the way to legislate. Certainly, it isn't a healthy way to legislate. It certainly takes the concept of using the market completely out of the exercise of developing a farm bill.

This farm bill runs counter to all the concepts of a free market society from which this country has benefited so dramatically and which we believe to be true and effective ways to produce product and control costs and to make product more cost-effective for the people who use it. Adam Smith was right; Karl Marx was wrong. Under this bill, one would think Karl Marx was right and Adam Smith was wrong. This is top down, let's manage the economy, let's set arbitrary prices that have no relationship to production, supply, or demand in place of going to a market where you use supply and demand to determine what will be produced.

I suppose if Patrick Henry were around today, his famous statement would have to be modified. He would have to say: Give me asparagus or give me death. That is what this bill has come down to.

We either get these farm subsidies and get the consumer rolled and the taxpayer rolled or we don't get anything around here.

As a practical matter, I, obviously, know I will lose this vote. The President knew he was going to lose this vote when he vetoed the bill. But he was absolutely right in doing so. It was the appropriate decision. It was the fiscally responsible decision. It was also a good decision from the standpoint of not only domestic policy but international policy, where we are seeing strains on production of commodities for the purposes of feeding people.

I regret we are going down this path one more time. We have been down it a few times in the past. But the simple fact is, the forces that support, for example, the sugar subsidy are too strong to be able to give the taxpayers a break.

I reserve the remainder of my time and yield the floor.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. Displays of approval or disapproval are not appropriate from the galleries.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the leader on this side has 15 minutes reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I yield whatever time the Senator from North Dakota desires from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Could the Chair alert me after I have consumed 10 minutes?

The PRESIDING OFFICER. The Senator will be notified.

Mr. CONRAD. Mr. President, we ought to get straight world agriculture economics. The Senator from New Hampshire, for whom I have high regard, has been a consistent opponent of a national agriculture policy, one that has produced for our country the lowest priced food in world history, measured by a share of our national income. Not only do we have the lowest cost food in the history of the world as a share of our income, we also have the safest supply, the most stable supply, the most abundant supply. Something is working. Beyond that, he does not deal with world agriculture as it is.

Our major competitors are the Europeans. We have about equal shares of the world market. But here is what they do to support their producers versus what we do to support ours. They are spending $134 billion to support their producers while we spend $43 billion. That is more than a 3-to-1 ratio.

What happens if you pull the rug out from under our producers? Mass bankruptcy. It is one thing to ask our producers to go up and compete against the French farmer and the German farmer. They are happy to do that. It is quite another issue to compete against the French Government and the German Government as well. That is not a fair fight. That is why it is essential we have a farm policy in this country.

Now, my colleague on the other side said a whole series of things about the cost of this bill, the scoring of this bill, that are not so. This administration has said this bill costs $20 billion more than the baseline. No, it does not. According to the Congressional Budget Office—that is independent, that is nonpartisan, that is professional—this bill costs $10 billion above the baseline. End of story. What the administration is talking about and what the Senator from New Hampshire is talking about are fictional numbers based on made-up scorekeeping that the administration has never applied to its own legislation or budgets.

Under Congressional Budget Office scoring, our farm bill spends $10 billion baseline over the budget window. That is not my number; that is the number from CBO, which is nonpartisan, professional, and independent.

The $10 billion is offset with $10 billion in outlay reductions from Customs user fees. Every penny of new spending is paid for.

On the tax side, we are paying for agriculture tax relief with agriculture tax reforms, such as a reduction in the ethanol credit and Schedule F reforms to limit the use of farming losses to

shelter off-farm income. There is no tax increase.

The administration argues the farm bill contains timing shifts. That is true. But that is also true of almost all major legislation dealing with revenues or mandatory spending. That is what we do to true up the numbers between the timeframes where various budget requirements are imposed. The simple fact is, when you do major reform such as we are doing in this bill, you change programs, you change payment schedules. That is precisely what one would expect. These changes have real-world consequences for farmers. They are making crop insurance payments earlier, for example, under this bill, and getting farm program payments later. That has a real-world cost.

The administration has repeatedly used timing shifts, itself, in legislation it has proposed. In fact, the timing shifts in this bill pale in comparison to the cost of sunsetting the tax cuts which the President had in his tax packages repeatedly.

Now, in terms of where the money goes, 66 percent of the money in this bill goes for nutrition—two-thirds. Nine percent goes for conservation. Only 14 percent—actually, less than 14 percent—goes for the so-called commodities. That is a dramatic reduction from the last farm bill. In the last farm bill, three-quarters of 1 percent of the Federal budget went to support commodities. In this bill, it is one-quarter of 1 percent of the entire Federal budget going to support farmers and ranchers. That is a dramatic change.

The Senator from New Hampshire mocked the reform elements in the bill. They are not to be mocked. They are very real. We have a dramatic reduction in the adjusted gross income limits that will apply in order to qualify for farm program payments. One example: Nonfarm income used to be a $2.5 million limit. It is reduced to $500,000 in this bill.

We require direct attribution in this bill. That means it has to be a living, breathing human being collecting these payments; no paper entities. We have eliminated the three-entity rule that was consistently used to get around farm program limits. We have reduced direct payments by $300 million. We have reformed Schedule F to prevent the abusive use of nonoperating losses to shield nonfarm income—a savings of over $450 million. We have crop insurance reform of over $5.6 billion. We have decreased the corn ethanol support by $1.2 billion.

We have eliminated these so-called cowboy starter kits where people down in certain States were selling farm and ranchland off as subdivisions and having a farm program payment go with those lots, those 10-acre lots. We brought a screeching halt to that abuse.

The disaster assistance in this bill is budgeted and paid for. In the last 3 years, every State in the Nation has received disaster payments—every State—none of it budgeted for, none of it paid for. These disaster provisions are budgeted and paid for, and they further reform disasters because in the past you could have losses on one part of your operation, even though you had gains on the rest of it, and still get a disaster payment. Under this proposal, under this new law, if you have not had losses on your whole farm operation—disaster losses on your whole farm operation—you are not going to get a disaster payment.

I wish the Washington Post, when they write their editorials, would bother to read the legislation they are critiquing because clearly they do not know what they are writing about.

The final point I want to make: The Senator from New Hampshire, the ranking member of the Budget Committee, who is my friend, somebody for whom I have respect and affection, suggests over and over that somehow this is not paid for, that it is going to add to the deficit. No. The Congressional Budget Office, who are the official scorekeepers, and the Joint Committee on Taxation have scored this bill. This is what they say. We reduce the deficit over 5 years by $67 million; over 10 years, by $110 million. This bill is fully pay-go compliant—fully. This bill is paid for. It is paid for without a tax increase.

One final point: The Washington Post wrote another egregious story the other day saying: Oh, there is this $16 billion additional cost that might be out there. Yes, and elephants fly. Look, when are they going to get objective in their reporting at the Washington Post? They have suggested there might be this $16 billion cost. Really? There also might be $16 billion of savings. A lot of things could happen. You know—lightning strikes. A lot of things could happen.

Look at the last farm bill. We brought that in $17 billion in the commodity provisions below what was forecast at the time. Did the Washington Post ever write a story about that? Did they ever? No.

This bill is paid for. It is paid for without a tax increase. The professional scoring of this legislation is that it is $10 billion over baseline, completely paid for, without a tax increase.

Mr. DURBIN. Mr. President, I rise to address the importance of the nutrition assistance title of the farm bill. The bill goes a long way toward ensuring that families in America will have food on their table, even when times are tough. The bill also clarifies that their rights to certain nutrition services are enforceable.

Sections 4116 through 4118 of the bill specifically reinforce Congress's longstanding intention that the Food Stamp Act's provisions and its regulations are fully enforceable and should be enforced. The courts have historically and correctly understood Congress's intent that low-income households have the right to enforce these provisions.

The language of the Food Stamp Act and its implementing regulations—parts 271, 272, 273, and so on—have the kind of clear language required for judicial enforcement. We made sure that they are mandatory, not aspirational, and that they set out requirements for how each individual is to be treated, not general program-wide goals. They clearly define the benefited class as low-income people receiving or seeking food assistance. Nothing in the act or regulations suggests that substantial compliance overall excuses denying any individual the benefit of these rules.

Along with oversight by the Department of Agriculture, lawsuits by families participating in food stamps are one of the ways we can ensure the Food Stamp Program fulfills its purpose. Indeed, it is partly because applicants and recipients can and do bring lawsuits to enforce program rules that the Department has not been required to withhold funds from States to enforce service standards in the program.

This legislation also makes explicit that various civil rights laws are binding in the Food Stamp Program. This is not a change—these laws and their regulations have applied since they were written, and both have been intended to be fully enforceable. This legislation just reiterates a point that we hope and believe was already clear.

None of this would have been a question until two recent, unfortunate court decisions. The first case, Reynolds, comes from the Second Circuit. It applied a standard of analysis that departed from all prior Federal court precedent and held that applicants and recipients could hold a state accountable for the maladministration of the program by local food stamp agencies only in the rarest of circumstances. The act is and has been clear that States are responsible for full compliance with all applicable regulations. States' responsibility is no less because they have chosen to have counties or other local agencies operate the program for them. The option of local administration exists only as a courtesy or convenience to the States, not to reduce their accountability. The State is just as responsible for what the local agency does as if the State agency performed those acts itself. This legislation emphasizes that point.

In the other case, called Almendarez, a Federal district court refused to consider a suit brought by low-income people who need assistance in a language other than English to apply for food stamps. The Department's regulations clearly provide rights for families that need language assistance. Now the act explicitly confirms that those regulations are enforceable. Future cases can be decided on the merits, as they should be.

This bipartisan legislation goes a long way toward providing food for working families, and providing the security of knowing that help is enforceable by law. I thank the chairman and

the committee for their tremendous work.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Parliamentary inquiry, Mr. President: How much time remains on both sides?

The PRESIDING OFFICER. If the Senator from Iowa will hold for a second—the Republican leader has 14 minutes, the Senator from New Hampshire has 2½ minutes, the majority side has 11 minutes.

Mr. HARKIN. Eleven minutes.

Mr. President, I understand that, obviously, in a quorum call the time is taken evenly off of both sides. Since we have 11 minutes left, I yield myself 4 minutes of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, would the Chair please remind this Senator when his 4 minutes have elapsed?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. HARKIN. Mr. President, I want to respond to a couple things my friend from New Hampshire said. He talked about the sugar provisions in the bill and the support price of sugar, that it is over world prices. I always point out to people that when you go in a restaurant, or anywhere you go to eat, the sugar is free. You get these little packs of sugar wherever you go. You go to Starbucks, you get free sugar. You go to the airport, and you go down and get a cup of coffee, or something like that, there is free sugar. It cannot get much cheaper than that.

Does anyone believe if we were to drop these sugar support prices down about 50 percent—which is what would happen with what the Senator from New Hampshire wishes to have happen—do you believe candy prices are going to go down? Do you believe food prices are going to go down? Come on. It just means that the manufacturers, the processors will just make more profits, that is all, and our nation's sugar farmers won't. So you can't get much cheaper than free when it comes to sugar when you go into your restaurants and coffee shops and places such as that.

The next thing the Senator talked about is the $16 billion that the Washington Post keeps talking about in new spending because of this new program, this new option we have, this new reform program. That is a doom's day scenario. Sure, if the bottom falls, if commodity prices fall 40 percent, yes, we could see significant expenditures. But even the Department of Agriculture in this administration has said they don't expect prices to decline much if at all over the next 12 to 18 months. As pointed out earlier, because of the increased prices of fertilizer, fuel, equipment—all of the input costs of agriculture—if these prices drop to where they were 8 years ago, Lord help us. We would have real economic hardship in rural America. So we have this new program in the bill to help farmers deal with the new economic realities in agriculture.

So, yes, you can take a doom's day scenario, but we don't plan our lives around the fact that we have perhaps a 1 in 40 million chance of getting hit by an asteroid. We don't plan our daily excursions by the fact that we face on the order of a 1 in 50,000 chance that we could get hit by a tornado or struck by lightning. Of course you can always have doom's day scenarios. That is not how we crafted this new program nor is it a reasonable way to judge it. We planned it in relation to what is really happening in agriculture.

The last thing the Senator said was something about logrolling, where some members will help other commodities or regions and then in return members who have been helped will support policy for other commodities in a different area. That is a total distortion of how this process works. The fact is, in my area in Iowa, we don't grow cotton and peanuts, let's face it. We just don't. I don't have much expertise in that area, to be honest about it, so I rely upon Senator CHAMBLISS or Senator COCHRAN or those Members from other parts of the country who know their agriculture. They know those commodities. So we rely upon their expertise. You bet we do. I hope they rely a little bit on our expertise when it comes to crops such as wheat and corn and soybeans and other crops. The same goes for ranches. The distinguished Presiding Officer comes from an area of the country where they have ranches. We don't have ranches in Iowa, so I rely upon the Presiding Officer, who is on the Agriculture Committee and who knows a lot about ranching and what it means in his part of the country and what it means to have livestock and livestock producers who run ranches. The Presiding Officer also knows what it means for this nation to shift to new and renewable forms of energy, including cellulosic energy, which he has been a leader on. So we rely upon each other for this kind of expertise. That is not logrolling; that is just recognizing that different Senators who come from different parts of the country have different expertise, and they can bring that expertise to the Agriculture Committee. That is exactly how we develop these farm bills. It is not logrolling, it is simply recognizing that we want this legislation to work effectively everywhere across the nation, regardless of the commodities grown or region involved, and to cover the whole broad range of issues and challenges encompassed in this bill.

That is why I think we have a very good bill here. As my friend Senator CHAMBLISS said, of course we don't agree with every single thing in it, but that is the art of legislation, which is to compromise and to work things out so that we can get good bipartisan support and multiregional support. We did that in this farm bill. You can't get much more bipartisan than 81 votes in the Senate or 318 votes in the House. When you have that kind of overwhelming support, then you know you probably have a good bill.

So, again, I urge Senators to vote to override the President's veto.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

FEDERAL GOVERNMENT ENERGY USE

Mr. WARNER. Mr. President, Senator BINGAMAN and I will be introducing in the Senate today a resolution to express the sense of the Senate regarding the use of gasoline and other fuels by the departments and agencies of the Federal Government. We simply refer to all of the problems we see every morning, as we get up, in the papers and on the television about how families are coping with this gas problem. We simply say in a respectful way in the last paragraph—I will read it:

> It is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by departments and agencies.

I thank my colleagues. The full text will be available to all Members this afternoon. It is not as if we will be able to vote on this, but it will be some message to take back home that you are in support of it.

Mr. CHAMBLISS. Mr. President, I request to be added as an original cosponsor.

Mr. GREGG. Mr. President, I also request to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are automatic under the Constitution.

All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DEMINT (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 82, nays 13, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—82

Akaka	Dodd	Menendez
Alexander	Dole	Mikulski
Allard	Dorgan	Murray
Barrasso	Durbin	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Biden	Feinstein	Reid
Bingaman	Graham	Roberts
Bond	Grassley	Rockefeller
Boxer	Harkin	Salazar
Brown	Hatch	Sanders
Brownback	Hutchison	Schumer
Bunning	Inhofe	Sessions
Burr	Inouye	Shelby
Byrd	Isakson	Smith
Cantwell	Johnson	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Stevens
Chambliss	Landrieu	Tester
Clinton	Lautenberg	Thune
Cochran	Leahy	Vitter
Coleman	Levin	Warner
Conrad	Lieberman	Webb
Corker	Lincoln	Wicker
Cornyn	Martinez	Wyden
Craig	McCaskill	
Crapo	McConnell	

NAYS—13

Bennett	Hagel	Sununu
Collins	Kyl	Voinovich
Domenici	Lugar	Whitehouse
Ensign	Murkowski	
Gregg	Reed	

ANSWERED ''PRESENT''—1

DeMint

NOT VOTING—4

Coburn	McCain
Kennedy	Obama

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 13, one Senator responding present. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, now that we have had this vote on the veto of the conference report, none of us had wanted to have to override a veto. As we move ahead now, because of the technicality and the little glitch that we have had, we are not sure where we are going to be when we come back, but there is going to be, possibly, the chance that we are going to have to take up the full bill again as the House did and passed it with a big vote. Over the next several days, I hope maybe these waters will smooth out, and we can move ahead with the concurrence of the White House so farmers and ranchers will have some dependability on what type of programs we are going to have out there for them.

Let me say again to my chairman, Senator HARKIN, it has been a pleasure to work with him and Senator CONRAD, who has been such a great ally in this process. It was great leadership to get us to where we are now. Thank you on behalf of all farmers across America. Senator BAUCUS and Senator GRASSLEY have been so valuable in our process. We named all the staff the other day, but we wouldn't be where we are without them.

Mr. President, I thank you and everybody have a safe holiday.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I associate myself with the remarks made by my good friend from Georgia, Senator CHAMBLISS. This has been a long effort. We worked very hard on this bill. I wish to reassure Senators, this is a good bill. I know there are some editorials out there written about it in the Washington Post and other publications. That is all part of the process of debating and enacting legislation. But you have to think, a lot of those editorials are written by those who likely have never supported a farm bill anyway, so there you go. It is like anything else, is this bill exactly what I would have wanted or Senator CHAMBLISS would have wanted or Senator CONRAD would have wanted or anybody else? No. But that is the art of legislation. It requires cooperation, bipartisanship, compromise, and getting legislation through that benefits all of our country.

As I have said many times, this farm bill benefits everyone from farmers and ranchers, people in small towns such as my hometown of Cumming, population of 162, to people who live in New York City.

The fact that we had 82 votes now on the override—81 before on the conference report on the bill—and the overwhelming votes in the House, I believe indicates people understand this is a broad bill that covers every American—not just farmers, not just ranchers but everyone. It is good for our country, good for our future. It is a bill that will make sure we will continue to have an abundant, safe, affordable supply of food for our people in this country, that we help low-income families put food on their tables and that we help farmers and ranchers conserve and protect our nation's priceless resources for present and future generations.

This bill helps us move ahead to producing energy from cellulosic materials—we have laid the foundation for having that in the future. Just as we laid the foundation before for grain-based ethanol, now we have laid the foundation for cellulose-based ethanol in the future.

It is a good bill, good for America. Again, I thank Senator CHAMBLISS, first, for when he was chairman actually starting this process and then working together to get this bill through to its conclusion; Senator CONRAD, who has been such a valuable ally in this effort, bringing the expertise that he has as the budget chairman and, as I often said, making sure we keep on track. I have often said, in writing legislation if you do something here that affects something there and that affects something else, the Budget Committee and the budget chairman have the knowledge and the expertise to know the budget impact of such actions. It has been an invaluable resource to us, to have that expertise of Senator CONRAD on this committee and during this whole debate and development of this farm bill.

I will also thank, again, Senator BAUCUS and Senator GRASSLEY, our chairman and ranking member of the Finance Committee, who worked so closely with us to develop this legislation and make sure we had the proper funding so we could get this bill through. They were invaluable helping us to get this bill finally through.

I wish to make sure there is no doubt in anyone's mind now—14 of the 15 titles in the farm bill conference report are now law. We do not require anybody else's signature; 14 of the 15 titles are now the law of the land. As Senator CHAMBLISS said, we do have this one little glitch—evidently an innocent mistake, a clerical error that title III was not included. We will deal with that at some other point. I don't know exactly when, but that should not be much of a problem, since it was simply a clerical error. We will take care of that.

I want people to know we have been in contact with both USDA and USAID, the Agency for International Development. They told my staff basically they could get by for a couple of weeks without our having to do more today. We will have to move ahead as soon as we can, perhaps that will not be until right after the recess, so our Pub. L. 480 programs and our development assistance programs, our market access program, which is so important for our fruits and vegetables, specialty crops and other programs in the trade title are taken care of.

Again, I thank everyone. As Senator CHAMBLISS said, we have already thanked our staff, but I don't know if we can thank them enough. They have hung in every day on this.

I was going to say now they can take a vacation, but they have to wait until this other title gets taken care of; but sometime soon our staffs will be able to take a break.

Mr. President, I would like to expand upon my remarks on the nutrition title

of the Food, Conservation, and Energy Act of 2008 so that I may provide my colleagues with more information about the very important changes made in the nutrition title, particularly to the Food Stamp Program. The Food Stamp Program is the single most important antihunger program in our Nation, helping millions of families, seniors, and people with disabilities afford an adequate diet. It is our country's largest child nutrition program and serves as a critical work support program, enabling low-income working families to make ends meet and put food on the table every month.

I know that many Senators have not had the opportunity to pore over the details of the legislative language and conference report for the nutrition title. So let me take this opportunity to provide some background on what has been accomplished in the nutrition area of this bill.

The conference report makes major investments and improvements in the Food Stamp Program in this bill—starting with changing the name of the program to the ''Supplemental Nutrition Assistance Program'' or ''SNAP.'' The change reflects the reality that food assistance benefits are no longer ''stamps'' but have been updated and modernized and are now provided on special cards, like the debit or credit cards that most Americans carry in their wallets. For the purposes of my remarks today, I will use the term ''Food Stamp Program'' throughout my comments one last time before this historic change is made.

One of the primary goals for the Food Stamp Program was to end the decades of erosion in the purchasing power of food stamp benefits. Because of harmful cuts to the program enacted in the midnineties, with each passing year the purchasing power of most households' benefits has actually decreased. The biggest annual cut, which has so far cumulated in about $25 less in food assistance each month for the typical working family, was from a freeze to the program's standard deduction. This cut has affected about 10 million people a year, including many low-income working families with children, senior citizens living on a fixed income, and persons with disabilities.

The largest benefit improvement in this bill is an increase in the standard deduction, which has been frozen for households of three or fewer people for over 10 years, and end any future erosion in its value by inflating the deduction each year. The inflated amounts will be calculated based on the previous year's unrounded amount, so over time we will not lose any more ground to inflation. This change will improve benefits for about 13 million people and provide a typical working family an additional $6 a month in food assistance in 2009, rising to $17 a month by 2012.

Similarly, because it was not adjusted for inflation, the $10 monthly minimum food assistance benefit purchases only about one-third as much food today as it did when it was set more than 30 years ago. The minimum benefit is set at 8 percent of the thrifty food plan, rounded to the nearest whole dollar. This will mean it will be about $14 per month in 2009—almost a 50-percent increase. The Thrifty Food Plan is automatically indexed for inflation. As a result, the minimum benefit will maintain its purchasing power. And, because the Thrifty Food Plan is set at different levels for high-cost areas like Alaska and Hawaii, a new and slightly higher minimum food assistance benefit will be provided in those areas. For example, in fiscal year 2009 the Hawaii minimum benefit level will be $22 a month. Additionally, about 15 States have special combined application projects where SSI recipients receive standardized benefits. I expect USDA will reevaluate the cost-neutrality of these projects so that these households also can receive higher standardized benefit amounts to account for the higher monthly minimum benefit and standard deduction levels.

The conference report ends erosion in other areas as well, including the dependent care deduction and asset limit, about which I will speak more briefly, but also the commodities for The Emergency Food Assistance Program, TEFAP, and grants for community food projects and fruits and vegetables in schools. For the first time since I have been working on farm bills, we have clearly established the principle that the value of benefits in our nutritional help for low-income families and individuals should not erode over time, just as they do not in our income tax code or the Social Security and Medicare Programs. This is a remarkable achievement.

Another core principle that is addressed in this bill is that building savings and accumulating assets is an important path to financial independence. And here I want to especially thank the ranking member, Senator CHAMBLISS, for his leadership. Many agree that it is counterproductive to discourage savings by forcing people to liquidate their retirement savings or other financial assets when they lose their jobs and need to turn to food assistance to feed their families. Policymakers from across the political spectrum agree that asset development is important to helping low-income Americans make a permanent transition out of poverty as well as avoiding it in their later years. After all, a family does not spend its way out of poverty. Quite the opposite, most families build a path to financial security on the foundation of assets, whether it be a home, a small business, or retirement savings.

This bill ensures that all retirement accounts and education savings accounts are excluded from a household's financial assets when determining whether or not they are eligible for food assistance. And for the first time in nearly two decades the $2,000 and $3,000 asset limits will be adjusted for inflation each year.

It is also important to note what the Congress did not do in the asset area. The administration proposed eliminating a State option called expanded categorical eligibility which allows States to conform the food stamp asset rules to those used in a TANF-funded benefit, and proposed using those savings to finance the exclusion of retirement accounts from eligibility determinations. Both the House and Senate rejected that approach because of a belief that some assets, such as retirement funds, should be excluded from the program on a national basis.

In addition, by leaving the existing State option on categorical eligibility in place, States have the full flexibility to set their own asset policy. I strongly encourage USDA to work with States to expand the use of this State option beyond the 15 States that thus far have expanded categorical eligibility. States with nearly 40 percent of the food stamp caseload do not currently use the national asset policy. I hope that in the coming months and years we will see more and more States take the option.

Another major improvement in this bill supports working families by allowing them to deduct the full amount of their childcare expenses from their income for purposes of food assistance eligibility and benefit determinations. The current cap on the dependent care deduction has not been raised in 15 years, but child care costs have continued to grow. Even when a low-income working family gets help paying for child care, the family's share, or copayment, can be substantial. Now, because of changes in this bill, the amount of food assistance that a family receives will reflect the actual child care costs families pay to be able to hold down their jobs. By lifting the cap, families eligible for the deduction will be able to deduct the full value of their childcare costs, rather than just a portion of the costs. The change would provide an average of almost $500 a year—more than $40 a month—to approximately 100,000 households that pay high childcare costs.

This change was made cognizant of current USDA policy on the childcare deduction, which takes a broad view of what constitutes a dependent care cost, defers to parents about what is appropriate childcare, and lets States determine how to set verification policy. This proposal was part of USDA's original farm bill proposal and they have given us every reason to believe they will continue these policies and do nothing that would limit what is deductible or the amount families may deduct.

For households that apply or recertify their eligibility after October 1, 2008, the dependent care cap will no longer be in effect. We expect that States will notify households already participating in the program with dependent care expenses at or above the

current cap about the policy change. These households should be given the opportunity to receive the higher dependent care deduction that corresponds to their full costs as soon as the provision takes effect. A benefit increase for these households however, is their option. In no case should a household have its benefits terminated or reduced for not responding to paperwork requesting verification for the amount of childcare costs they have above the current cap. In two areas, this bill builds upon the very successful State options provided in the 2002 farm bill. These simplifications have made the program less burdensome on States agencies and families alike, have helped to keep low-income households connected to the Food Stamp Program, and have been a major factor in the sustained drop in State food assistance error rates.

The 2002 farm bill allowed States to extend ''simplified'' reporting rules to most households. Some 48 States and the District of Columbia have adopted this popular State option, which dramatically simplifies the rules for how many food stamp participants inform the State about changes in their income and other circumstances.

Unfortunately, due to an oversight in the 2002 bill, States are not allowed to apply simplified reporting to several categories of households, such as households with only elderly or disabled members. USDA wisely, through guidance and in its proposed regulation, allowed States to extend the option to some households that might be excluded, such as homeless households and migrant and seasonal farmworkers. This bill specifically allows these households to be included in simplified reporting and extends the State option to households with only elderly and disabled members, so long as States extend the simplified option for 1 year rather than 6 months for such households to reflect the fact that many of them live on fixed incomes and have stable living situations and thus do not have many changes to report. In fact imposing 6 month reports on these households would make them worse off by putting their food assistance at risk more often than is now the case.

This change will allow States to simplify their operations and reduce confusion, by having just one reporting system with common forms, staff training, and other rules. I urge USDA to implement this provision and the underlying simplified reporting option in a way that allows it to achieve its full intent of minimizing the number of changes that households need to report and that States need to respond to, whether those changes are for food stamps or for another program that the State administers along with the Food Stamp Program. Simplified reporting cannot be simple if USDA allows exceptions to our basic principle that changes should only be made to the case if a household reports that their income exceeds the gross income limit.

Another popular and successful provision from the 2002 farm bill gave States the option to provide 5 months of transitional food assistance to families that leave welfare. We did this not only because we wanted to reduce the paperwork burden but also to keep eligible families connected to food assistance when they left welfare for work. This is important because we know that, for families who are leaving welfare for employment, the first couple of months are particularly vulnerable. Having work supports such as food assistance help them to weather this period and actually decreases the likelihood that they will return to cash assistance.

The 2002 farm bill made this State option available to families that leave Federal TANF-funded cash assistance programs. Since then, some States have established separate State-funded cash assistance programs for certain groups of poor families with children. These State programs give greater flexibility to States to develop services and supports that can serve these families appropriately.

This bill extends to States the option to provide transitional food assistance to individuals participating in these State-funded public assistance programs. Several States have specifically indicated that this change will be beneficial to them and the families with children that they serve.

For all of these benefit improvements, I expect USDA to implement the provisions in a way that is sensitive to the needs of the State agencies that administer the program. It is with some disappointment and disbelief that I note that the administration still has not yet issued final regulations for the 2002 farm bill's food stamp provisions. In implementing this bill I urge USDA to provide sufficient, flexible guidance to States in a timely manner. One of the helpful implementing policies USDA allowed in 2002 was to extend the 120-day quality control hold harmless protections to provisions that are State options, such as simplified reporting and transitional food stamps. I expect USDA to allow that policy for this farm bill as well.

In addition to major improvements in the benefit levels and rules, the nutrition title contains numerous program oversight and integrity provisions, as well as provisions that address basic program operations.

As I mentioned at the outset of my remarks, this bill finalizes the replacement of paper coupons in favor of the electronic benefits on plastic cards that are now the way people access their food assistance across the country. The bill prohibits States from issuing any new coupons and provides that existing coupons shall be redeemable for only 1 year from the date this bill is enacted. This is a minor change in the operation of the program, since no State currently issues coupons and fewer are redeemed each month. Nonetheless, the change required numerous technical and conforming revisions in the statute to purge the act of ''coupons'' and other trappings of the old system. No policy changes are intended in making these revisions other than to reflect the existing reality. For example, in replacing the word ''coupons'' with ''benefits'' Congress did not intend to change policy beyond simply recognizing that coupons do not exist anymore. The term ''benefits'' refers to the food voucher-like benefits that households receive on electronic benefit transfer cards, EBT, but does not include auxiliary activities under the act, such as nutrition education or food stamp employment and training services.

Despite the overwhelming success of electronic benefits in modernizing benefit delivery, reducing retailer fraud, and removing a large source of stigma for recipients, there is one area where there remain concerns about EBT benefits, and this bill has tried to address the concern. Under the old food stamp coupon system, some households, especially seniors who qualify for small benefits, could store up those smaller amounts and use several months' worth in one shopping trip or for a special occasion, such as a holiday gathering. With food stamp coupons there was no deadline for how long they were good for.

Under EBT systems, however, some States have moved households' benefits ''offline'' after as few as 3 months if there is no activity in the account. This can be a problem for households that receive small benefits and want to store them up for a special supermarket trip.

So this bill strikes a balance. It allows States to move a household's benefits offline if the household has not accessed the EBT account for 6 months. But the State will be required to notify the household of this step and to reinstate its benefits within 48 hours if the household makes a request.

I expect States to make the process for recovering benefits after they have been moved offline easy for households. Any inquiry about food assistance, or general request for assistance from a household that has had benefits moved offline, should be considered a request for reinstatement of lost benefits. In other words, households should not have to contact a particular phone number or ask for some complicated reinstatement option in order to get benefits restored to their accounts. Rather, eligibility workers and local office or call center employees should assist households and should help them to initiate the process of reinstating their benefits.

I recognize that some States may need to renegotiate the terms of their EBT contracts, and I urge USDA to work with States to implement the provision as quickly as possible given the time constraints set by the effective date constraints.

This bill also responds to another benefit issuance matter that has come

up recently in Michigan and in other places over the years. States currently issue food stamps in one monthly installment for each household. They may, and usually do, ''stagger'' food stamps by issuing the month's food stamps to different households on different days of the month, for example, based on the last digit of the household head's Social Security number. This practice spreads out the state's workload and helps supermarkets smooth out the demand for food.

Some States—most recently Michigan—have faced pressure from retailers and others to divide each individual households' monthly allotment into two or more issuances over the month. I do not support such a change and was surprised to learn that the law permitted it. Dividing households' monthly food stamp allotments could prevent some households from making large buying trips or from purchasing large, economy-size containers of staple foods. It also would be burdensome on households with small benefit amounts—such as seniors—because they would have to use their food assistance EBT card at multiple shopping trips during the month instead of only one. In fact, the Michigan Department of Human Services polled current food assistance recipients about such a potential change and learned that recipients strongly opposed splitting food assistance benefits into a twice-monthly allotment.

The bill includes a provision that would prevent States from dividing monthly allotments. No other policy changes are envisioned. The bill does not intend to change the rules with respect to the issuance of expedited benefits, the proration of benefits for partial months, the issuance of supplemental benefits in the event a benefit correction is needed, the way that people who reside, or formerly resided, in drug or alcohol addiction treatment facilities receive food assistance, or any other area.

The nutrition title also clarifies a provision that has inadvertently denied food assistance benefits to innocent people. Individuals who are being actively pursued by law enforcement for outstanding felony charges or for violations of probation or parole are not eligible for food assistance benefits. This rule appropriately ensures that fugitives do not receive public support.

However, in practice, this rule occasionally denies food assistance to the wrong people—innocent people whose identities may have been stolen by criminals or those whose offenses were so minor or so long ago that law enforcement has no interest in pursuing them. If the issuing authority does not care to apprehend the applicant when notified of his or her whereabouts, there is no public purpose served by denying food assistance benefits.

Unfortunately, inadequate guidance to States has resulted in exactly that. This provision would correct this by requiring USDA to clarify the terms used and make sure that States are not incorrectly disqualifying needy people who are not being actively pursued by law enforcement authorities.

One important area of the bill has not gotten a lot attention. It has to do with our own, as well as USDA's oversight of State administration of the program. Several provisions in the nutrition title are included to improve oversight of States with respect to computer systems, eligibility processes, and access to benefits.

For example, the bill requires States to adequately test and pilot new computer systems. I do not wish to see another instance of a State implementing a multimillion dollar computer system that does not work, and which USDA knew would not work. Time and time again, I have read about computer systems that do not work and either cause families to wait 3 months for food stamps or that issue benefits inaccurately. That is unacceptable management of the program. USDA must demand adequate testing and hold States, not clients, accountable for any mistakes in benefits when there is a major systems failure.

The bill also includes a provision that was proposed by USDA to increase the penalties on States if, despite these measures, a ''major systems failure'' nonetheless occurs. If the Secretary determines that overissuances have occurred because of a ''major systems failure,'' the States, rather than households, as is usually the case, are to be liable to repay the Federal Government for the cost of the overissuance. This is entirely appropriate because the mistake is clearly not the household's fault, and their ability to purchase food should not be compromised because of the State's egregious mistakes. When major State problems occur, the State's energy and resources should be focused on fixing the problem, not on collecting from low-income households that had no role in the mistake.

New automated systems are not the only program area that requires more oversight, monitoring, and enforcement of standards. States are now using online applications, conducting business with clients over the phone, and in some cases closing local offices and reducing staff as a result of these changes. New technologies present enormous opportunities to improve customer service, but they also carry risks if the technology does not work or the State agency lacks sufficient oversight. The bill is, in part, responding to a recent GAO report that found that USDA has not collected sufficient information on the effects of alternative methods of benefit delivery on program access, payment accuracy, and administrative costs. The bill requires USDA to set standards for identifying when States are making major changes in their operations and for States to notify USDA and report on the effect these changes have on program integrity and households' access to benefits.

Though the provision of which I am speaking, section 4116 does not specifically pertain to the privatization of the Food Stamp Program, it does have particular relevance given recent efforts by two States, Texas and Indiana, to privatize major components of their food assistance delivery mechanism. Prior to the approval by the Food and Nutrition Service of both the Texas contract and the Indiana contract, I communicated extensively with the Food and Nutrition Service by letter as to the kinds and manner of data collection that I deemed critical in each instance. I continue to be extremely concerned that USDA is not properly monitoring those projects, as well as other State efforts to transform the way that services are delivered with respect to how these new systems are affecting the most vulnerable members of our society. Because that correspondence was extensive and because it is in the records of USDA, I will not submit it here for the record. I would note however, that in implementing section 4116 of the conference report, I expect USDA to closely review my prior correspondence regarding the Texas and Indiana contracts regarding what kinds of information should be collected. In particular, I expect USDA to review my letter to Secretary Johanns sent on January 19, 2006. That letter in particular clearly laid out expectations as to proper evaluation criteria, especially as they pertained to program access for certain vulnerable populations, such as individuals with disabilities and those with limited-English proficiency.

I would also like to note that USDA has thus far refused, both in the case of Texas and the case of Indiana, to gather appropriate quality control data in the specific geographic areas that were initially rolled out for testing. In those cases, I asked USDA to gather quality control data that was specific to the geographical area that was being initially rolled out so that a comparison could be made to the rest of the State that was still operating under normal parameters, and I asked USDA to gather data that would allow for a timely evaluation of the pilot area. USDA responded that this was not possible because quality control data is not gathered for substate geographical areas and quality control data is not available for evaluation until many months after it is first gathered.

This provision allows USDA to rectify this situation and, in addition to other reporting measures, I fully expect USDA, in implementing this provision, to ensure that quality control data is gathered when there are major changes in program design that allows for comparison of substate areas that are being tested and which allows for the timely use of the State-reported data in evaluation prior to moving ahead with later phases of a project.

Another provision of the bill creates an explicit State option for accepting food assistance applications over the

telephone. As I previously mentioned, innovative States have experimented with online applications and telephone interviews as a way of streamlining the process for people who have difficulty coming to welfare offices, such as working families with busy schedules and senior citizens.

The nutrition title would allow households to apply for food assistance over the telephone and have their benefits date back to the date of the telephone application. This is important to ensure that households that apply over the telephone do not have a delay in their benefits and receive smaller benefits for the first month. We have provided that a telephone signature should be accepted as adequate for all purposes. No subsequent mail-in application should be required in order for the application to be considered filed by the State agency.

Throughout the history of the Food Stamp Program, the courts have played a positive, constructive role in ensuring that congressional intent is carried out. The program has not been overrun with litigation because both Congress, in writing statutes, and USDA, in writing regulations, have taken great pains to be clear and specific. On those rare occasions when courts have misunderstood our intent on an important matter, Congress has amended that statute accordingly. Because USDA keeps the Agriculture Committees closely apprised of its regulatory actions, Congress also has been comfortable with—indeed supportive of—litigation to enforce the Department's regulations. On numerous occasions when we leave a matter open in the statute, it is because USDA has told us exactly how it plans to address the matter in regulations. Congress has always operated on the assumption, and with the intent, that the program's regulations would be fully enforceable and fully complied with to the same extent as the statute.

I was disturbed to learn of two recent cases in which courts disregarded the longstanding history of judicial enforcement of the act and regulations. A district court in Ohio refused to entertain a suit brought to enforce the Department's regulations for serving people whose primary language is not English, and an appellate court in New York held that States are less responsible for compliance with the act and regulations when the program is administered by local governments than when the State administers the program itself.

Accordingly, this legislation clarifies that States must comply with the Department's rules on service to non-English-speaking households as well as with the statute. The regulations, no less than the statute, create rights for households to ensure that they can receive benefits.

Responding to the New York case, the legislation clarifies that States' responsibility is no less in locally administered systems. Congress has granted States the option for local administration as a convenience; nothing in the law reduces States' responsibility if they take this option. If the State could not be held fully accountable for strict compliance with the act and regulations in these cases, local administration would not be permitted. These amendments correct that problem.

I have been a member of the Senate Agriculture Committee or the House Agriculture Committee for over 30 years. I have always operated on the assumption that the act and regulations create enforceable rights for actual and prospective participants and that litigation may properly arise under provisions of either. When I have heard of examples where applicants or clients were not provided with the service that the act and rules provide, such as timely and fair service, assistance for those who need it by the State agency or 10 days to turn in requested paperwork, I have supported the right of an individual to file a claim against the State to enforce the rules established by Congress and the regulations stemming from the statute.

With very few exceptions, the old Food Stamp Act and the new Food and Nutrition Act are based on the principle of individual rights. Much of that stems from a history in the 1960s and 1970s of clients not being able to gain access to the program. To be sure, section 2 has little in it to enforce: subsections (a) through (g) of section 7 do not affect individual households, and sections 9, 10, 12, and 15 focus on retailers and wholesalers. Within section 11, paragraphs (e)(19), (e)(20), (e)(22), and (e)(23), as well as subsections (f) through (h), (k), (l), (n) through (r), and (t), regulate state agencies rather than households. The same is true in section 16 of the beginning of subsection (a) as well as of subsections (c), (d), and (f) through (k). Sections 14(a), 18(e) and (f), 19, 23, 25, and 27 similarly do not convey rights to households. A few other provisions by their terms no longer apply to anyone. But by and large, the Agriculture Committees, and Congress as a whole, have consistently intended that the Food Stamp Program be administered in strict conformity with the Food Stamp Act and with regulations the Secretary has duly promulgated under this act and that prospective and actual participants be entitled to enforce these provisions legally.

The legislation also clarifies the act's privacy protections to ensure that those receiving confidential information for legitimate reasons are not free to make other uses of that information or to retransmit it to third parties. Any decisions about releasing or using information should be made in advance by the Department or State food stamp agencies. The focus was on retransmission of information. Other than the provision explicitly allowing these records to be accessed in households' litigation, the bill does not expand initial access to confidential information. Confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

In the program integrity area the bill responds to USDA's request for more flexibility in how they penalize retailers who have committed fraud against the program. Electronic benefits have greatly reduced the occurrence of clients converting their food assistance benefits into cash, but there sometimes remain problems with stores finding ways to enrich themselves at the expense of the Federal Government and low-income households. Under this bill USDA will have more flexibility in the types of penalties it can impose on such stores. USDA will be able to disqualify an offending retailer, subject the retailer to financial penalties, or both.

Elsewhere in the bill, the Secretary is provided expanded authority to penalize individuals and companies that defraud USDA programs. While that provision does not apply to any of the individuals and families who receive food assistance it could be used with respect to retailers and other program operators. Given our history of collaboration with the Department on crafting this retailer fraud provisions as well as fraud detection and enforcement systems in the other nutrition programs, it is not my expectation that the Secretary would ever use that authority without extensive consultation with the Agriculture Committees.

The bill also adds two new specific disqualifications for recipients who have intentionally used their food assistance benefits inappropriately. I do not think these kinds of behaviors are common among food assistance recipients, but they are nonetheless inappropriate, and people who engage in them should be penalized. The first came up because of a story in my State. Apparently someone used their food assistance benefits to buy water in returnable containers. The individual's real goal, however, was to discard the water and return the container for the cash deposit. This kind of activity is obviously not consistent with the purpose of the program and States will now have specific authority to deal with it when it occurs.

The second would address instances where food assistance recipients intentionally resell food that they have purchased with food assistance benefits. This is a little bit of a grey area, and I want to be clear about what we do and do not intend with this provision. It is not consistent with the goals of the program for individuals to resell large quantities of food for a profit that they have bought with food stamp benefits. However, I recognize that food stamp households may occasionally buy a cake mix which is used to make cupcakes for their child's elementary school bake sale or they may shop for one another and reimburse each other for food. Two families who share an

apartment may sometimes share or swap food, even though they generally purchase and prepare their meals separately. These are not fundamental affronts to the integrity of the program. In fact, these are facts of life for honest low- and moderate-income families. USDA and States should only treat the egregious cases—where recipients intentionally sell food that was clearly purchased with food assistance benefits for a cash profit—as fraud. Innocent, well-intentioned low-income individuals should not be disqualified under this new provision.

The bill also includes $20 million in the nutrition title for pilot projects to test innovative ways of using the Supplemental Nutrition Assistance Program to improve the diets and overall health of recipients and to especially reduce the problems of obesity and the related bad health outcomes. Particularly, this funding is provided for USDA to carry out a pilot program that would test whether certain incentives can be effective in helping food stamp households to purchase healthier foods. The funding is intended to be used for a pilot program using the existing EBT infrastructure. For example, a participating household that purchases fruits and vegetables with their food stamp benefits would receive a discount on the portion of their purchase that is deemed healthful. Or alternatively, the household would have extra benefits added onto its EBT card for the component of their grocery store purchases that are healthful.

This provision is an investment in a very important area. But I must be clear that it is very important for these pilot projects to be rigorously evaluated and that the evaluations be independent, so the Agriculture Committee can have reliable information on what really works and does not work to change people's food purchasing behavior, diets, and health status. To provide USDA with maximum flexibility in implementing this provision, the statute does not go into great deal about the structure of the pilot program. However, I have every expectation that USDA will consult closely with the Agriculture Committee as it works to implement this provision.

The bill also requires USDA to study the cost and feasibility of reinstating the Commonwealth of Puerto Rico into the national Food Stamp Program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance. Puerto Rico operates their Nutrition Assistance Program with rules very similar to the Food Stamp Program, except that it has been forced to impose much lower eligibility criteria as a result of capped funding. For example, a Puerto Rican household has a maximum net income limit of only 23 percent to 34 percent of the poverty level, instead of the 100 percent cut off used in the Food Stamp Program. It is important that Congress gain a better understanding of whether we are meeting the food needs of U.S. citizens living in Puerto Rico and whether inclusion in the Food Stamp Program would be appropriate in the Commonwealth. With this study I hope to get a better understanding of what the local conditions are in Puerto Rico and how to address the issues in the next farm bill.

Another provision of the bill seeks to ensure that all children who live in households receiving food stamps are getting the free school meals to which they are entitled. Forty percent of all food assistance recipients are school-age children and about 45 percent of food assistance benefits go to families with school-age children. Food assistance benefits are a critical factor in reducing food insecurity amongst families with children. All children in families receiving food assistance get another important benefit—automatic enrollment for free school meals provided through the National School Lunch and School Breakfast Programs. Such children have been eligible for free school meals for some time, but the requirement that they be automatically enrolled without completing a duplicative paper application was enacted in 2004 and will be effective nationwide for the first time in the 2008 to 2009 school year.

The goal of the direct certification requirement is to move to a system that seamlessly enrolls 100 percent of school-age children in households receiving food assistance benefits for free school meals without imposing any additional paperwork on already stressed families. Unfortunately, it appears that some States are not implementing this provision effectively. As a result, families and schools must fill out and process needless paperwork that was already processed by the food stamp agency. I strongly encourage USDA to work with States to ensure better implementation of direct certification. Government need not and should not be unnecessarily redundant and wasteful. This legislation requires USDA to report to Congress annually on each State's progress toward that goal and to identify best practices. The report can thus be used to help States assess their own progress and expand the reach of direct certification.

The farm bill nutrition title makes a significant new investment in food purchases for emergency food organizations, increasing the Federal mandatory funding that is available from $140 million per year to $250 million, adjusted for annual food inflation. Because the amount has been flat since 2002 it has lost purchasing power, while food prices have climbed by more than 15 percent. TEFAP also will receive $50 million in additional funding for the remainder of fiscal year 2008 to deal with the short-term immediate needs of food banks in light of the recent economic downturn and high food price inflation.

I would also like to highlight some of the changes we made to the Food Distribution Program on Indian reservations. As my colleagues may know, under the Food Stamp Act, tribal governments have the authority to run a commodity program for their tribal members who would prefer commodities to food stamps. The program helps ensure that low-income Native Americans who live in very remote areas and for whom food stamps are not an option have access to nutritious foods. Currently, there are approximately 243 tribes receiving benefits under the FDPIR through 98 Indian tribal organizations and five State agencies.

The bill makes a number of changes to the program. First, the statute is clarified to ensure that individuals disqualified from the Food Stamp Program are also disqualified from FDPIR. Second, the bill provides more authority to ensure that traditional and local foods are included in the food package based on input from program participants. Finally, and perhaps most important, Congress is requiring USDA to submit a report on the FDPIR food package and its ability to meet the food and health needs of low-income Native Americans. I am deeply concerned that FDPIR may be failing as a substitute for the Food Stamp Program. Unlike food stamps, it does not differentiate between the food needs of the poorest versus those with more income. Moreover, I am concerned that the quality of the food provided in the food package is not as healthy and nutritious as it ought to be, nor does it respond to the diet and health challenges of Native Americans. The Secretary has open ended authority to improve or expand FDPIR, which is an entitlement to Native Americans in lieu of the Food Stamp Program. I look forward to hearing from USDA about if or how FDPIR needs to be modified to respond to the food security needs of its participants.

The nutrition title also make a very significant investment in the health of our Nation's children by expanding the Fresh Fruit and Vegetable Program, which will receive $150 million annually within 5 years and thereafter be indexed to inflation. Several important policy changes are also made to the program. First, because eating habits are established early in life, we limit the program to just elementary schools, with an appropriate transition period for currently participating secondary schools. The bill also includes significantly strengthened targeting of program funds to low-income children by specifying that priority be given to applicant schools that have the highest proportion of children who are eligible for free or reduced-price meals. I expect USDA and states to take this income targeting very seriously. The

statute is very clear. It does not suggest that the prioritization of low-income schools is optional but clearly indicates that first priority be given to the schools with the greatest proportion of low-income children. The statute also removes any reference to dried fruits that previously existed. The program is intended to provide fresh fruits and vegetables only.

As my colleagues may gather from my remarks, I am extremely proud of what we have accomplished in the nutrition title of this farm bill. We have made the title a top priority within the bill and taken pains to ensure that we strengthen our Federal nutrition programs for the tens of millions of children, seniors and families they serve. Of course, we still have a long way to go before we end hunger in this country. But with this legislation we will be moving in a direction of reducing hunger, strengthening our people and building healthier, stronger communities.

Mr. President, in addition to the more than 1,000 farm, conservation, nutrition, consumer and religious organizations who urged us to override this veto, more than 2,700 Americans signed an online petition, which said the following:

> We urge Congress to override President Bush's veto of the 2008 farm bill . . . It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent . . . Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I will not enter all the names into the RECORD because there are e-mail addresses listed here, and I don't want to make all those public.

I ask consent to have the petition printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> We urge Congress to override President Bush's expected veto of the 2008 Farm Bill which takes our country in a bold new direction. It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent.
>
> The House and the Senate passed the Farm Bill on May 14–15 with enough bipartisan support to override a possible veto by President Bush.
>
> We urge members of Congress to continue to vote for the interests of Americans instead of caving to President Bush who is out of touch with the everyday needs of middle America.
>
> Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we should take a moment to appreciate the historic nature of this vote. This is the first time ever a Presidential veto of a farm bill has been overridden. Of course, we all know this is far more than a farm bill. In fact, that is a misnomer. This is a food bill, a conservation bill, an energy bill—all those things combined in a way that I think should make us all proud. It got 82 votes for a reason. It is a good product. It got 316 votes on a Presidential override because it is a good product.

I thank especially the leadership of the Agriculture Committee. Our chairman, Senator HARKIN, who is indefatigable, to have a vision to turn farm policy in a new direction, to be more conservation oriented—history will treat him very kindly. Senator CHAMBLISS—we call him, in our office ''Cool Hand Luke'' because you couldn't ask for a better partner throughout an effort than Senator CHAMBLISS has been to all of us. He has been steadfast. He has been calm, cool, and collected in a lot of situations that demanded real restraint in order to keep things together. I also thank him for the friendship we have formed throughout this effort.

To the staffs—I wish to especially thank my staff: Jim Miller, my lead negotiator who has given body and soul to this effort. I calculate he spent more than 3,000 hours over the last 2 years on this effort; Tom Mahr, my legislative director, who has a lot of brainpower that he brought to this effort, as he does to so many jobs in my office. I deeply appreciate all the assistance Tom has given me and the other members, the other negotiators; Scott Stofferahn, my other negotiator, who helped write the disaster provisions that have proven to be so well done. John Fuher is a member of my staff who has taken on a lot of responsibility at a young age. He has stepped up onto the stage. I appreciate it. Miles Patrie and Joe McGarvey handled key sections of the legislation; on Senator HARKIN's staff, Mark Halverson, the staff director. I joked the other day he started to go gray in this process. You know, it may go further than gray with the little glitch that happened over on the House side; and Susan Keith, who is so determined to write good agriculture policy, she can be proud of what she has helped accomplish in this bill; Martha Scott Poindexter is a consummate professional, somebody for whom we developed high regard. It has been a delight to work with her; Martha Scott, we appreciate the good humor you have brought to this effort, as well as Vernie Hubert, a consummate pro. These are talented people, good people. They deserve our thanks.

I also wish to thank, if I can, the occupant of the chair, Senator NELSON of Nebraska. He is a critically important member of the Agriculture Committee who has provided that kind of mature leadership that is so often necessary in writing legislation of this importance. I thank the occupant of the chair for all he did to make this a reality as well.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I have been asked to make a request that we go into morning business, with Senators permitted to speak for up to 10 minutes; that upon my conclusion, Senator DORGAN be recognized for up to 5 minutes, Senator CASEY for up to 5 minutes, Senator VITTER for 15 minutes, followed by Senator STEVENS for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

UNANIMOUS-CONSENT REQUEST—H.R. 980

Mr. DORGAN. Mr. President, on behalf of the leader, I ask unanimous consent—and I ask it not be taken out of my time—that H.R. 980 remain the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Yes, Mr. President, on behalf of Senator ENZI, the ranking member of the committee of jurisdiction, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota is recognized.

THE FARM BILL

Mr. DORGAN. Mr. President, I want to start by acknowledging the tremendous work of Senators CONRAD, HARKIN, and CHAMBLISS. This farm bill has taken countless hours of patience and perseverance. Thank goodness they have all that in abundance, along with great skill, wisdom and vision

I especially want to recognize Senator CONRAD's work here in the Senate and Congressman POMEROY's work in the House. We wouldn't be where we are today without their efforts and I wanted to publicly thank them.

Mr. President, the Congress has made a major decision today. That decision is to say to this President: It is time to start taking care of things here at home. It is a pretty substantial message—notwithstanding the objections of the President, this Congress said we need to stand for family farmers and have voted overwhelmingly to decide that we will override the President's veto and voted overwhelmingly to decide that we will override the President's veto. Sometimes there is not much distance between the right track and the wrong track. But with respect to the farm bill, the distance here between the right track and the wrong track, between the President and the Congress, is a country mile. It surprises me, in fact.

This Congress has said: Let's start taking care of things here at home for a change. Now, family farmers have always been the bedrock of this country's family values. They, in many cases, work alone. They raise a family out under yard lights, out in the country. They take big risks every year.

They live on hope. They do not come to work in blue suit. They put on work shoes and work clothes and work hard, and all they ask for is a decent return on their investment, despite the substantial risks they take. Because of that this Congress, for a long period of time, over many decades, has decided to create a safety net so that when family farmers run into a patch of trouble, this Congress and this country say: You are not alone. We want to help you through these price valleys and through these tough times.

So that safety net was significantly what we voted on today. The President began last year threatening to veto a farm bill, and consistently threatened that veto, and finally decided to exercise that veto, and the Congress said: You are wrong, Mr. President.

The President came to my State of North Dakota. He said to farmers: When you need me, I will be there. But when farmers needed him, he was not there. That is a matter of fact. This Congress has used awfully good judgment in overriding the President's veto.

About a year ago, a little over a year ago, I introduced an agriculture disaster bill here in the Congress. For 3 years in a row I have added an agriculture disaster piece to the supplemental appropriations bill because we did not have a disaster title in the farm bill. For 3 years as an appropriator I put disaster money in the Appropriations supplemental bill. Finally, on the third opportunity, we got it in a bill the President had to sign. But we had to go on bended knee when they had disasters over much of farm country to get disaster help. Now we have a farm bill that has a disaster title. That is a significant step forward.

A lot of folks do not understand much about farming. They think that Corn Flakes, oatmeal, and puffed rice come in boxes. They do not. But those who put it in the boxes make much more money than those who plow the ground and plant the seeds that produce the corn and the oats and the wheat.

Now, this is a pretty substantial day for those of us who care about family farmers and want good farm policy. This veto override is good public policy.

Rodney Nelson, a cowboy poet from North Dakota, who is a rancher and a farmer out near Almont and Judd, ND, wrote a piece. I have mentioned it before to my colleagues. But he asks this question rhetorically in his piece: What is it worth? What is it worth for a kid to know how to weld a seam, to drive a combine, to fix a tractor? What's it worth for a kid to know how to pour cement? What is it worth for a kid to know how to work livestock, work in the hot summer sun and the cold winter day? He asks: What is it worth for a kid to know how to teach a calf to drink milk out of a pail? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to fix a tractor that won't run?

There is only one place in this country where all of those skills are taught, and that is on America's family farms. That is the university where all of those courses exist, and we lose it at our peril. That is why we write farm legislation. What is it worth? It is worth plenty to this country to say to family farmers during tough times: You are not alone, because we have created a farm bill to say here is a helping hand during tough times. That is what this is all about. I think the action today is something we ought to be proud of.

Is this bill everything I would have liked? No. My colleague and I, Senator GRASSLEY, offered an amendment on the floor of the Senate that was critical in terms of policy dealing with payment limits. We lost. We got 56 votes, we needed 60.

The fact is, this bill remains a good bill. It is late. It should have been done months ago. We fought through 9 or 10 months of Presidential veto threats. But it is done and finally I think farmers who are working their fields now in the spring and trying to figure out how they are going to do this year, I think farmers are going to be able to look at this bill and say: Congress cared. Congress cared enough to override the President's veto and put in place a farm bill that once again says: America cares about family farming and its future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

THINKING OF SENATOR KENNEDY

Mr. CASEY. Mr. President, let me say first I commend the remarks of the Senator from North Dakota who again reminds us of the importance of this legislation that we have been working on for many months now, and now having the votes, an overwhelming number of votes in the Senate to override the President's veto.

It is a bill that will help our farm families. But it is also a bill that we know from the percentage breakdown is about nutrition and conservation and so much else. So we are grateful for all of the work that went into this.

I am thinking today about not only this legislation. I want to spend a few moments talking about our veterans. But also we had an opportunity today at lunch to listen to three individuals whose stories, among others, are portrayed in a book about the Freedom Riders in the early 1960s and the impact they had on civil rights, and the courageous witness they provided is an understatement. People literally risked their lives for freedom in the South.

When I think about our veterans today, the GI bill that Senator WEBB brought to this body, and so many of us cosponsored, when I think about the GI bill, the work today on agriculture and nutrition, and also the witness provided by these speakers today at lunch who were Freedom Riders, I am, of course, thinking about Senator KENNEDY who is not with us today. He is outside of Washington and we are anxiously awaiting his return.

But I was thinking, as we all are today, about him and about his health but also his presence here. Everything we did today virtually he has had an impact on for more than a generation, whether it was nutrition or whether it was helping our veterans or whether it was having the courage to stand up for civil rights. So we are thinking of him today.

GI BILL OF RIGHTS

Mr. CASEY. Mr. President, I wanted to make a couple of remarks about the GI bill of rights. We had an opportunity today to vote on a piece of legislation which included that. That legislation is so necessary for our veterans. I know, Mr. President, you in your State, as a former Governor and Senator, know the impact of veterans.

In Pennsylvania, we have over a million veterans, and so many of them served our country in war after war. And in this war, the war in Iraq or anywhere in the world where they serve, all they are asking us to do is to help them in a couple of very basic ways: They want our respect, which we should always provide, and I think most Americans do over and over again. But they also should have the right to an education after they have served their country. It is that simple. We all know education is often referred to as the great equalizer. Sometimes when someone comes from a disadvantaged background, they are able to lift their sights and partake in the American dream because they have an education.

If soldiers are serving in combat, men and women in uniform for America, the least we should do is provide them with an education when they come home so they can have the chance at the American dream here at home.

I think the last thing, certainly not in that order, they have a right to expect is quality health care. We have a long way to go. Despite great work by people who work in the VA, there is a long way to go to provide the kind of quality health care our veterans have a right to expect.

So when we remember on this floor the words of Abraham Lincoln a long time ago when he talked, about people who served in combat and war, he talked about caring for him who has borne the battle and his widow and his orphan. When we think about that today, caring for him or her who has borne the battle, it must mean at least those three things: our respect, quality health care, and a quality education.

That is why this bill is so important. I am grateful so many of our colleagues agree with that. But we have got a long way to go to make sure the GI bill is the law of the land, not just something to debate but the law of the land.

I hope the President, I hope people on both sides of the aisle here join us in that, in making sure the GI bill of rights at long last is the law of the land.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Louisiana.

HEALTH CARE

Mr. VITTER. Madam President, I rise to talk about the need for dramatic, bold health care reform in this country, so every American has real access to good, affordable health care. In doing so, I wrap up a project I began 8 weeks ago with six of my Senate colleagues to highlight our proposed solutions to reforming health care in America.

I start by thanking those colleagues, Senators COBURN, DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR for joining me here on the Senate floor and in other venues to talk about this enormously important challenge for all of us.

We have reaffirmed what I think virtually every American knows, that we are in a health care crisis in this country, and there are some fundamental things broken, some fundamental things wrong with our present health care delivery system.

I want to reaffirm what was said: We need not just tinkering at the edges but some bold, dramatic reform to fix that system and give every American access to good quality and affordable health care.

But I also want to reaffirm there are clear choices to be made, dramatically different alternatives. We have laid out our positive choices in contrast to the other large alternatives, the single payer socialized solution that several of our colleagues here in this body have long advocated.

Our message, my colleagues and mine, Senators COBURN and DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR, has been simple at its core: The health care system must be centered on the doctor-patient relationship. Health care plans must be flexible and there must be real choice. Americans must be able to own and control their own plans and decisions and choose how those plans work for them, and Washington should not control or run or mandate all of this.

We believe individuals and families should own their own health insurance, and we oppose the Government managing or rationing people's health care. We believe individuals are capable and are better than bureaucrats at choosing that coverage which is best suited for their own needs.

We are opposed to forcing people to enroll in a plan versus providing incentives to encourage individuals and families to choose to enroll. We believe existing Government programs can be improved and modernized so they provide more efficient quality care to serve the purpose of their enactment.

In contrast to that, we oppose attempts to expand these specifically targeted programs and make them a Trojan horse for broader overreaching socialized medicine and sickness management by the Federal Government.

Instead of looking to put more people on Government health care, we should assure that the truly indigent have health coverage. My friends and colleagues who tried to rationalize a dramatically expanding SCHIP, for example, the ability to offer Government health care to already insured children, argued we have to put children first. But last year this Senate unfortunately and overwhelmingly rejected an amendment by Senator COBURN that would have assured that all children in the United States would have health care coverage before funding special interest pork projects.

We believe we should open and expand the health insurance marketplace to Americans so they can shop for health care across State lines and let insurance companies compete to provide quality, cost-effective care.

We oppose increasing the number of costly mandates that price individuals in so many cases out of the market and restrict consumer choice and access.

As my friend from South Carolina stated, there are almost 2,000 individual mandates in health care, covering in some cases acupuncturists and hair prostheses.

These mandates obviously drive up the cost of health care. In fact, according to the CBO, for every 1 percent increase in the cost of health care, 300,000 people lose their insurance. So there is a real human cost to so many of these mandates. This is supposed to be a free market society. I am perplexed as to why a consumer in South Carolina should not be able to shop for cheaper health insurance if that product is offered and sold in Louisiana.

This is commonsense reform to drive down mandates to a reasonable level. It would force insurance companies to compete with each other across State lines to offer cheaper quality plans. Americans are able to purchase or invest in almost anything in any State of the Union. This does promote competition. It encourages companies to offer better prices and better quality and more attractive interest rates for savings and better service. Why can't we bring that positive aspect to the market of health insurance?

My colleagues and I who join together in this discussion recognize that seniors have increasingly turned to Medicare Advantage plans because they offer better value, more choice, a higher quality of care than traditional fee-for-service Medicare. We oppose attempts to cut Medicare Advantage and reduce health care choices for seniors. Again, unfortunately, too many folks in this body are moving in the other direction. In fact, the chairman of the Finance Committee has indicated that the majority side of the aisle will offer a Medicare package that will likely significantly cut funding for the popular Advantage plan.

I have heard from thousands of Louisiana seniors who are overwhelmingly pleased with their Medicare Advantage plans. I hope we can preserve this option for seniors and find a reasonable compromise so we don't cut Medicare Part C and negatively affect those seniors.

We believe we should dramatically reform the tax treatment of health care by providing powerful incentives that will increase access by allowing Americans to keep more of their hard-earned money to pay for health care. We oppose tax increases that do the opposite, that seize American money from American families to pay for government-run and government-dominated health care. That limits access to doctors. It lowers the quality of health services. Addressing health care through our Tax Code would fundamentally change the health care market, if we do it in the right way. By letting Americans keep more of their money for health care through refundable tax credits, we can empower Americans with more resources to obtain and access care.

We have seen the results of increased utilization of health savings accounts. We want to see that when given the freedom to keep their tax-free money for health care, Americans will make conscious efforts to stay healthier, make better health care decisions, and shop for more cost-effective care and services. HSAs, health savings accounts, are a newly implemented concept and one that is working. Americans want choice, and tax advantage options such as HSAs allow for more choice in health care. We know our proposals would reform a broken system into one that is patient centered, high quality, lower cost, and where families choose and own their own health care plan. Government-run health care does not work and limits access and choice for families.

If you do not believe that, look to our neighbors. To the north we see Canada, which has a weekly lottery to see which of their citizens, in essence, can go to the doctor. Look to our friends across the Atlantic, to the British. The British National Health Service recently promised to reduce the wait time for hospital care to 4 months. That is supposed to be a dramatic improvement under that model, under Great Britain's national health care system.

Is that the kind of health care we want Americans to have? I sincerely hope our proposals over the last 8 weeks will be some part of promoting this badly needed debate. I sincerely hope that important debate leads to action, to results in the Senate and the Congress, results for the American people. Health care is one of the most important issues for American families today. It is time we actually do something instead of sitting on our hands in Washington. We need to go back to the

States to talk about how we need to reform the American health care system. It is time to embrace the challenge of health care reform and do something now, not just punt to future Congresses, future Washington politicians, future Presidents.

I hope our discussion over the last 8 weeks helps promote that, not just debate but debate leading to action to improve the lives of all Americans with regard to health care.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SUPPLY

Mr. STEVENS. Madam President, this morning when I read the Wall Street Journal, I was interested in this article: ''Energy Watchdog Warns of Oil Production Crunch.'' This is the IEA, the International Energy Agency, that makes estimates and keeps the world informed on the status of energy supplies. The conclusion in this article is that the demand for energy throughout the world continues to rise, but the supply is flat.

I think there is no question that this is a problem this country faces, the problem of supply. Too often people in the Senate are unwilling to talk about the problem of supply. As a matter of fact, in 1995, President Clinton vetoed a bill that would have opened a very small portion, about 2,000 acres, of the ANWR coastal plain, which is a million and a half acres set aside for oil exploration. It would have opened it to oil and gas development. That was shortsighted, a mistake, and it has had a devastating effect on Americans.

As this article in the Wall Street Journal points out, it predicts global demand for oil of 116 million barrels per day by 2030. Today the world's demand is only 87 million barrels a day, and we are paying $135 for each of those barrels. As the demand continues to rise—and we know it will—so will the cost. It will become higher and higher. This is what I have been trying to say now for 20 years in the Senate. We should be able to produce more of America's oil, and we import today 67 percent of our oil.

During the oil embargo in the 1970s, we imported about 34 percent. We are almost totally dependent now on oil from offshore. American oil is not available to this country. The alarming fact is, the military is the largest consumer of oil in the country. It uses about 4.8 billion gallons of oil per year. The problem really is, if we had an embargo today, we could not sustain our military, let alone our essential infrastructure. Our economy could not survive another embargo.

We need to realize we can produce American energy to meet our needs. If we produce it over a period of years, the price will be stabilized. The interesting thing is, on May 1—right here on the Senate floor—the senior Senator from New York called drilling in the Arctic National Wildlife Refuge ''plain wrong.'' He said it was an ''old saw.'' He said the field's probable 1 million barrels a day would reduce gas prices ''only a penny a gallon.''

Then, on May 11, the Senator from New York, Mr. SCHUMER, said:

> There is one way to get the price of oil down and it's two words—Saudi Arabia. If they were to increase 800,000 barrels per day, the price would come down probably 35 to 50 cents a gallon. That's a lot.

Now, why would 800,000 barrels of Saudi oil reduce gas prices 50 cents a gallon and 1 million barrels of American-produced oil from our State reduce the price at the pump only a penny?

As a matter of fact, the Senator from New York said this extra supply from Saudi Arabia would probably reduce the price of a gallon of gas by 62 cents before it was all over. Imagine that: 800,000 barrels of oil from Saudi Arabia could bring down the price of a gallon of gasoline by 62 cents. There is an absolute inconsistency with what the Senator from New York has told the Senate. I find that appalling on a thing such as the oil supply now, in view of the price of gasoline for Americans at the pump. They are paying the price because of President Clinton. They are paying the price because of stubborn opposition to develop the resources in my State.

Now, they tell us that drilling in the arctic could harm the Arctic Wildlife Refuge. It will not. As a matter of fact, the land we are going to develop was set aside in the act of 1980, a million and a half acres in the Arctic Plain, so it could be explored. It will not be part of the Arctic Wildlife Refuge until the exploration and development of that area is over.

I think there is no question we have to find a way to have the Members of this body make up their minds: What is the problem America faces today? It is supply. Our demand is increasing, like the rest of the world, but we do not have an American supply of oil. Off our shores, and in the deep water off Alaska, there is a bountiful supply of oil. We have two-thirds of the Continental Shelf of the United States, and there is only one well on that two-thirds of the Continental Shelf.

If you look over to the other side of the Bering Straits in Russia—Russia, which was a net importer of oil just 20 years ago, now is a net exporter of oil. Why? Because they developed the OCS off their shores. They now have a strong economy in Russia. Why? Because they do not export petrodollars anymore. They use money in their own country to finance development in their own country.

We have to make up our minds whether we are going to face blind opposition, incorrect, and uninformed opposition, or whether we are going to take the actions needed to develop American oil to meet American demand, and whether we are going to use the deep water off our shores to produce oil as does the rest of the world.

Norway produces oil off their shores. Britain produces oil off their shores. As a matter of fact, we produce oil off our southern shore, but we are prevented from producing oil off our northern shore. It is absolutely inconsistent and irrational what we are facing.

Our pipeline, at its peak, was transporting 2.1 million barrels of oil to the west coast of the United States. Today, it is producing about 700,000 barrels a day. It is two-thirds empty, in effect. It would not need a new pipeline to carry the oil that would be produced in ANWR. It is there. It could carry more than 1 million barrels a day easily. Yet it has been opposed. It has been opposed for over 20 years, by the same irrational people who come to the floor and say: Oh, oh, Saudi Arabia, produce more oil. Produce 800,000 barrels of oil a day, and we can probably expect gas prices at the pump to come down 62 cents. But if you bring 1 million barrels of oil down from Alaska, it is only going to affect the price by a penny.

I have to tell you, we have to have smarter energy solutions. I hope the time will come when we have a rational debate on this floor. I am reminded of that rational debate when we finally approved the legislation that brought about the construction of the Alaska oil pipeline in the 1970s. We waited 4 years for that pipeline to start because of stubborn opposition from the extreme environmentalists. It was finally overcome. That opposition was overcome by an act that was started right here on the floor of the Senate, which closed the courts of the United States to any further litigation over building that pipeline.

We were just following the oil embargo. America realized we had to have more American oil. There was no filibuster on this floor. The vote was 49 to 49, and that tie was broken by the then-Vice President.

Now, what has happened? Why should every time we bring up ANWR we have a filibuster? Why can't we bring to the American continent the resources of the continent that happen to be in our State?

Mr. INHOFE. Madam President, will the Senator yield for a question?

Mr. STEVENS. Madam President, I am happy to yield to my friend.

Mr. INHOFE. Madam President, I say to the Senator, I do not want to disrupt your line of thinking because I agree so much with you. But every time I hear people talking about ANWR, and I hear people talking about stopping any drilling or exploration in ANWR, it occurs to me, here you are, the senior Senator from Alaska. You have been here for a long time, and I have gone with you up to the area in which you

are talking about drilling. I have heard people compare that to a postage stamp in a football field or something like that. It is a tiny area up there.

The question I have is twofold. First of all, why is it that as near as I can determine, people who live there all want to explore and resolve this problem we have in this country by drilling and exploring in ANWR? Who are we down here to tell them up in Alaska what is best for them? That would be the No. 1 question.

Then, the second thing is, what I have observed, I say to the senior Senator from Alaska, who has been here longer than I have, is that every time this has come up—I came from the House to the Senate back in 1995—now, on October 27, 1995, we voted 52 to 47, right down party lines, to go ahead and start exploring in ANWR. All the Republicans supported it. All the Democrats opposed it. Then, again, on November 17, 1995, the same thing happened: We voted to explore, the Democrats voted against it.

Then, after all that work was done, the President—then-President Clinton—on December 6, 1995, vetoed the bills that had this authority we had given them to drill. Then the same thing—I could go on and on—but in 2005, the same thing happened. The Senate voted on an amendment to the budget resolution to strike the expansion of exploration in ANWR. It failed by a vote of 49 to 51, right down party lines.

I guess the second question I would ask the Senator is, why is making us self-sufficient a partisan issue? Why do the Democrats oppose it and the Republicans support it?

Mr. STEVENS. I have to tell the Senator, that is comparatively new in terms of my time in the Senate. When I first arrived here, there was bipartisan support for producing American oil. We had a coalition with Republicans and Democrats, and we worked with the administration, whether it was Republican or Democrat, to find a way to bring more oil on line, oil produced by Americans and consumed by Americans.

When the opposition started on a political basis, we were then importing about 20 percent of our oil. As the opposition has continued, as I said, we now import 67 percent. That money, which would have been spent in this country producing millions of jobs, and putting people into permanent jobs, long-term jobs, is going to all these countries throughout the world because we do not have that investment. We have now what we call petrodollars, and we have to send our exports overseas to bring that money back.

This chart shows that 1 million barrels of imported oil cost the American economy 20,000 jobs, and we are importing 14 million barrels a day now.

So I tell the Senator, it is a recent phenomenon comparatively, and it is partisan. It started with President Clinton.

Mr. INHOFE. Well, Madam President, I will only respond to say that is my observation. I have not been here as long as the Senator has, but every year since I have been here, we have had this vote, and the people up there want us to drill, to explore, to produce.

I remember the argument against the Alaska pipeline. They said: Oh, it is going to destroy the caribou. What it has done, if you go up there, as I have been with you at any time during the summer months, the warm months, the only shade the caribou can find is the pipeline. You see them all out there. It has actually had the effect of increasing the breed.

But anyway, I keep thinking, if we had followed through with what we are talking about doing back in the middle 1990s, we would now be producing our own energy, producing our own oil, and we would not have these high prices at the pumps.

Mr. STEVENS. I thank the Senator very much.

I will close on this statement.

Madam President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD. I would hope that the Senate would pay attention to it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, May 22, 2008]

ENERGY WATCHDOG WARNS OF OIL-PRODUCTION CRUNCH

(By Neil King Jr. and Peter Fritsch)

The world's premier energy monitor is preparing a sharp downward revision of its oil-supply forecast, a shift that reflects deepening pessimism over whether oil companies can keep abreast of booming demand.

The Paris-based International Energy Agency is in the middle of its first attempt to comprehensively assess the condition of the world's top 400 oil fields. Its findings won't be released until November, but the bottom line is already clear: Future crude supplies could be far tighter than previously thought.

A pessimistic supply outlook from the IEA could further rattle an oil market that already has seen crude prices rocket over $130 a barrel, double what they were a year ago. U.S. benchmark crude broke a record for the fourth day in a row, rising 3.3% Wednesday to close at $133.17 a barrel on the New York Mercantile Exchange.

For several years, the IEA has predicted that supplies of crude and other liquid fuels will arc gently upward to keep pace with rising demand, topping 116 million barrels a day by 2030, up from around 87 million barrels a day currently. Now, the agency is worried that aging oil fields and diminished investment mean that companies could struggle to surpass 100 million barrels a day over the next two decades.

The decision to rigorously survey supply—instead of just demand, as in the past—reflects an increasing fear within the agency and elsewhere that oil-producing regions aren't on track to meet future needs.

''The oil investments required may be much, much higher than what people assume,'' said Fatih Birol, the IEA's chief economist and the leader of the study, in an interview with The Wall Street Journal. ''This is a dangerous situation.''

The agency's forecasts are widely followed by the industry, Wall Street and the big oil-consuming countries that fund its work.

The IEA monitors energy markets for the world's 26 most-advanced economies, including the U.S., Japan and all of Europe. It acts as a counterweight in the market to the views of the Organization of Petroleum Exporting Countries. The IEA's endorsement of a crimped supply scenario likely will be interpreted by the cartel as yet another call to pump more oil—a call it will have a difficult time answering. Last week, the Saudis gave President Bush a lukewarm response to his plea for more oil, saying they were already adding 300,000 barrels a day to the market, an announcement that did nothing to cool prices.

At the same time, the IEA's conclusions likely will be seized on by advocates of expanded drilling in prohibited areas like the U.S. outer continental shelf or the Alaska National Wildlife Refuge.

The IEA, employing a team of 25 analysts, is trying to shed light on some of the industry's best-kept secrets by assessing the health of major fields scattered from Venezuela and Mexico to Saudi Arabia, Kuwait and Iraq. The fields supply over two-thirds of daily world production.

The findings won't be definitive. Big producers including Venezuela, Iran and China aren't cooperating, and others like Saudi Arabia typically treat the detailed production data of individual fields as closely guarded state secrets, so it's not clear how specific their contributions will be. To try to compensate, the IEA will use computer modeling to make estimates. It will also collect information gathered by IHS Inc., a major data and analysis provider based in Colorado, as well as the U.S. Geologic Survey, a smattering of oil and oil-service companies, and national petroleum councils.

SUPPLY-SIDE GLOOM

But the direction of the IEA's work echoes the gathering supply-side gloom articulated by some Big Oil executives in recent months. A growing number of people in the industry are endorsing a version of the ''peak-oil'' theory: that oil production will plateau in coming years, as suppliers fail to replace depleted fields with enough fresh ones to boost overall output. All of that has prompted numerous upward revisions to long-term oil-price forecasts on Wall Street.

Goldman Sachs grabbed headlines recently with a forecast saying that oil could top $140 a barrel this summer and could average $200 a barrel next year. Prices that high would add to the inflationary pressures weighing on the world economy and to the woes of fuel-sensitive industries such as airlines and autos.

The IEA's study marks a big change in the agency's efforts to peer into the future. In the past, the IEA focused mainly on assessing future demand, and then looked at how much non-OPEC countries were likely to produce to meet that demand. Any gap, it was assumed, would then be met by big OPEC producers such as Saudi Arabia, Iran or Kuwait.

But the IEA's pessimism over future supplies has been building for some time. Last summer, the agency warned that OPEC's spare capacity could shrink ''to minimal levels by 2012.'' In November, it said its analysis of projects known to be in the works suggested that the world could face a shortfall by 2015 of as much as 12.5 million barrels a day, unless there was a sharp drop in expected demand. The current IEA work aims to tally the range of investments and projects under way to boost production from the fields in question to get a clearer sense of what to expect in production flows.

''This is very important, because the IEA is treated as the world's only serious independent guardian of energy data and forecasts,'' says Edward Morse, chief energy

economist at Lehman Brothers. Examining the state of the world's big oil fields could prod their owners into unaccustomed transparency, he says.

Some critics of the IEA, while praising its new study, say a revision in the agency's long-term forecasting is long overdue. The agency has failed to anticipate many of the big energy developments in recent years, such as the surge in Chinese demand in 2004 and this year's skyrocketing prices. ''The IEA is always conflicted by political pressures,'' says Chris Skrebowski, a London-based oil analyst who keeps his own database on big petroleum projects and is pessimistic about supply. ''In this case I think they want to make as incontrovertible as possible the fact that we are facing a real crunch.''

U.S. FORECASTS

The U.S. Energy Department's own forecasting shop, the Energy Information Administration, has long stuck to the same demand-driven methodology as the IEA, assuming that supply will keep up with the world's growing hunger for oil. But the U.S. agency also has embarked on its own supply study, which it hopes to complete this summer. Like the IEA, its preliminary findings are somewhat gloomy: They suggest daily output of conventional crude oil alone, now about 73 million barrels, will plateau at 84 million barrels, and that it will take a significant uptick in production of nonconventional fuels such as ethanol to push global fuel supplies over 100 million barrels a day by 2030.

''We are optimistic in terms of resource availability, but wary about whether the investments get made in the right places and at a pace that will bring on supply to meet demand,'' says Guy Caruso, the U.S. agency's administrator.

In Paris, analysts at IEA also fret that a lack of investment in many OPEC countries, combined with a diminished incentive to ramp up output, casts serious doubt over how much the cartel will expand its production in the future. The big OPEC producers have been raking in record profits, creating a disincentive in many countries to sink more billions into increased oil production.

Meanwhile, politics and other forces are delaying projects that could bring more oil on-stream. Continued fighting in Iraq has stymied efforts to revive aging fields, while international sanctions on Iran have kept investments there from moving forward. Rebel attacks in Nigeria and political turmoil in Venezuela have cut into both countries' output. Big non-OPEC producers such as Mexico and Russia, which have either barred or sidelined international operators, are seeing production slump. The U.S., with a legal moratorium barring exploration in 85% of its offshore waters, is struggling to keep its output steady.

The IEA study will try to answer one question that bedevils those trying to forecast future prices and the supply-demand balance: How rapidly are the world's top fields declining? The rates at which their production dwindles over time are a much-debated barometer of the health of the world's oil patch.

DEPLETION RATE

A study released earlier this year by the Cambridge Energy Research Associates, a consulting firm and unit of IHS, concluded that the depletion rate of the world's 811 biggest fields is around 4.5% a year. At that rate, oil companies have to make huge investments just to keep overall production steady. Others say the depletion rate could be higher.

''We are of the opinion that the public isn't aware of the role of the decline rate of existing fields in the energy supply balance, and that this rate will accelerate in the future,'' says the IEA's Mr. Birol.

Some analysts, however, contend that scarcity isn't the issue—only access to reserves and investment in tapping them. ''We know there is plenty of oil and gas resource in the world,'' says Pete Stark, vice president for industry relations at IHS. He says the difficulties of supply aren't buried in oil fields, but are ''above ground.''

Mr. Morse at Lehman Brothers notes that there are plenty of questions about supply yet to be answered. ''However confident the IEA may be about the data it has, they know nothing about the resources we've yet to discover in the deep waters or in the arctic,'' he says.

Mr. STEVENS. Madam President, I do thank the Chair for her patience.

Let me do one last thing.

(The remarks of Mr. STEVENS pertaining to the submission of S. Res. 575 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. STEVENS. I thank the Chair for her patience and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Alaska. This is a frustration I have felt for so long: that it is not just that right down party lines we are not able to produce in ANWR, but also it goes offshore. We have tried, on the Republican side, to do something about increasing the supply—by drilling in Alaska, by going at the tar sands, and I am sure the Senator from Colorado will talk a little bit about shale out in the western part of his State and in my State of Oklahoma, trying to give tax incentives for the production at marginal wells, which are wells that produce under 15 barrels of oil a day.

I can give a statistic that I do not have to back up because it has never been refuted. If we had all the marginal wells flowing today that have been shut down in the last 10 years, it would amount to more than we are currently importing from Saudi Arabia.

So I think it is very arrogant, when you have two hard-working Senators and one Member of the House from Alaska who want very much to do what 100 percent of the people want to do in Alaska; that is, to improve their economy by producing cheap oil for us domestically so we can bring down the price of gas, when they will not allow us to do it.

Let me make one comment. I am going to be joined by the Senator from Colorado. I want to touch upon one other area.

If we had been and would be successful in being able to drill more oil domestically so we can bring down the price of gas, no matter how much we produced, it can't go into the gas tank until it has been refined. So refining capacity is something that is very critical in this country. Again, right down party lines, they have prevented us from having that refinery capacity.

Three different times I had on the floor a bill called the Gas Price Act. All it was was a bill to start building refineries in America. It has been 30 years; 1976 was the last refinery we had in America. What we need to do is start building refineries. Well, with the BRAC process—and for those of you who come from States that don't have any military operations, you may not know what this is, but the BRAC process is the Base Realignment and Closure Commission. That is where you go through an independent entity to determine which of the military installations should be shut down. Of course, when you shut down a military installation, it is economically devastating to the adjoining communities.

With the Gas Price Act, what we have done is provide that if you have been shut down as a military installation, we could provide assistance through the Economic Development Administration for cities—if they are so inclined—to make applications so that they can turn these closed bases into refineries.

I thought when we developed this thing that it wouldn't be a problem at all because no one should be against it. Everyone knows we have to increase our refining capacity. We offered amendments on this bill to streamline the process.

Also, if people changed their minds in communities, they would be able to stop this from taking place. States have a significant, if not dominant, role in permitting existing or new refineries. Yet States face particularly technical and financial constraints when faced with these extremely complex facilities. So my Gas Price Act requires the administrator to coordinate and concurrently review all permits with the relevant State agencies to permit refineries. This program does not waive or modify any environmental law and consequently should not have had anyone in opposition to it.

Now, we brought it twice to the floor—three times to the floor and twice we had votes—and right down party lines, every Democrat voted against the Gas Price Act. All we wanted to do, along with the local governments and local communities, was to build refineries so that we could refine what will hopefully be someday an increase in capacity so we will not be reliant upon foreign countries for our ability to run this machine called America, but we would be able to produce our own energy.

I think it is important that every time we talk about increasing production, which we just have to do, we also have to talk about the refining capacity. We are all ready to go, I say to my good friend from Colorado, with the Gas Price Act if we are able to move in that direction.

I believe that over the Memorial Day recess, when everybody is out there driving and people are much more sensitive to the price of gas, they are going to look back and say: You know, maybe the Republicans were right all of those years; maybe we should be increasing our supply, as the Senator from Alaska put it, of gasoline and oil produced in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I wish to thank the Senator from Oklahoma on this particular issue. I also wish to thank the last speaker, TED STEVENS of Alaska, for his leadership in making sure we have adequate energy for the American people. Right now, we are falling short. The reason for that is this Congress. It is not business where we should assert blame; it is not the stock markets we have heard blamed on this floor, or the futures market. It is simply because Congress has been tying up these reserves and not providing the incentives we need to move ahead with oil refineries and to make supplies available on the market.

This is a supply-and-demand issue. The demand in this country is exceeding the supply. If we want to become less dependent on foreign oil, we need to do more than what we have done historically.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3062 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALLARD. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, I agree wholeheartedly with the comments and the legislative ideas my friend from Colorado has. Again, it is a great frustration that we have tried so hard for so many years to expand our supply here in this country. Hopefully, now, one of the benefits we will get from the high price of fuel is the recognition that we have to start producing our own energy in this country. That is what we should be doing.

Hopefully, after this holiday, when we get back, enough people will have spent enough money driving around and there will be enough political pressure that we can get people to agree to start drilling in ANWR, drilling offshore, drilling in the shale area, and experimenting in some of these areas where we could become totally self-sufficient in America.

IRAQ WAR

Mr. INHOFE. Madam President, I wish to address a little-known secret, a secret to the media and therefore a secret to the American people; that is, we are winning the war in Iraq.

Yesterday, I read an article—I think it was maybe the day before yesterday—in the New York Post by Ralph Peters. It was called ''Success in Iraq: A Media Blackout.'' In it, he writes:

> As Iraqi and coalition forces pile up one success after another, Iraq has magically vanished from the headlines. Want a real ''inconvenient truth''? Progress in Iraq is powerful and accelerating.

I think he hit the nail on the head. When this war got tough, the cut-and-run defeatist provisions started making their way into bills and amendments. Those provisions send a powerful message to our troops and to our enemies: America is not committed to this fight.

But America has remained committed, and through that commitment we continue to attain success. I have been to Iraq, and I have watched the tide turn. I believe I have been there many more times than any other Member. I am on the Senate Armed Services Committee, and I spend time there. I see, month after month, the changes in what has happened since the acceleration.

My visit in June 2006 was in the wake of Zarqawi's death. Iraqis were operating under a 6-month-old parliament. Al-Qaida continued to challenge coalition forces throughout Iraq. In response, coalition forces launched 200 raids against al-Qaida, clearing out the strongholds. The newly appointed Defense Minister and I discussed the current situation in Iraq, the violence brought to that country by al-Qaida, and the transformation beginning in Iraq. I saw the emergence of a sense of what Iraq could be.

Fast forward to May 2007. I returned to Iraq and visited Ramadi, Fallujah, Baghdad, and several other areas. Ramadi went from being controlled by al-Qaida and hailed as a capital under control of the Iraqi troops—by the way, this was at a time when Ramadi was being declared as the potential terrorist capital of the world. We saw neighborhood security watch groups identifying the IEDs with orange spray paint. We saw joint security stations. Things started accelerating and improving over there. Increased burden-sharing was taken on by the Iraqis. Fallujah came under the control of the Iraqi brigade. We had our marines there going door to door World War II style. At that time, I observed—in May 2007—that all of the sudden it was under their own security. Al Anbar changed from a center of violence to a success story. In Baghdad, sectarian murders decreased 30 percent, and joint security stations stood up, forming deep relationships between coalition and Iraqi forces and civilians—''brotherhood of the close fight,'' as General Petraeus put it. You have to be there to see it and witness personally the excitement that is demonstrated by the Iraqis and the pride they have that they are now in a position to do things for themselves that they were depending on us for before.

On July 30, 2007, 2 months after I returned from Iraq, Michael O'Hanlon and Kenneth Pollack wrote an op-ed piece in the New York Times. It was interesting because we had never seen anything positive about our troops or about the war effort in the New York Times. This one talked about troop morale, that it was high, with confidence in General Petraeus's strategy; civilian fatality rates were down roughly a third since the surge began; the streets in Baghdad were coming back to life with stores and shoppers. I can remember that. When I am over there, I will go into a shopping area and go up to someone carrying a baby and talk to them through an interpreter. That is where you get to people who are excited because there could be a new life in the young person. They noted that American troop levels in Tal Afar and Mosul numbered only in the hundreds because the Iraqis stepped up to the plate. More Iraqi units were well integrated in terms of ethnicity and religion. Local Iraqi leaders and businessmen were cooperating with embedded provincial reconstruction teams to revive the local economy and build new political structures.

I returned to Iraq on August 30, and the surge continued its success. I traveled to the contingency operating base in Tikrit, Patrol Base Murray, south of Baghdad, and visited with Ambassador Crocker and General Petraeus, who gave his wonderful testimony this morning to the Senate Armed Services Committee.

I saw again on July 30 a significantly changed Iraq. Less than half of the al-Qaida leaders who were in Baghdad when the surge began were still in the city. They either fled, have been killed, or have been captured. The U.S. troop surge in Iraq threw al-Qaida off balance and produced dramatic results. There was a 75-percent reduction in religious/ethnic killings in the capital. They doubled the seizures of insurgents' weapons caches. There was a rise in the number of al-Qaida kills and captures. There was the destruction of six media cells—degrading al-Qaida's ability to spread propaganda. Anbar incidents and attacks dropped from 40 per day to less than 10 a day. This is between the two times I had been there. The economy grew and markets were open, crowded, stocked, selling fresh fruit, and running as you would expect them to. A large hospital project in the Sunni Triangle was back on track The Iraqi Army performance was significantly improving. Iraqi citizens formed a grassroots movement called Concerned Citizens League. Most of the cities in America, including my cities in Oklahoma, have neighborhood watch programs, where the neighborhoods and people who live there are watching to prevent crimes. That is what is happening in Baghdad and throughout Iraq.

You now see Baghdad returning to normalcy. You see kiddie pools, lawns cared for, amusement parks, and markets. The surge provided security, and security allowed local populations and governments to stand up. Basic economics took root, and Iraqis began spending money on Iraqi projects.

In September, a month later, Katie Couric was there. If there is one who has been a critic of anything in this administration, our troops, or anything happening in Iraq, it is Katie Couric. She said:

> Well, I was surprised, you know, after I went to eastern Baghdad. I was taken to the

Allawi market, which is near Haifa Street, which was the scene of that very bloody gun battle back in January, and, you know, this market seemed to be thriving, and there were a lot of people out and about. A lot of family-owned businesses and vegetable stalls, and so you do see signs of life that seem to be normal . . . the situation is improving.

Madam President, that is not Senator INHOFE talking, it is Katie Couric, who has been probably the worst critic of things over there. So people are realizing that good things are happening.

Despite these successes, the truth about what our troops and the coalition have accomplished in Iraq, it is hidden by the mainstream media. In a recent report of the Media Research Center, it shows that as the improvements took place—this is the timeframe I was talking about, in late 2007. There were this many stories in 2007, and as things improved, it went from 178 in the month of September, down to 108 in October, down to 68 in November, and it shows the media bias that is out there.

As Ralph Peters put it in the article I quoted a minute ago:

The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

I returned to Iraq on March 30 of this year, just about the same time Prime Minister Maliki kicked off his Basra campaign. I was at Camp Bucca, right next to Basra, when they took the initiative. I was there working with Major General Stone and saw what his task force is doing now for detainees.

Before I talk about detainees, let me say how proud their troops were that, for the first time in a major surge, they came into Basra to take care of their own province. We were there.

I have been disturbed about the representation as to how our detainees have been treated. I stopped down at Camp Bucca, the largest detainee camp anywhere in all of Iraq. They separated the extremists and were arming the moderates with education and job skills. We found out that most of them—the vast majority of those who were detainees were actually working before they became detainees, and they were fighting because there is total unemployment there. The only place they could get a job was with the military.

What General Stone has done such a great job of is retraining these people—training them to be carpenters and masons. It is very successful, truly turning bombers and criminals into productive Iraqi citizens and sending them back into the population. Out of 6,000 released, only 13 were rearrested. That kind of tells us the success story. These people are integrating in and working on our side, working in neighborhood groups.

We are now seeing the lowest violence indicators since April 2004. The Iraqi people are turning away from violence. The Government of Iraq is asserting more control, searching out militia and insurgent strongholds.

Operations in Basra and, more recently, in Sadr City have shown the capabilities of the Iraqi security forces and the will of Iraqi leadership. I wish you could have been at the hearing this morning. You could have seen and listened to the progress being made in Sadr City. The Iraqi people are just taking back their streets.

As Ralph Peters said in his article, instead of the media even mentioning the positive role the Iraqis are taking in fighting this war, they focus on a small fraction of Iraqi soldiers choosing not to fight. Mr. Peters, I agree with you that ''our troops deserve better, the Iraqis deserve better, and you, the American people, deserve better. The forces of freedom are winning.'' That is what he said, and I agree.

Iraq is at a decisive turning point in its journey toward democracy. The surge created opportunities that the Iraqi people have not taken for granted. The ''awakening'' is spreading from Al Anbar to Diyala Province. ''Concerned Citizens Leagues,'' through coalition support, are now taking back Iraqi streets from the insurgents. The once turbulent and violent Al Anbar Province has returned to Iraqi control. They are actually doing these things themselves.

The surge enabled the Government of Iraq to meet 12 out of the original 18 benchmarks set for it, including 4 out of the 6 legislative benchmarks. That means their Government is starting to put it together.

Iraq has also conducted a surge, adding well over 100,000 additional soldiers—these are Iraqi security forces—and police to the ranks of its security forces in 2007 and is slowly increasing its capability to deploy and employ these forces.

It is anticipated that Iraq will spend over $8 billion on security this year and $11 billion next year. Iraq's 2008 budget has allocated $13 billion for reconstruction, and a $5 billion supplemental budget this summer will further invest export revenues in building the infrastructure.

What I am saying is that the reconstruction in that country is now being paid for by the Iraqis. One of the chief criticisms we have had by people whom I call the cut-and-run folks was that they are not paying their own part.

One of the best programs we have is the Commander Emergency Relief Program, which allows our commanders to make determinations as to what needs to be done immediately. It is spending a small amount of money and will go a long way by doing it. How many people know that the Iraqi Government recently allocated $300 million for our forces to manage the Iraqi CERP? They are taking over their own responsibility.

The Iraqi Government has also committed $163 million to gradually assume Sons of Iraq contracts, $510 million for small business loans, and $196 million for a joint training and reintegration program. Oil reserves are being shared with the provinces.

Al-Qaida is a spent force in Iraq. Syria has ceased supporting foreign fighters in Iraq. The Saudis are cracking down on supporters of Islamic terrorists in their own country. Iran is becoming isolated.

We have to remain focused and realize that these successes will not continue until we, the people, become so informed that we recognize the successes.

The first thing I hear from the Iraqi forces on the many trips I have made there is that: The people of America don't appreciate what we are doing. Now they know more than before how much we do appreciate it, how critical it is that we stay with it.

I think—and I will wind up with this—Ahmadinejad made a statement, and inadvertently he was a great help to us because when all the surrender resolutions were entered in this body, the President of Iran assumed one was going to pass and America was going to leave Iraq—he made the statement that when America leaves Iraq, it is going to create a vacuum, and we are going to fill that vacuum.

Anyone who knows history in the Middle East knows there are no two groups who dislike each other more than the Iranians and Iraqis. That got the attention of the Iraqis. That is one of the many reasons, with the supernatural powers in intelligence and war capabilities of General Petraeus and General Odierno and some of the rest who are involved, that caused this whole thing to turn around.

The success story is well told in the article to which I referred. I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS IN IRAQ: A MEDIA BLACKOUT

(By Ralph Peters)

May 20, 2008.—DO we still have troops in Iraq? Is there still a conflict over there?

If you rely on the so-called mainstream media, you may have difficulty answering those questions these days. As Iraqi and Coalition forces pile up one success after another, Iraq has magically vanished from the headlines.

Want a real ''inconvenient truth''? Progress in Iraq is powerful and accelerating.

But that fact isn't helpful to elite media commissars and cadres determined to decide the presidential race over our heads. How dare our troops win? Even worse, Iraqi troops are winning. Daily.

You won't see that above the fold in The New York Times. And forget the Obama-intoxicated news networks—they've adopted his story line that the clock stopped back in 2003.

To be fair to the quit-Iraq-and-save-the-terrorists media, they have covered a few recent stories from Iraq:

When a rogue U.S. soldier used a Koran for target practice, journalists pulled out all the stops to turn it into ''Abu Ghraib, The Sequel.''

Unforgivably, the Army handled the situation well. The ''atrocity'' didn't get the traction the whorespondents hoped for.

When a battered, bleeding al Qaeda managed to set off a few bombs targeting Sunni

Arabs who'd turned against terror, that, too, received delighted media play.

As long as Baghdad-based journalists could hope that the joint U.S.-Iraqi move into Sadr City would end disastrously, we were treated to a brief flurry of headlines.

A few weeks back, we heard about another Iraqi company—100 or so men—who declined to fight. The story was just delicious, as far as the media were concerned.

Then tragedy struck: As in Basra the month before, absent-without-leave (and hiding in Iran) Muqtada al Sadr quit under pressure from Iraqi and U.S. troops. The missile and mortar attacks on the Green Zone stopped. There's peace in the streets.

Today, Iraqi soldiers, not militia thugs, patrol the lanes of Sadr City, where waste has replaced roadside bombs as the greatest danger to careless footsteps. U.S. advisers and troops support the effort, but Iraq's government has taken another giant step forward in establishing law and order.

My fellow Americans, have you read or seen a single interview with any of the millions of Iraqis in Sadr City or Basra who are thrilled that the gangster militias are gone from their neighborhoods?

Didn't think so. The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

Meanwhile, they've performed yet another amazing magic trick—making Kurdistan disappear.

Remember the Kurds? Our allies in northern Iraq? When last sighted, they were living in peace and building a robust economy with regular elections, burgeoning universities and municipal services that worked.

After Israel, the most livable, decent place in the greater Middle East is Iraqi Kurdistan. Wouldn't want that news getting out.

If the Kurds would only start slaughtering their neighbors and bombing Coalition troops, they might get some attention. Unfortunately, there are no U.S. or allied combat units in Kurdistan for Kurds to bomb. They weren't needed. And (benighted people that they are) the Kurds are proAmerican—despite the virulent anti-Kurdish prejudices prevalent in our Saudi-smooching State Department.

Developments just keep getting grimmer for the MoveOn.org fan base in the media. Iraq's Sunni Arabs, who had supported al Qaeda and homegrown insurgents, now support their government and welcome U.S. troops. And, in southern Iraq, the Iranians lost their bid for control to Iraq's government.

Bury those stories on Page 36.

Our troops deserve better. The Iraqis deserve better. You deserve better. The forces of freedom are winning.

Here in the Land of the Free, of course, freedom of the press means the freedom to boycott good news from Iraq. But the truth does have a way of coming out.

The surge worked. Incontestably. Iraqis grew disenchanted with extremism. Our military performed magnificently. More and more Iraqis have stepped up to fight for their own country. The Iraqi economy's taking off. And, for all its faults, the Iraqi legislature has accomplished far more than our own lobbyist-run Congress over the last 18 months.

When Iraq seemed destined to become a huge American embarrassment, our media couldn't get enough of it. Now that Iraq looks like a success in the making, there's a virtual news blackout.

Of course, the front pages need copy. So you can read all you want about the heroic efforts of the Chinese People's Army in the wake of the earthquake.

Tells you all you really need to know about our media: American soldiers bad, Red Chinese troops good.

Is Jane Fonda on her way to the earthquake zone yet?

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

ENERGY PRICES

Ms. CANTWELL. Madam President, I rise, similar to many of my colleagues this afternoon, to talk about the high price of gasoline and what we need to do as we are leaving Washington and going home for Memorial Day recess to hear, I am sure, from many constituents that they are very concerned about this crisis of paying an ever-increasing amount for gasoline.

Today, I am sure, the market is going to set another record for the number of days gas prices continue to go up, and our constituents want to see relief. I know many of my colleagues have come out here and talked about new supply. I certainly feel one of the biggest priorities the Senate has is to pass a tax credit bill for renewable energy so we can get predictability in the market and continue to get new energy incentives in place. That will take pressure off some of these other supply issues. But many of my colleagues keep talking about the United States looking for more oil or things the United States can do to get into the oil game in a more robust way.

This chart shows it pretty clearly. The United States has 2 percent of the world's oil reserves—2 percent. These are all the other countries with which my colleagues are familiar: Saudi Arabia at 20 percent of the world's oil reserves; Iraq and Iran, another 18 percent. These are the big players.

The point is, the United States is not going to dramatically impact the price of oil by what we do with only 2 percent of the world's oil reserve. So if we want a solution, we are not going to get a solution out of what the United States can do in continuing to be addicted to oil.

It is very important to also note that in the past, we have had many a conversation about this problem and what is the high price of gasoline. We had the same debate when it was the high price of electricity. No one wanted to hear about any other issue than the fact that it was just a supply-and-demand problem. In fact, the Vice President in 2001 said, when talking about the electricity crisis, when prices were going through the roof:

> They have got a whole complex set of problems out there that are caused by relying only on conservation and not doing anything about the supply side of the equation.

We found out very shortly thereafter that, no, that was not right. It was not about conservation and supply side; it was about the manipulation of the electricity market. There were lots of people like that. The Cato Institute had a similar take on it. This was in 2002. In 2002, we had gone through much of the Enron debacle, and we had seen prices in the State of Washington for electricity rise almost 3,000 times what they had been. Yet people were still saying:

> Most of the price spike in 2000–2001 is explained by drought, increased natural gas prices, the escalating cost of nitrogen oxide emissions . . . and retail price controls.

We all know the history, now that we have had a few years to look back on it. It wasn't those supply and demand factors but the fact that we actually had unbelievable manipulation of the electricity market.

The reason why I am bringing that up is because I wish to make sure we are policing the oil markets. I wish to make sure we in the United States are doing everything we can to burst this oil price bubble we are seeing. We want to pop this price bubble and give consumers a more reliable number about supply and demand that even the oil company executives are saying. They have testified before Senate committees saying oil should be anywhere from $50 to $60 a barrel; that what we are seeing in the marketplace is not about the normal supply-and-demand features, but it is actually about the fact that something else is going on in the marketplace. This is one CEO from ExxonMobil, recently in early April, who testified:

> The price of oil should be about $50–$55 per barrel.

I am not against discussions about future oil exploration. That is not the point. The point is, what are we going to do to solve this problem and burst this price bubble that while we are going out for the Memorial Day recess is going to continue to plague the economy, continue to plague our consumers, and continue to cause major havoc to our economy.

I think one of the solutions is to ensure effective oversight in the oil market as it relates to oil futures. I know people say they might not wish to talk about oil futures, but I am going to talk about oil futures because of the effect of substantial deregulation has had on these markets. On December 15 of 2000, at 7 p.m. on a Friday night as Congress was adjourning a lame-duck session, the last day of the 106th Congress, on an 11,000-page appropriations bill came to the floor of the Senate, we added a 262 page amendment—the Commodities Futures Modernization Act—that basically deregulated the energy futures market and said it didn't have to have the oversight of other products.

While the Commodities Exchange Act Reauthorization that recently passed as part of the Farm bill gives the CFTC more teeth to police these U.S. futures markets, under an administrative loophole speculators are still free to trade U.S. based energy commodities on U.S. trading engines free from full U.S. oversight meant to prevent fraud, manipulation, and excessive speculation. This is done under and informal CFTC staff ''no-action'' letter, which essentially means that the CFTC will not take action against

a foreign exchange to prevent fraud, manipulation, and excessive speculation. That means, at least on ICE Futures Europe, trading of U.S. crude oil futures, particularly the West Texas Intermediate oil contract, and U.S. home heating oil futures and U.S. gasoline futures—products that are produced in the United States, delivered in the United States, consumed in the United States, and traded in the United States—are escaping U.S. oversight. I think that is a great concern to the American consumer who wants to make sure we have transparency in energy markets.

If we think about other trading, stocks for example, we have the Securities and Exchange Commission. They look at the stock market, and they have oversight to make sure there is nothing untoward happening in the market, like manipulation. We also have NYMEX, another exchange in the United States. The Commodity Futures Trading Commission oversees that futures exchange and has oversight. Also the Chicago Mercantile Exchange—the CFTC has oversight of that futures exchange. The CFTC implements market rules. But as for trading U.S. energy futures on ICE Futures Europe, the CFTC has said: No, we don't have to have oversight of that exchange.

As I mentioned, the Congress has charged the CFTC with protecting consumers by policing futures markets for fraud, manipulation, and excessive speculation. It does this by requiring certain market rules like position limits, large trader reporting, record keeping, and trader licensing and registration. These are tried-and-true tools that Government has used to protect consumers, to protect investors, to protect business, to protect our economy, to make sure manipulation is not happening.

I often think these are great programs, but wonder why we allow certain trading of critical energy commodities to escape such oversight requirements. I always like to give the example of cattle futures because somehow it seems we are more willing to regulate hamburger in America and than we are oil.

Here are two examples of U.S. commodities: cattle futures trading and oil futures trading. When we look at the rules, cattle futures are not an exempt commodity; but when you consider the ICE Futures Europe, oil certainly is. For cattle futures, the exchange trading U.S. cattle futures has to register with the CFTC, whereas oil trading on the ICE Futures Europe does not. And daily reporting requirements: more for hamburger and less for oil on ICE Futures Europe. What about speculative limits? more for hamburger and less for oil on ICE Futures Europe.

Why am I so concerned about this significant change that transpired? The significant change that transpired is since ICE Futures Europe—which again is not subject to U.S. oversight meant to prevent fraud, manipulation, and excessive speculation—began trading West Texas Intermediate oil in February 2006, oil has gone from $60 a barrel in 2006 now to over $134 a barrel. You bet I want to get down to the brass tacks about exactly how this exchange is working, to have the oversight and to see what large trading positions are being used in this market.

Many people have a concern about this. One report in the Asia Times was quoted as saying:

> Where is the CFTC now that we need [speculation] limits? It seems to have deliberately walked away from its mandated oversight responsibilities in the world's most important traded commodity, oil.

This is by F. William Engdahl, who said this in early May of this year.

People are observing and wanting to know what we are going to do about this situation. That is why I think it is incredibly important to take action. What am I talking about, taking action? First of all, today Senator SNOWE and myself and several of our colleagues are sending a letter to the CFTC insisting that they reverse their no action in oversight of this foreign market, noting that this is a dark foreign market where oil futures are traded. We are saying bring the bright light of day into this exchange and protect consumers by ensuring that market manipulation of oil prices is not happening.

As I said, the CFTC basically gave up this oversight under an informal staff no action letter process. How did this happen? Well, in 1999 the London based International Petroleum Exchange, the IPE, which was a much smaller and foreign owned exchange, asked the CFTC for a no action letter, and received it. The IPE wanted to locate trading terminals in the U.S. but did not want to be subject to direct CFTC oversight. The CFTC decided that the IPE did not have to have to be subject to direct CFTC oversight because the CFTC agreed that the United Kingdom was going to be doing it. Then, in 2001, the U.S. owned, Atlanta based, Inter-Continental Exchange, or ICE, came along and bought the IPE. After that, the now U.S. owned IPE continued to escape U.S. oversight even though it received the foreign exchange no action letter based on it being a foreign based exchange.

So, in 2001, we can see a U.S. based entity basically purchased this foreign exchange, and the CFTC did not take action. In 2006, now named ICE Futures Europe, it starts trading what is a U.S. oil product, trading on U.S. desks in the United States and the CFTC continues to basically take no action to review that.

Our letter says the CFTC should start reviewing these trades immediately and reverse their no action decision. We hope that while we are at recess, the CFTC will take this action.

Why is this so important? Because many are concerned that U.K. oversight over U.S. energy trading is not sufficient to protect our consumers from fraud, manipulation, and excessive speculation. In fact, CFTC Commissioner Bart Chilton, on April 22 of this year, said:

> I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry by the [United Kingdom's Financial Services Authority].

He is basically saying he has great concerns about the oversight by the government in the United Kingdom. He should have great concerns about that because the oversight in the United Kingdom is not comparable to the oversight in the United States.

The problems at the FSA led to the collapse of England's Northern Rock Bank. There was much written about this issue. They had high turnover in the staff, inadequate numbers to carry the load of what they were responsible for, very limited direct contact with the bank, incomplete paperwork, and limited understanding of their duties.

All this led to major problems, and it led the CEO of the Financial Services Authority to say:

> It is clear from the thorough review carried out by the internal audit team that our supervision of Northern Rock in the period leading up to the market instability of late last summer was not carried out to a standard that was acceptable.

There are those in the United Kingdom who are criticizing the oversight abilities of their Financial Services Authority to handle this area.

The CFTC could act today in helping the United States bust this price bubble by doing their job and step in to provide needed oversight of this market.

One energy trader analyst from Oppenheimer said in April:

> Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up.

This is what energy analysts are saying. So we have a great deal of continuity in the marketplace of people telling us it is time for us to act. In fact, we are going to be having a hearing when we return on Tuesday after the Memorial Day recess. I know we are going to hear from many people, but one of them will be Professor Greenberger of the University of Maryland Law School, a former CFTC department head, who testified before one of our joint Democratic Policy Committee hearings. He says:

> The ICE [oil trading] loophole could be ended immediately by the CFTC without any legislation.

I want to make sure the CFTC knows we will continue to pursue this. We hope they take action. We hope they will address this issue. But if they do not, we stand ready to make sure oversight in this financial market, that is a dark market on the ICE Futures Europe exchange, has the bright light of day and that they take immediate action to start investigating what is happening in our U.S. commodities markets so we can give consumers better protection. It is time to burst the oil price bubble. I think people everywhere across this country, and analysts on Wall Street, are saying: This is

not supply and demand. So it is up to us to make sure we have the enforcement in place to protect consumers, and that is what we hope the CFTC will realize their role and responsibility is.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I was very interested in the distinguished Senator's remarks and her analysis. What is interesting to me is that a number of years ago Boone Pickens came to me and when oil was down around $40 a barrel, he said: Orrin, oil is going to go to 60 bucks a barrel, and it is going to go up from there to $100 a barrel. This was years ago. And I said: That is not true. He said: It is true. Well, he told me a couple of weeks ago, and this is pathetic, and said we are sending $600 billion of our money to purchase non-American oil when we have it within our grasp to create much of the oil the United States of America needs from our own American oil sources.

I will cite with particularity the oil shale and tar sands in Colorado, Wyoming, and Utah. It is well established that there are 3 trillion potential barrels of oil there, and it is pretty much taken for granted that we can get at least 800 billion to almost 2 trillion barrels of oil out of that at somewhere between $40 and $60 a barrel. But because of legislative maneuvering by my friends across the aisle, we can't get regulations established to do the work that has to be done.

Now, I am for every form of alternative oil. And, frankly, nobody has a right to say I am not because I am the one who passed, with some very important colleagues, the CLEAR Act. The CLEAR Act created the incentives for alternative fuels, alternative fuel vehicles and alternative fuel infrastructure that are being used right now.

Ms. CANTWELL. Will the Senator yield for a question?

Mr. HATCH. Yes.

Ms. CANTWELL. I certainly want to say that I know of the work of the Senator from Utah, because we worked together on plug-in hybrids and other incentives, and he clearly does support renewable fuels and changing our tax credit policies, so I applaud that.

I am glad you brought up Boone Pickens, because I heard him on the TV the other day, I think it was 2 days ago, and he said that while he thought the United States had great opportunity in natural gas, he thought the way to get off our dependence on foreign oil, besides that, was to make investment in wind and solar. So I will look forward to working with the Senator when we return on trying to push those tax policies to make sure we continue to incent those good renewable energy policies.

Mr. HATCH. Well, I thank the Senator from Washington for her comments, because she has been central to this effort, especially with regard to plug-in hybrid vehicles. Now, those are a still a distance away yet, but, nevertheless, we can do it. That effort may not completely solve our energy problem, but it certainly would alleviate some of it.

In addition, a number of other measures I put through are the investment tax credits to spur the development of solar, geothermal, wind, and other renewable forms of electricity. No question about it. But that alone still not going to solve our problem, especially not with liquid fuels.

We had testimony yesterday from oil company executives who said if we do everything in our power on alternative fuels by 2025, or around that time, we might be able to get 20 percent of our energy needs. But in the meantime, what are our cars, trucks, trains, and planes going to run on? They have to run on oil. And we have the oil within the confines of the United States, on land and offshore, to resolve a lot of these difficulties. But it will take years even to do that, if we can get past the environmental extremists to be able to do this. In the meantime, we are losing jobs, we are losing our economy, and we are losing with respect to a lot of other problems. In the end, we are going to have to resolve it by drilling for American oil, both conventional and unconventional oil, and we have the ability to do it, and to do it in ways that make sense, that are environmentally sound, and are economical. Some of my colleagues on the other side object to Canadian oil because Canada is putting up a million barrels a day out of their tar sands, and they do not like the fact the tar sands have some carbon in them. But the fact is, Canada is going to go to 3 million barrels a day. So what do we do if we don't take Canadian oil when they are happy to sell it to us? We are going to have to go to Venezuela, Russia, the Middle East, and other places to get our oil, and many of those countries are antithetical to what we believe in and are not particularly happy about United States power in this world.

Now, Mr. Pickens also predicted it is only going to be a matter of time until we are going to be called in and these oil barons from these other foreign lands, who aren't particularly enamored of the United States—in fact, if anything, they are jealous of the United States—are going to say: You have been consuming 25 percent of the world's oil, but you only have 6 percent of the world's population. We are going to have to cut you back, especially now that they can sell all they want to China, India, and other countries that are voracious in their demands for oil.

We have to wake up and realize we can't sit back and hope ethanol is going to solve this problem. We can produce about 5 billion barrels of ethanol, which is the equivalent to about 3½ billion gallons of oil. However, we consume 3½ billion gallons of gas. If we do everything in our power to do ethanol, we are not going to be able to resolve our energy problem without increasing our oil supply, too.

I might add that I see some very important work being done on renewables. I talked to my friend Vinod Khosla. Vinod is building a solar thermal plant, 200 megawatts, in California that should be finished by 2010. He believes we can do that all over the place. Boone Pickens has decided that in the wind corridor from Canada right down through Texas, he could build windmills all up and down that corridor that would provide over one thousand megawatts of power, which would be very beneficial to our country, but that's electricity, not liquid fuel.

We know we can find more and more natural gas on our Federal lands if we want to do it. We know how to do natural gas-driven vehicles right now. We actually have natural gas stations in Utah and we have natural gas drivers, but they are the exception to the rule. We know how to build hydrogen cars that have absolutely zero emissions, but we only have 9 million tons of hydrogen in this country. You would have to have at least 150 million tons of hydrogen to make a dent, and the only feasible way to get that much hydrogen is probably through nuclear. We are about the only major nation in the world that isn't going ahead with nuclear as we should. We know it is one of the cleanest sources of energy in the world. I personally believe we will find methodologies and ways of neutralizing nuclear waste.

We can no longer afford to sit back and believe ethanol is going to solve all our problems, or wind power is going to solve all our problems, or solar power is going to solve all our problems, or that geothermal is going to solve all our problems. We have to distinguish between electricity and liquid fuels. Because of the work I have done to promote geothermal, I went out to Utah 2 weeks ago and helped dedicate the ground for the first geothermal power plant in over 20 years. This company, which is a very rare company, is going to build these all up and down Utah, where we have all kinds of geothermal prospects. It's wonderful, but it doesn't solve our liquid fuel problem. It will not get us to where we can continue to keep our economy alive in America.

A lot of this has stopped because of environmental extremism. We all want clean air and clean water, and I don't think any environmentalist should start chewing me up when I am the one who helped put these bills through that have spurred on alternative energy and hybrid technologies, and I will do everything in my power to continue spurring it on. But let us make no mistakes about it, we have to have oil over the next 20, 25 years and beyond that in order to keep America strong.

And to blame the big oil companies—we hear: Big oil companies—one of the Senators yesterday said: How could you do this to America? Now, let's get the facts. The big oil companies are only 6 percent of the world's deliverers

of oil. The vast majority of oil that is delivered is by government-owned entities. Not ours, but foreign government-owned entities. We have made it all but impossible to drill for oil within the continental United States, especially on Federal grounds. And again, it is environmental extremism that is stopping that.

I want people to have jobs. I also want to go full bore in all of these other alternative forms of energy that hopefully will alleviate some of this dependency we have, but we can alleviate a lot of our dependency by doing the oil shale work in Colorado, Wyoming, and in my home State of Utah. That needs to be done. It takes one acre to produce 5 barrels of ethanol. I'm a big fan of ethanol incentives, as I've said. However, Mr. President, do you realize how much oil can be achieved from 1 acre in oil shale in those tri-State areas? It is between 100,000 and 1 million barrels of oil. And we are just letting it sit there because we can't get the leases and my friends on the other side of the aisle are specifically blocking it.

Because of liberal, excessive environmental restraints, we can't get American oil to save America. We can't drill in American waters. China is. They are coming right over to our waters and drilling for oil that we can't drill for because of these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. It is about time we wake up. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way of describing it.

I am for all these environmental things too, but I want it to work. I don't want it to be a political exercise so one side can win over the other.

JUDICIAL NOMINEES

Mr. HATCH. Now, Madam President, I want to change the subject for a minute. I need to make a few remarks on the ongoing effort to conduct something that resembles a fair and productive judicial confirmation process, which is something that is bothering me here today as well. As you can see, I am not in a good mood.

It looks obvious that the commitment by leaders on the other side of the aisle to confirm three more appeals court nominees by the Memorial Day recess is not going to be met. Failure was not inevitable. There was a clear path to keep that commitment with nominees who had long ago been fully vetted, nominees who have been pending for up to 2 years, highly qualified nominees with the highest ratings from the American Bar Association and who have the support of their home State Senators.

My friends on the other side of the aisle knew how to keep their commitment, but instead they chose the path of greatest resistance, the path with the greatest chance of failure. And failure is exactly what is happening. These days, we often make comparisons between how President Bush's nominees are being treated today and how President Clinton's nominees were treated. Now here is one more comparison to consider.

In November 1999, Majority Leader Trent Lott promised to hold a vote by May 15, 2000 on two of President Clinton's most controversial judicial nominees, with my consent as the Judiciary Committee chairman, Richard Paez and Marsha Berzon to the Ninth Circuit, two very liberal nominees. These nominees were opposed by hundreds of grassroots groups. Their records caused a great deal of angst among many Senators on this side of the aisle. The majority leader did not make his commitment in vague, fuzzy terms. He named names, picked dates, and stated objectives. He made a commitment and he kept it, and they both sit on the Ninth Circuit Court of Appeals to this day.

They were both competent. Would I have nominated them? No. Would a Republican President have nominated them? No. But they were competent, they did have the approval of the ABA, and they deserved a vote up or down and they got it.

We took a cloture vote to ensure there would be no filibuster, and confirmed those controversial nominees on March 8, 2000, a week earlier than promised. It is a very different situation today.

I wish to address some other issues that highlight the current state of the judicial confirmation process. Talking about numbers, percentages, and comparisons makes some people's eyes glaze over, while others have trouble sorting out the dueling figures. If enough confusion exists, the American people might not fully appreciate what is going on. But as our former colleague from New York, the late Senator Daniel Patrick Moynihan once said—a friend of mine—''You are entitled to your own opinion but not to your own set of facts.''

I believe facts matter. I believe the truth matters. Some have claimed the Senate has confirmed 86 percent of President Bush's judicial nominees compared to only 75 percent of President Clinton's. This claim is either true or false. If you believe, as I do, that the truth matters, then it is important to know the answer. What is true? The most recent figures from the Congressional Research Service show the Senate has confirmed 85 percent of President Bush's appeals court nominees compared to 84 percent of President Clinton's nominees. That is about as nonpartisan and objective a source as you can find. It turns out the Senate confirmed, not 75 percent of President Clinton's judicial nominees but 84 percent. No matter how you slice, dice or spin it, this claim is not true.

Another claim often repeated on the Senate floor by Democrats is that when I chaired the Judiciary Committee, I blocked more than 60 of President Clinton's judicial nominees by denying them a hearing. Some claims, apparently, need not be true as long as they are useful. In this one, the judicial confirmation version of the urban myth seems useful indeed, based on the number of times it is repeated in various versions and permutations. This claim is no more true than the first one I mentioned. Some Clinton nominees were not confirmed. Some nominees of every President are not confirmed.

In 1992, George Herbert Walker Bush left office, the Senate was controlled by the same party as today, the Democratic Party, and returned more than 50 unconfirmed judicial nominees to President Bush. I don't recall that we stood and moaned and groaned like is going on today, at this time. We didn't. The fact is, that is what happens at the end of a Presidential term. The claim being made today, however, is all those unconfirmed Clinton nominees could have been confirmed but were not, solely because I, as chairman, refused to give them hearings.

This is one of those claims that some apparently hope no one will bother to unpack and sort out. But consider this. A dozen of those nominees were not confirmed because President Clinton withdrew them. He actually withdrew them. That was not my prerogative as chairman. That was his prerogative as President. It continues to baffle me how the Judiciary Committee chairman can be blamed because nominees who no longer exist were not confirmed. Many of those unconfirmed nominees did not have the support of their home State Senators. Judiciary Committee chairmen of both parties, before me and after me, including the current chairman, do not give hearings to nominees without the support of their home State Senators. That is a matter of fact.

We also hear the claim that in Presidential election years, the judicial confirmation process is, to quote the current Judiciary Committee chairman, ''far less productive.''

Once again, this claim is not true. The average number of appeals court nominees given hearings and the number of judicial nominees confirmed goes up, not down, in Presidential election years.

Finally, we hear the astounding claim that Republicans are supposedly obstructing the nomination of Judge Helene White to the Sixth Circuit because we have asked her questions about her record, her qualifications, and her judicial philosophy. Judge White was nominated less than 2 months ago, and the Judiciary Committee was given just 22 days from her nomination until her hearing—a period far shorter, even, than noncontroversial nominees over the years.

We had 70 days before Seventh Circuit Court nominee John Tinder's hearing, for example, and 120 days before Second Circuit nominee Debra Livingston received a hearing. We had only 22

days this time and the chairman close to waive his own rule and hold a hearing without an evaluation from the American Bar Association, something we still do not have today for Judge White.

That is a party that insisted we always have the ABA evaluation in—for Republican nominees.

So written questions following the hearing were entirely in order. The number of questions asked of Judge White pales in comparison to the number of questions my friends on the other side have asked of President Bush's judicial nominees who had been pending far longer and for whom we had received an ABA—American Bar Association—evaluation.

We had 112 days before Fifth Circuit nominee Jennifer Elrod's hearing, for example, more than five times longer than we had with Judge White. Yet my Democratic friends gave Judge Elrod 108 questions, far more than Judge White has received. After all that, the Senate confirmed Judge Elrod by voice vote.

I might add, to mention a nonjudicial nominee, Grace Becker, who was nominated 189 days ago to head the Civil Rights Division. She has received 250 questions from my Democratic friends. I hear they are not done yet. It is as though no Republican should have the job of heading the Civil Rights Division. Grace is a former counsel on the Judiciary Committee and is well known to all of us as a woman of intellect, character, and compassion. She is a Eurasian woman with whom I think nobody can find one iota of fault.

A few days ago, the current Judiciary Committee chairman said the judicial confirmation process reminded him of the fairytale, ''Goldilocks and the Three Bears.'' Sometimes it reminds me, instead, of the episode of the sitcom ''Seinfeld'' about ''Bizarro World.'' That is the world where everything up is down, left is right, and everything is not as it seems. In the ''Bizarro World'' of today's judicial confirmation process, a plan almost certain to fail is called a commitment; 84 is called 75; a senatorial courtesy see is called a pocket filibuster; being more productive is being called being less productive; and due diligence is being called obstruction. I believe the facts and the truth matter, even in the judicial confirmation process, in spite of some of this rhetoric.

WARTIME SUPPLEMENTAL APPROPRIATIONS BILL

Mr. HATCH. Madam President, In February I addressed the Senate about our progress in Iraq. I categorized the results of General Petraeus' comprehensive counterinsurgency strategy as being remarkable.

When General Petraeus first began to implement his strategy 16 months ago, I was optimistic. However, I must admit that I did not expect to see the level of success that has been accomplished in such a short period of time.

What are those accomplishments?

Al-Qaida has largely been removed from its sanctuaries in Ramadi, Fallujah, Baghdad and much of the Diyala province. I went there when all those were seemingly under Al-Qaida control. I also went back and walked the streets of Ramadi after the surge. That was the second trip.

Make no mistake, these are major victories.

However, what has largely gone unnoticed by the media, is that even in the less than 2 months since General Petraeus and Ambassador Crocker came before Congress, these successes have continued and expanded.

Which leads me to ask the obvious question? Why, with all of these accomplishments that were attained through the blood, sweat and tears of our service members and their families, do the members on the other side of the aisle insist upon throwing it all away by setting arbitrary deadlines for the removal of the bulk of our forces from Iraq?

The only logical answer is that instead of attempting to devise a cohesive strategy that achieves victory, the Democrats are more interested in pandering to the appeasement wing of their party in a misguided attempt to curry political favor.

This is a strategy for defeat and national shame.

I repudiate such an approach. My colleague, Senator MCCAIN repudiates such an approach. And I believe the American people will repudiate this approach once they have all of the facts that somehow continue to escape widespread coverage by our media. Why don't they tell the truth? Why don't they tell about the successes?

But before I discuss the most recent accomplishments of U.S. and Iraqi forces, I believe it is important for the American people to understand one of the elements behind our recent success.

General Petraeus' strategy is based upon the classic counterinsurgency tactic of providing security to the local population, thereby enabling the government to restore services to its people. This, in turn, creates in the population a vested interest in the success of government institutions.

One of the ways this is accomplished is through the use of Joint Security Stations. Under this tactic, a portion of a city, such as a neighborhood, is cordoned off then searched for insurgents. Previously, once this was accomplished, our forces would return to large forward-operating bases, usually on the periphery of that city. The result was easy to predict, the insurgents would return once the sweep had concluded.

Under General Petraeus' strategy, our forces remain in the neighborhood and build Joint Security Stations, which then become home to a company-sized unit of American service members, as well as Iraqi army and police units. They live together. These facilities not only help secure the surrounding area, but simultaneously enable our forces to train and evaluate Iraqi forces. Much like the police officer walking a beat in a major city, our forces use the Joint Security Station to learn about the locale where they are assigned and can quickly adapt to meet the unique security needs of the individual community. This, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the people in the area a desire for the security and civil services to continue; which, in turn, strengthens the population's support for an effective government to maintain these improvements. The success of these Joint Security Stations can be seen in their creation throughout Iraq, with more than 50 of them in Baghdad alone.

But, as I previously stated, since General Petraeus' testimony in February, the Coalition has only added to the accomplishments of al Anbar, Baghdad, and Diyala.

At the time of General Petraeus' testimony, many lauded these successes. But many also pointed to three major challenges that continued to face the Coalition.

The first major challenge was in this northern city of Mosul. Despite the fact that al-Qaida has largely been thrown out of its former sanctuaries in central Iraq, the terrorists have retreated to and are regrouping their forces in this northern city. It should also be noted that al-Qaida has used Mosul as a key logistics, transportation and financial center. In fact, Reuters has quoted U.S. military officials as saying that Mosul is al-Qaida's last major urban stronghold in Iraq.

Second, the Iraqi government did not have control of the vital southern city of Basra, which was dominated by a number of Shiite factions. As my colleagues well know, Basra is home to Iraq's only seaport and the area surrounding the city is the location of much of the nation's oil wealth.

Third, the Iraqi Government did not have control of a neighborhood in eastern Baghdad known as Sadr City, a predominately Shiite district that is a center of support for Moktada al-Sadr.

However, since General Petraeus' testimony there have been remarkable changes in Mosul, Basra, and Sadr City.

First, I must say that I am increasingly confident about the Coalition's chances for making positive advances in Mosul.

Remember, shortly after the fall of Saddam Hussein's government, General Petraeus, then a major general in command of the 101st Airborne Division, was responsible for restoring order in Mosul. It was here that General Petraeus was first able to implement and refine his theories on counterinsurgency warfare and was largely successful in securing the city.

Unfortunately, with the 101st's departure and the sharp reduction in the number of Coalition forces in Mosul—to as few as one American battalion—the city and surrounding area became a haven for al-Qaida.

However, in mid-2007 the Coalition forces began to achieve some success. This occurred in no small part because of the increased effectiveness of the 2nd and 3rd Iraqi divisions that were assigned to the city and surrounding areas. According to the Institute for the Study of War, in May and June positive results quickly became apparent with the capture or killing of 13 al-Qaida leaders, including 6 emirs and 4 terrorist cell leaders. Yet, as al-Qaida members were being pushed out of Baghdad and al Anbar Province, the number of terrorists in Mosul was increasing.

However, our forces, led by the 3rd Armored Cavalry Regiment, which replaced the 4th Brigade of the 1st Cavalry Division in December, and the Iraqi security forces have kept the pressure on. In mid-December, al-Qaida's security emir for northern Iraq was captured along with al-Qaida's security emir for Mosul. This was followed by the capture of al-Qaida's deputy emir for all of Mosul.

Our successes also have been strengthened with the reinforcement of our forces by additional U.S. and Iraqi forces. This has enabled Coalition and Iraqi forces to implement the counterinsurgency strategy of utilizing Joint Security Stations in the eastern and western portions of Mosul, much like those that were so successful in Baghdad.

The Iraqi Army units in Ninawa Province, of which Mosul is a major city, also have a new commander, LTG Riyadh Jalal Tawfiq. This is an important development since Lieutenant General Tawfiq played a vital role in securing Baghdad.

Despite these promising developments, much remains to be accomplished. On May 10, the Coalition launched Operation Mother of Two Springs. Though it is too early to tell if this operation will have the same successes that our forces are experiencing in Baghdad, MG Mark Hertling, the commander of Multi-National Forces—North stated yesterday that daily attacks are down 85 percent since the operation began. The General also noted that the Coalition has detained more than 1,200 individuals many of whom are self-proclaimed al-Qaida members who describe themselves as ''battalion commanders . . . suicide bomb makers, foreign fighter facilitators, financiers and emirs.'' Moreover, a number of arms caches have been discovered. However, the desperation of al-Qaida appears to have increased due to Saturday's attack by two female suicide bombers.

Mr. President, the battle for Mosul is being fought right now. The final outcome has yet to be decided. However, initial indications point to a successful conclusion because of the implementation of a proven counterinsurgency strategy, improvements in the Iraqi security forces and the bravery and dedication of our fighting men and women.

The second major area of consternation was Basra. Until recently, Shiite groups such as the Mahdi militia—which is associated with Moktada al-Sadr—ruled the streets.

In order to counter this lawlessness, Prime Minister al-Maliki launched Operation Charge of the Knights. This was a bold initiative. First, Prime Minister al-Maliki showed that he is a leader who is willing to make difficult political decisions to secure a better future for his people by traveling to Basra and taking personal charge of this operation. Second, this was a large-scale operation led and planned by Iraqi security forces to restore central government control in Basra.

At first, poor planning seemed to have doomed this operation. Even General Petraeus initially stated, ''The fact is that the Iraqi operations in Basra were not properly planned . . . in the wake of recent operations, there were units and leaders found wanting in some cases . . .''

However, it appears that we all judged this operation too quickly. According to a recent article in the New York Times, ''the oil-saturated city of Basra has been transformed by its own [Iraqi security forces] surge.'' Iraqi forces ''have largely quieted the city, to the initial surprise and growing delight of many inhabitants who only a month ago shuddered under deadly clashes between Iraqi troops and Shiite militias . . . government forces have taken over Islamic militant's headquarters and halted the death squads and vice enforcers.''

It should also be noted that according to the highly respected Jane's Defence Weekly ''in areas occupied by Iraqi army forces, the government has begun a wide ranging set of operations to solidify its long-term presence.''

In fact, due in large part to the success of Operation Charge of the Knights, Jane's Defence Weekly made the following observation: ''Operation Charge of the Knights provides further evidence that the Iraqi army can fight effectively and lead operations when supported by coalition enablers such as air support, logistics, and intelligence. The Basra security operation follows other successful Iraqi army performances in the south, notably the January 2007 defeat of the Jund al-Samaa sect in pitched battles outside Karbala and the January 2008 simultaneous takedown of a dozen cultist cells from the same organization spread across Basra and Nasiriyah.''

Finally, examples of the major strides the Iraqi forces are making can be seen in the operations that were launched this week in Sadr City. Yesterday, the New York Times reported that six battalions of, ''Iraqi troops pushed deep into Sadr City. . . as the Iraqi government sought to establish control over the densely populated Shiite enclave in the Iraqi capital. The long awaited military operation, which took place without the involvement of American ground forces, was the first determined effort by the government of Prime Minister al-Maliki to assert control over the sprawling Baghdad neighborhood, which has been a bastion of support for Moktada al-Sadr. The operation comes in the wake of the government's offensive in Basra, which for the time being seems to have pacified the southern Iraqi city and restored government control.''

The New York Times goes on to report about the Sadr City operation, ''the Iraqi forces quickly assumed positions at a main thoroughfare and near major hospitals and police stations. Two companies ventured even further north to secure the Iman Ali Hospital. . . No American ground forces accompanied the Iraqi troops, not even military advisers. But the Americans shared intelligence, coached the Iraqis during the planning and provided overhead reconnaissance throughout the operation. Still, the operation was very much an Iraqi plan.''

Madam President, I believe that Ambassador Crocker summed up the situation best when he stated in his testimony: ''Al-Qaida is in retreat in Iraq, but it is not yet defeated. Al-Qaida's leaders are looking for every opportunity they can to hang on. Osama bin Ladin has called Iraq 'the perfect base,' and it reminds us that a fundamental aim of al-Qaida is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance. . .''

The choice is clear. The men and women of our armed forces have made real and sustained progress over the past 16 months. The list of their accomplishments and the accomplishments of the Iraqi security forces grows longer every day.

The balance is changing. Now, more then ever, is the time to stand behind our forces to ensure they achieve the victory of which they so deserve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. MCCONNELL. Mr. President, in the final year of President Clinton's final Congress, two of his circuit court nominees, Richard Paez and Marsha Berzon, were pending in the Judiciary Committee. Frankly, they were quite controversial. For example, Judge Paez had openly defended judicial activism. He said if the Democratic branch has

failed to act on a political matter, it was incumbent on judges to do so, even if the matter properly belonged to the legislature.

Not surprisingly, conservative groups and many Republican Senators opposed the Paez and Berzon nominations. The Chamber of Commerce, a business association, not an ideological group, was so troubled by the prospect of Judge Paez's confirmation that it broke its policy of staying out of nomination disputes and opposed his nomination.

I ask unanimous consent to have printed in the RECORD the release by the Chamber of Commerce opposing Judge Paez.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. CHAMBER ANNOUNCES OPPOSITION TO PAEZ JUDICIAL NOMINATION

WASHINGTON, D.C.—The United States Chamber of Commerce today announced its opposition to the elevation of district court judge Richard Paez to the 9th Circuit Court of Appeals. The 9th Circuit Court reviews federal court decisions in California, Arizona, Washington, Oregon, Idaho, Nevada and Montana.

In taking the unusual step of opposing a judicial nominee, Chamber senior vice president Lonnie Taylor said, ''Judge Paez' lower court rulings demonstrate an alarming degree of judicial activism that must not be rewarded.''

Taylor specifically cited Paez' ruling in John Doe I v. Unocal, saying the decision ''represents an unconstitutional judicial intrusion into foreign policy with dangerous implications for the U.S. economy and world markets.''

In the Unocal case—which concerns the construction of an offshore drilling station and natural gas pipeline—Judge Paez held that U.S. companies doing business overseas were liable for the actions of foreign governments. The ruling opened the door to environmental activists and others to use similar class action lawsuits as an avenue of attack on disfavored business projects, Taylor charged.

''Judge Paez' ruling, if upheld, could cripple international commerce and establish a far-reaching precedent of holding U.S. companies hostage to the actions of foreign governments,'' said Taylor.

Improving the ability of American businesses to compete in the global marketplace is a top priority of the Chamber. As part of the Chamber's efforts to advance free trade, it will oppose any attempts to undermine international competitiveness. The U.S. Chamber notified Senators of its opposition to Judge Paez in a letter yesterday.

The U.S. Chamber of Commerce is the world's largest business federation representing more than three million businesses and organizations of every size, sector and region.

Mr. MCCONNELL. The California Senators, to their credit, were tireless advocates for Judge Paez and Judge Berzon. Their nominations became the California Senators' cause, and their ultimate confirmations were due to our colleagues' tireless advocacy.

Their confirmations, though, were also due to then-Majority leader Trent Lott ensuring that his commitment regarding the Paez and Berzon nominations was, in fact, kept. On November 10, 1999, Majority Leader Lott placed a colloquy between himself and then-Democratic Leader Daschle in the CONGRESSIONAL RECORD. In it, Senator Lott committed to proceed to Paez and Berzon by March 15 of the following year, which of course was a Presidential election year, as this year is.

Majority Leader Lott also stated he did not believe that filibusters of judicial nominations are appropriate, and that if they were to occur, he would file cloture on their nominations and he would himself support cloture if necessary.

He noted then-Judiciary Chairman HATCH was consulted on that commitment. Given that many in our conference and over 300 groups opposed those nominations, it would have been easier in many respects for Senator Lott not to fulfill his commitment. He could have taken a hands-off approach, shrugged his shoulders, put the onus on Chairman HATCH to make good on the majority leader's commitment. After all, Senator Lott was not the Judiciary Committee Chairman, Senator HATCH was. He could simply have said he did not control what happened in the Judiciary Committee, Chairman Hatch did. But Senator Lott understood that commitments in this body are not to be taken lightly, especially when they are made by the majority leader himself.

So true to his word, Majority Leader Lott worked to ensure that his commitment was kept. The Paez and Berzon nominations were reported out of the committee. The majority leader, Senator Lott, filed cloture on both. On March 8, 2000, a week ahead of schedule, he and I and Chairman HATCH and a supermajority of the Republican conference voted to give Judges Paez and Berzon an up-or-down vote.

Most of those Republicans, myself included, then voted against them because of concerns about their records. But Judges Paez and Berzon were then, of course, confirmed and have been sitting on the Ninth Circuit for 8 years because Senator Lott honored his commitment.

Unfortunately, a similar commitment made to my conference was not honored today. Last month, my good friend from Nevada, the majority leader, acknowledged that the Democratic majority needed ''to make more progress on'' circuit court nominations.

To that end, he committed to do his ''utmost;'' ''to do everything'' possible; to do ''everything within [his] power to get three [more] judges approved to our circuit [courts] before the Memorial Day recess.''

''Who knows,'' he even suggested, ''we may even get lucky and get more than that [because] we have a number of people from whom to choose.''

True, the majority leader gave himself an out. He could not ''guarantee'' his commitment because ''a lot of things can happen in the Senate.'' But when the Senate majority leader commits to do everything in his power to honor a commitment, that should mean choosing a path that likely will yield a result.

Well, today we learned we are not going to get three more circuit court confirmations by the Memorial Day recess, let alone the four or more the majority leader thought might be possible. No, we are going to get one. Only one.

Given my friend's clear commitment and the numerous nominees the Democratic majority had to choose from, the question my Republican colleagues and I are asking is this: Did the majority do its ''utmost''? Did it do ''everything'' possible? Did it do ''everything within [its] power''?

In fact, we are asking did it do anything at all to realistically ensure the commitment would be kept?

When my friend made his commitment, he noted that we had circuit court nominees from all over the country in the Judiciary Committee who could be processed. He listed the States they were from. Most have been pending for a long time, and the Judiciary Committee has had ample time to study their records. Indeed, some have already had hearings; others have already been favorably reported by the committee to other important positions. These nominees were, in effect, on the two-yard line, and could easily have been picked and confirmed.

People like Peter Keisler; he has been pending for almost 700 days. He has had a hearing. He has been rated unanimously well-qualified by the American Bar Association. He has earned accolades from Republicans and Democrats alike, including an endorsement from the Washington Post. His paperwork is complete, and he is ready to go.

Or people like Chief Judge Robert Conrad; he has been pending for over 300 days. The Senate has already confirmed him, on two separate occasions, to important Federal legal positions, first as the chief Federal law enforcement officer in North Carolina and then to a life-time position on the Federal trial bench. He, too, has received the ABA's highest rating, and has earned praise from Republicans and Democrats alike. He has the strong support of both home-State senators and is ready for a vote.

During our colloquy, my friend did not reference the nomination of Michigan State Judge Helene White as an option. That is because her nomination to the Sixth Circuit did not yet exist. It wasn't here. It arrived here later that day, at which point there were only 5½ weeks until the Memorial Day recess. Or, put another way, her nomination arrived 700 days after Mr. Keisler's, 300 days after Judge Conrad's.

Thirty-five days is not much time to process a nominee who, by her own admission, has participated in 4,500 cases, half of which are completely new since her last nomination. Indeed, the average time for confirming a judicial nominee in this administration is 162 days. The majority decided to try to

run Judge White through the process in just 35 days. It scheduled a hearing for her that was only 22 days after her nomination. I respect the abilities of members on the Judiciary Committee, but even they cannot review 4,500 cases in 22 days.

In addition, when the majority scheduled her hearing, the ink was barely dry on the FBI's background investigation, which had come up only the day before, and the committee had yet to receive her ABA report. In fact, today as I speak, it still is not here.

This matters because Chairman LEAHY has made it abundantly clear that the receipt of the ABA report is a precondition for him to allow a vote on a judicial nominee, saying: ''Here is the bottom line. . . . There will be an ABA background check before there is a vote.'' He reiterated that his rule will be observed with respect to the White nomination.

So to honor the majority leader's commitment, did our Democratic colleagues choose someone whom the committee had ample time to vet, whose paperwork has been done for a long time, and who, in the case of Judge Conrad, the Senate had already confirmed—twice? No, they decided to rush through Judge White, someone whom several members of the committee are completely unfamiliar with, and whose record for most of the last decade the entire committee is completely unfamiliar with, including thousands of her cases.

In essence, the majority decided to throw a confirmation ''hail Mary'' to satisfy its own Democratic membership, instead of taking a bi-partisan path that had every indication of success and would have fulfilled the commitment, like finally processing Mr. Keisler or Judge Conrad.

If the majority were serious about keeping its commitment all this should have been avoided. My friend from Nevada has said he consulted fully with Chairman LEAHY before making his commitment. Chairman LEAHY has been the lead Democrat on the Judiciary Committee for over a decade. He, perhaps more than anyone, is aware of the logistical requirements for processing nominees.

We assume he would have advised the majority leader of the near-certain impossibility of confirming Judge White in time to keep the commitment. Even if he didn't, the ranking member and I did just that almost a month ago, when we wrote to him and the Chairman, expressing our serious concerns about this very situation arising.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 29, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Capitol Building, Washington, DC

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC

DEAR SENATORS REID AND LEAHY: We write to express our serious concern regarding statements made by Chairman Leahy during last week's Judiciary Committee Executive Business Meeting. In discussing Senator Reid's April 15, 2008, commitment to confirm three more circuit court nominations before the Memorial Day recess, Senator Specter asked Chairman Leahy to clarify whether he was saying he would not honor the commitment if the scheduling was not ''convenient for the two Michigan nominees.'' In response, Chairman Leahy stated, ''I will do everything possible to get it [done] by Memorial Day, but if the White House slow walks [the Michigan nominees' paperwork], we probably won't.''

We all know there are several time-consuming steps in the judicial confirmation process, including a Federal Bureau of Investigation background investigation, the issuance of a rating by the American Bar Association (ABA), a hearing, questions for the nominee following the hearing, a Committee vote, and finally a floor vote. Given these standard prerequisites and Judge Helene White's recent nomination date of April 15, 2008, we do not believe regular order and process will allow for her confirmation prior to May 23, 2008. In addition, the FBI is currently conducting a supplemental investigation for Mr. Raymond Kethledge, which must be completed prior to his hearing. Chairman Leahy's statements insinuate that, if the Committee cannot process Judge White and Mr. Kethledge prior to the recess, then the straightforward commitment made by the Majority Leader and, by reference, Chairman Leahy will not be honored.

We would hope, given the likelihood that Judge White and Mr. Kethledge cannot be confirmed prior to the recess, that, in order to fulfill the commitment, Chairman Leahy would turn to other outstanding circuit court nominees pending in Committee who have been ready for hearings and waiting far longer than Judge White or Mr. Kethledge. As we have mentioned previously, Mr. Peter Keisler has already had a hearing and has been waiting for over 660 days for a simple Committee vote, and Judge Robert Conrad and Mr. Steve Matthews, nominees to the Fourth Circuit, are ready for hearings and have been waiting for many months. Both Judge Conrad and Mr. Matthews have enjoyed strong home-state support from their Senate delegations, one of whom is a valued member of the Committee. All three of these nominees deserve prompt consideration by the Committee and up-or-down votes by the full Senate.

It is simply a matter of fairness to include in the commitment, nominees who clearly can be processed and who have been ready for hearings and pending the longest. Further, we object to the selective importance that the Judiciary Committee is placing on home-state senatorial support. The Committee appears to view the support of Republican senators as a necessary, but insufficient, condition for their constituent nominees; while at the same time deeming dispositive the views of Democratic senators, either for or against a nominee. As the Majority Leader himself noted, such disparate treatment is patently unfair.

The clock is ticking. It has now been two full weeks since your commitment to do 'everything' you could to confirm three more circuit court nominees by the Memorial Day recess. Yet since that commitment, the Committee has only scheduled one hearing for one circuit court nominee. More troubling still is the fact that the Chairman strongly intimated last week that the Committee may refuse to honor the commitment, not because it is impossible for it to do so, but because the Chairman's preferred queue of nominees will not be ready in time due to the standard requirements of the FBI and the actions of a third party (the ABA), upon which the Democratic Majority has placed particular importance over the years.

If the Committee does not hold a hearing for two more circuit court nominees prior to May 6, 2008, it is exceedingly unlikely that the Senate will be able to confirm at least three circuit court nominees prior to May 23, 2008, given the standard amount of time it takes to move a nomination through the steps in the confirmation process. In order to honor the commitment, we respectfully urge the Committee to schedule hearings for Judge Conrad and Mr. Matthews, and hold a Committee vote for Mr. Keisler as soon as possible.

We look forward to your response.

Sincerely,

MITCH MCCONNELL.
ARLEN SPECTER.

Mr. MCCONNELL. The reasons for our concern a month ago have proven to be correct. Anyone could have seen this problem coming—anyone, except evidently, our Democratic colleagues who must have chosen not to.

Which brings me back to the question I and my Republican colleagues are asking: Is it consistent with a commitment to do ''everything within your power'' to confirm three more circuit nominees by Memorial Day, to then choose the one nominee who, for logistical reasons alone, is the least likely to be confirmed in time to keep the commitment? Mr. President, chasing the impossible, and then blaming others or expressing surprise when it eludes your grasp is not a good excuse, and will be remembered for a long, long time.

So today is a sad and sobering day for me and my colleagues. There are now well-founded questions on our side about the majority's stated desire to treat nominees fairly and to improve the confirmation process. And there is frustration that will manifest itself in the coming days, and will persist until we get credible evidence that the majority will respect minority rights and treat judicial nominees fairly.

MEMORIAL DAY 2008

Mr. MCCONNELL. Mr. President, in observance of Memorial Day this year, I had the distinct honor of meeting a group of World War II veterans from Kentucky who had traveled to our Nation's Capital to see the World War II Memorial. A couple of the veterans, by the way, told me this was their first trip to Washington.

This memorial, completed in 2004, is a fitting tribute to the millions of Americans—some who returned home, some who did not—who put on their country's uniform to fight the greatest and most destructive war the world

had ever seen. The awe the memorial inspires reminds us all why this group of patriots is called the ''greatest generation.''

The 35 Kentucky World War II veterans I met were able to travel to Washington thanks to the nonprofit organization Honor Flight, which transports World War II veterans from anywhere in the country to see their memorial, free of charge. Many veterans, for physical or financial reasons, are unable to make the trip on their own, and so without Honor Flight they would not get the chance to visit the memorial created for them and their fellow fighters at all.

About 36,500 World War II veterans live in Kentucky today, with about 2.5 million throughout the country. Unfortunately, that number shrinks each day as time advances for these brave warriors. Honor Flight and its volunteers, many of whom are veterans themselves, are doing a great service for our Nation by making it possible for these veterans to make this important trip.

So this Memorial Day, I hope everyone says thank you to a man or woman who wore the uniform. We should remember the bravery of those who made the ultimate sacrifice for our country. And while most of us will never know the heroism shown by the World War II veterans I was privileged to meet, we can marvel at the courage shown every day by our current generation of heroes serving in Iraq and Afghanistan.

I mentioned to the veterans from Kentucky yesterday my own father who served in Europe during World War II, who arrived after the Battle of the Bulge and was in the conflict from about March of 1945 forward, until he met with the Russians at Pilsen, which I believe is now in the Czech Republic. I mentioned to them that I have a letter he wrote to my mother. There were a number of letters, but this particular one is etched in my memory because it is dated May 8, 1945.

Underneath the date he wrote ''V-E Day,'' so they were calling it Victory in Europe Day even then. He had seen some very severe fighting and lost a great many of his company, and one could sense the elation in his voice that the conflict was now ended.

But then there was a subsequent letter I thought was quite prophetic, particularly for a regular foot soldier who was not an officer. He had a chance to interact with some of the Russians because they met the Russians in Pilsen. He said to my mother: I think the Russians are going to be a big problem down the way.

So it was interesting that there was this sense, even to the foot soldiers, that our alliance with the Soviet Union was a short-term marriage of convenience and might subsequently be a big problem down the road. Of course, his prophecy was proven accurate.

While in Pilsen, he got a chance to befriend some Czechs, and I have some letters that were exchanged with friends from what was then Czechoslovakia. He told me that all of those letters stopped a couple years later when the Iron Curtain descended across Europe and he was unable to communicate further with any of the Czech friends he made. I share that story of my own father on Memorial Day for my colleagues.

In closing, I would mention that the particular flight from Kentucky yesterday was dedicated to the memory of John Polivka, who had planned to be on the trip. He was a World War II veteran who planned to be on the trip but who passed away on Monday, May 19, just this week. So the veterans dedicated their Honor Flight to Washington to their colleague whom they had hoped would be able to join them. Even though there was great sadness over his loss, there was great joy in being able to witness the World War II Memorial which symbolizes their extraordinary contribution to our country.

I ask unanimous consent that names of the World War II veterans who were here this week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD WAR II VETERANS

Homer Brown, Jr.; Joseph Raley; James Thomas; George Coffey; Charles Hanson; Donovan Chard; Bernie Carr; William Pickerill; Robert Barrow; Robert Davis; Gainey ''Ed'' Sipes; Emmett Leezer; Charles Mauer; Leroy Faber; Russell Harrison; Morell Milroy; Blue Lynch; George Wolford; Norman Inman; Frank Godbey; John Toy; Burnett Napier; Bobby Barker; Oscar La Fontaine; Joel O'Brien, Jr.; Louis Tracy; Garnett Clark; Joseph McFadden; Earl Wieting; Woodrow Bryant; Raymond Roggenkamp; Robert Weixler, Sr.; Richard Lewis; Thomas Shields; and Joseph Pottinger.

DIRECTORS OF THE HONOR FLIGHT

Brian Duffy, Jean Duffy, William Garwood, James T. MacDonald, and Robert Hendrickson.

This Honor Flight was dedicated to the memory of John Polivka, who passed away on Monday, May 19th.

Mr. MCCONNELL. I conclude by saying they were indeed the best of the ''greatest generation.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATIONS

Mr. WHITEHOUSE. Mr. President, as a member of the Judiciary Committee, let me indicate that we are not entirely unfamiliar on the Judiciary Committee with Judge White. She was actually an appointee of President Clinton. For many months, she languished before the committee when it was under Republican control. So she should be a judge with whom at least a considerable number of the members of the Judiciary Committee would have been familiar from her previous appointment. Any suggestion that she was a new arrival or a novelty of some kind to the committee would not be accurate.

Mr. President, I ask unanimous consent to have printed in the RECORD an April 30, 2008, letter to the Republican leader and the ranking member of the Judiciary Committee signed by the majority leader, indicating, among other things, the following:

In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that ''I cannot guarantee'' this outcome because it depends upon factors beyond my control. Nonetheless, I remain optimistic we can meet that goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, April 30, 2008.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.

Hon. ARLENE SPECTER,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

DEAR SENATORS MCCONNELL AND SPECTER: Thank you for your letter yesterday regarding judicial nominations.

In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that ''I cannot guarantee'' this outcome because it depends upon factors beyond my control. Nonetheless, I remain optimistic we can meet that goal.

A hearing for Fourth Circuit nominee Steven Agee, as well as district court nominees recommended by Senators Lugar and Kyl, will take place tomorrow afternoon. A hearing for Sixth Circuit nominees Raymond Kethledge and Helene White, as well as a Michigan district court nominee, will take place next Wednesday. Senator Leahy has expedited consideration of the Michigan nominees in light of my April 15 remarks.

Nothing in my pledge regarding judicial nominations deprived Chairman Leahy of his prerogative to determine the sequence of nomination hearings in his committee. No one presumed to instruct Senator Specter about the sequence of nominations during the years he served as Chairman of the Judiciary Committee. And certainly Senator Hatch exercised the chairman's prerogatives freely during the years in which more than sixty of President Clinton's nominees were denied hearings or floor consideration.

The Democratic majority has treated President Bush's judicial nominations with far greater deference than President Clinton was afforded by a Republican-controlled Senate. Three-quarters of President Bush's court of appeals nominees have been confirmed; in contrast, only half of President Clinton's appellate nominations were confirmed. Altogether, 145 of President Bush's judicial nominees, 90 percent of them, have been confirmed in the years that Democrats have controlled the Senate. Last year the Senate confirmed 40 judges, more than during any of the three previous years with Republicans in charge. The federal judicial vacancy rate is the lowest it has been in years.

Chairman Leahy and I will continue to work with you both to process judicial nominations in due course, consistent with the Senate's constitutional role.

Sincerely,

HARRY REID.

Mr. WHITEHOUSE. Mr. President, thank you. I appreciate that.

COLONEL EDWARD CYR

Mr. WHITEHOUSE. Mr. President, one of the great privileges that I have as a Member of this body is to travel around my home State of Rhode Island and hear directly from the people I was elected to serve. We are a small State, and we all know one another pretty well. So it is a pleasure to get out and listen to people, to hear what is on their minds, their good news and their bad news, and the challenges and the opportunities they and their families face each and every day.

One of the things we do is to regularly hold community dinners around the State. My wife Sandra and I get together with folks over pasta and meatballs or hamburgers and hot dogs and we talk about the issues that are interesting to them.

Mr. President, having the opportunity to hear people of my State share their stories this way has made such a difference in my work here in Washington. I say to the Presiding Officer, I know that as you represent the people in Florida, you feel very much the same way and I've heard you both in committee and on this floor give speeches and remarks that have focused on individual constituents of yours who had troubles and problems that they needed to attend to and you needed to attend to. So I know that you feel very much the same way.

You know, we stand in this Chamber and we debate back and forth on the war in Iraq or the price of a gallon of gas or the crisis in the housing industry. But when we go back home, we see people who are living in the middle of these issues every day. In Rhode Island right now, there are parents worrying about their sons and daughters serving overseas in Iraq. There are families watching the numbers on the gas pump roll, roll, roll, flying higher and higher, and they are wondering how they are going to make ends meet. And there are working people who see their mortgage payments climb out of reach, and they face the gnawing, terrible fear that they might lose the home their children grew up in. So, as glorious as is this grand Chamber we have the opportunity to serve in, the reason we are really here is that it is all about them.

And last Sunday evening, we had one of those moments. We hosted a community dinner in Bristol, RI, which is a beautiful, historic town on Rhode Island's East Bay. Bristol is known for many wonderful things, but one is the oldest—and I think the best—Fourth of July parade in the United States of America. So it was great to be in Bristol, and it was a beautiful evening. The day had been rainy, and toward the end of the day, the clouds had begun to open up and the evening Sun was shining through on the clouds above. The earth and the trees were still wet around, but they were lit up by the lit sky, and we were in this handsome stone VFW hall that is just a little bit back from Bristol Harbor. It was beautiful not only outside but inside because we had a wonderful group of people. And as the questions and answers were winding down toward the end of the evening, a man stood up and he took the microphone, and he began to speak.

The man was COL Edward Cyr. Colonel Cyr is a 29-year veteran of the Army Reserves, 399th Combat Support Hospital. He has served two tours in Iraq, first in 2003 and then again from June 2006 to October 2007, and was also deployed to Kosovo in 2001. When he is not serving our country in the Army Reserves, Colonel Cyr is a nurse anesthetist at Saint Anne's Hospital in Massachusetts. He is a loving husband to his wife Patricia, and he is the father to five daughters.

Colonel Cyr wanted to tell me about a provision in the 2008 Defense authorization bill which grants early retirement eligibility to reservists and National Guard members who have served on Active Duty since September 11, to allow these individuals to gain 3 months of retirement eligibility for every 90 days of Active service.

He was concerned that the effective date of the legislation was set for the date of its passage, and that it did not reach back to September 11 to pick up all the veterans who had served since that date. I agreed to help him with that legislation, to make the date of the early retirement provision retroactive to September 11, 2001, so that it would reach every veteran in this conflict who served our country and carried the burden of a disastrous war policy with such great honor and dignity.

And often people come with a specific request like that, but that was not what was significant about this. What was significant about this was that Colonel Cyr took the chance to tell his story.

He spoke of the strains of his multiple deployments which have weighed so heavily upon him and his family. He spoke of the blood of the wounded soldiers he worked on, on his hands, on his clothes, in his very pores. He spoke of their service and their loss and his pride in the men and women who served beside him. When he was done, the big room was quiet.

I asked him—I was a little embarrassed to ask because I did not want to ask a personal question that might not be welcome, but I asked him anyway: I said, Colonel, if I may ask a personal question, what was your family situation through all of this? He paused a minute, and he said: Well, Senator, I am glad you asked that question because my wife is sitting right beside me. And he proudly pointed her out, and he said this: For all those months, over three tours, she had to go it alone, raising my five daughters, and I want to take this chance to thank her because if it weren't for her, I wouldn't have had a home to come home to.

Mr. President, you could have heard a pin drop. There was not a dry eye in the House, including my own. And the room then burst into applause.

Mr. President, this was just one of those moments—just one of those moments. I do not think I can explain it, and frankly, I do not even want to try because if I tried to explain it, I would just make it smaller. So all I want to say, as we all leave this glorious Chamber to go home to our States to celebrate this Memorial Day weekend, for all the Edward Cyrs and for all the Patricia Cyrs across this country, thank you and God bless you.

Mr. President, I believe there is no quorum present.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6081, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the bill be read three time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6081) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, on Memorial Day in 1884, Justice Oliver Wendell Holmes said:

> It is now the moment when by common consent we pause to become conscious of our national life and to rejoice in it, to recall what our country has done for each of us, and to ask ourselves what we can do for our country in return.

I am pleased that today, on the eve of the Memorial Day weekend, the Senate has been able to recall what our service men and women have done for each of us. I am pleased that we can do something for them in return. And I am pleased that we have been able to pass the Heroes Earnings Assistance and Relief Tax Act of 2008.

Nearly 1.5 million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000

troops have been wounded in action there.

It is time that Congress showed its gratitude to these brave men and women. They have devoted their lives to the pursuit of American freedom.

Today, we are doing just that. We have passed a bill that offers tax relief to these men and women who serve our country so valiantly.

During a trip to Iraq last year, I saw the amazing job that our troops are doing. I met many Montanans from small towns such as Roundup and Townsend.

I saw firsthand what a heavy burden our troops bear for all of us. They face hardships and danger. But they keep at it every day.

This bill makes permanent the special tax rules that make sense for our military. Many of these rules expired at the end of 2007.

For example, most troops doing the heavy lifting in combat situations are lower ranking soldiers in the lower income brackets. Some of them are earning combat pay at levels that would qualify for the earned income tax credit. But under current law, combat pay does not count toward computing the EITC.

Congress fixed that temporarily. But the provision that fixed the problem expired at the end of 2007.

The EITC is a beneficial tax provision for working Americans. It makes no sense to deny it to our troops.

Today, we have made combat duty income count for EITC purposes, and we have made that change a permanent part of the Tax Code.

This military tax package also eliminates obstacles in the current tax laws that create problems for some veterans and service members.

For example, family members of fallen soldiers killed in the line of duty receive a death gratuity benefit of $100,000. But the tax law does not allow the survivors to put this benefit into a Roth IRA. This bill will guarantee that the family members of fallen soldiers may take advantage of these tax-favored accounts.

Another problem for our disabled veterans is the time limit for filing to get a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed because of lost paperwork or the appeals of rejected claims. Once a disabled vet finally gets a favorable award, the disability award is tax-free.

In many cases, however, these disabled veterans paid taxes on the payments in the past. The veterans cannot get the taxes paid back because the law bars them from filing a claim for a tax refund that goes back far enough.

We take care of this problem by giving disabled veterans an extra year to claim their tax refunds.

This bill is paid for by requiring that companies that do business with the Federal Government pay their employment taxes. The bill makes sure that foreign subsidiaries of U.S. parent companies that have contracts with the Federal Government pay employment taxes for their employees.

Another offset in the bill is a provision that makes certain that individuals who relinquish their American citizenship or long-term residency pay their fair share of Federal taxes. This provision ensures that these folks pay the same tax for appreciation of assets, such as stocks or bonds, as they would pay if they sold them as U.S. citizens or residents.

We owe the men and women fighting in our armed forces an enormous debt of gratitude. They leave their families and put their lives on the line to fight for our freedoms.

And so today, the Senate pauses to recall what our service men and women have done for each of us. Today, the Senate pauses to ask ourselves what we can do for them in return. And today, the Senate pauses to say thank you.

Mr. GRASSLEY. Mr. President, the Heroes Earnings Assistance and Relief Tax Act of 2008, the HEART Act, which passed the Senate by unanimous consent today, was a bipartisan effort that incorporates most of the provisions in the Defenders of Freedom Tax Relief Act of 2007, which passed the Senate last December. The HEART Act also makes permanent and expands upon some of the tax relief measures that I coauthored with Senator BAUCUS in 2003, while chairman of the Senate Finance Committee.

Our men and women who serve in the military make tremendous sacrifices to keep this great Nation safe and strong. Oftentimes, this very service makes taxes complicated and sometimes unfair. It is only right that these honorable men and women get treated fairly under the Federal Tax Code. The Federal Tax Code shouldn't penalize people for serving their country.

It has been a few years since Congress enacted a tax relief measure for the military. As such, we have updated the relief package to include some additional relief. Amongst some of these new measures is a clarification that members of the military who file a joint tax return would be eligible for the stimulus rebate payment even if one spouse does not have a Social Security number.

The bill also ensures that U.S. employers of Americans working abroad pursuant to a Government contract pay Social Security and Medicare taxes, regardless of whether they operate through a foreign subsidiary. Amongst the offsets in the HEART Act is a provision that ensures individuals who relinquish their U.S. citizenship or long-term residency pay the same Federal taxes for the appreciation of assets as they would have paid if they sold them prior to relinquishing their U.S. citizenship or terminating their long-term residency.

It is unfortunate that the Senate was not able to strike an agreement with the House to include a provision that Senator ROBERTS championed. This provision would make more service members eligible for low-income housing.

However, Senator ROBERTS has been reassured by House, Ways and Means Democrats that this provision will be processed with the House's low-income housing credit reform measures, which was part of their housing bill.

Mr. KERRY. Mr. President, today the Senate has passed legislation which will assist military families. I agree with Ways and Means Chairman CHARLES RANGEL that this legislation should be called the ''thank you bill.'' As we approach Memorial Day, I am pleased that the House and Senate have passed this important legislation which will help thousands of military families.

I would like to thank Senators BAUCUS and GRASSLEY for the work they have done on this bill. The HEART Act reflects a compromise reached by the Ways and Means and Senate Finance Committees. Last year, Senator SMITH and I introduced the Active Duty Military Tax Relief Act of 2007, which would help those who bravely serve their country and the families that they have left behind.

The HEART Act includes several provisions from the Active Duty Military Tax Relief Act of 2007. It also includes additional provisions to help military families and veterans who often struggle financially.

The best definition of patriotism is keeping faith with those who serve our country. That means giving our troops the resources they need to keep them safe while they are protecting us. And it means supporting our troops at home as well as abroad.

Currently, there are over 160,000 military personnel serving in Iraq. There are approximately 33,000 United States servicemembers in Afghanistan. Many of these men and women are reservists and have been called to active duty, frequently for multiple tours.

Most large businesses have the resources to provide supplemental income to reservist employees called up I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

In January 2007, the Committee on Small Business and Entrepreneurship held a hearing on veterans' small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the call up of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long call ups and redeployments have made it hard for

small businesses to be supportive of civilian soldiers.

The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses to assist with the cost of paying the salary of their reservist employees when they are called to active duty. A similar provision is included in the HEART Act.

In addition to helping small businesses, the Active Duty Military Tax Relief of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment, and allows the differential military pay to be treated as compensation. These provisions are included in the HEART Act.

The Active Duty Military Tax Relief Act of 2007 would make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income tax credit, EITC. Without this provision, some military families would no longer be eligible to receive the EITC because combat pay is currently not taxable. It also would provide tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000. Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement. Both of these provisions are included in the HEART Act.

Recently, Representatives ELLSWORTH and EMANUEL and Senator OBAMA and I introduced the Fair Share Act of 2008 which ends the practice of U.S. government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. I think that is appropriate that the Fair Share Act is included in the HEART Act. The revenue raised from closing this abusive loophole will help offset the tax relief provided to military families.

On March 6, 2008, Farah Stockman of the Boston Globe reported that Kellogg, Brown and Root Inc.—KBR—has avoided payroll taxes by hiring workers through shell companies in the Cayman Islands. The article estimates that hundreds of millions of dollars in payroll taxes have been avoided a disturbing, yet not all too surprising discovery.

The Fair Share Act of 2008 will end the practice of U.S. Government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. The legislation amends the Internal Revenue Code and the Social Security Act to treat foreign subsidiaries of U.S. companies performing services under contract with the United States government as American employers for the purpose of Social Security and Medicare payroll taxes.

Our service men and women need to know that we are honoring their service. These changes to our tax laws will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families at home and abroad.

Mr. HATCH. Mr. President, today I rise to congratulate Senator WEBB on the passage of S.22 the Post 9/11 Veterans Educational Assistance Act. This is an important piece of legislation worthy of serious consideration.

However, despite its noble intent, I voted against the measure for two reasons. First, Senator WEBB's legislation was attached to a massive spending amendment which, coupled with the rest of the wartime supplemental bill, exceeds the $108.1 billion expenditure limit set by the President. Therefore, for this reason, and others, I believe that the President will veto this legislation.

The second reason is that I believe that Senators GRAHAM, BURR, and MCCAIN have offered a superior piece of legislation, S.2938 the Enhancement of Recruitment, Retention and Readjustment through Education Act. S.2938 will assist our nation's veterans by significantly improving education benefits for both those who have left the services and those who decided to make the military their career.

Specifically, S.2938 will permit Guard and Reservists to more easily qualify for benefits; eliminate the $1,200 fee that servicemembers are currently required to pay in order to qualify for education benefits; and increase the annual stipend for books to $1,000. Most importantly, the Graham, Burr and McCain legislation will increase the level of monthly payments for a college education from $1,100 to $1,500.

I view this as a much simpler and fairer compensation package than S.22. S.22 would provide tuition assistance equal to the sum charged by the program in which the veteran is enrolled. However, this assistance is capped at the amount of in-state tuition imposed by the most expensive public college in the same state as the school where the veteran is enrolled.

Obviously, this is a very complicated funding mechanism which I fear will unnecessarily complicate the future education plans of many servicemembers. I am also concerned that such a funding scheme will adversely affect those veterans who wish to pursue educational opportunities at private and parochial colleges and universities.

However, S.22 is not without its advantages, since it provides a basic housing allowance. But, the Graham, Burr and McCain bill also supports military families by enabling servicemembers and veterans the option of transferring some of those benefits to a spouse or child. This is a provision that S.22 does not contain.

In final analysis these are two serious pieces of legislation that merit close scrutiny. However, in my final analysis, I believe that the Graham, Burr and McCain bill is the superior bill and I look forward to debating that measure and voting for it once the Senate returns from the Memorial Day recess.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD WISHES FOR SENATOR KENNEDY

Mr. ENZI. Mr. President, in my 11½ years in the Senate, I have worked closely with a very special man, a very caring man, a very liberal man, a very energetic man, a very thoughtful man, and a man who has become my dear friend. That man is Senator TED KENNEDY, the Senator from Massachusetts.

A great blow was dealt to the Senate when we found out Senator KENNEDY had a malignant brain tumor. This blow is not because of what may or may not get done in his absence. No, this blow went straight to the heart of anyone who has known this man as a friend.

Many find it hard to believe that Senator KENNEDY, the third most liberal Senator in the Senate, and I, the fourth most conservative Senator in this body, could get along or actually enjoy each other's company. But we do.

When I was chairman of the HELP Committee, I worked under what I called my 80 percent rule. I always believed we could agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on the 80 percent, we can do great things for the American people. Senator KENNEDY and I worked together on proposals using that rule, and we found that 80 percent in the things we undertook. We also found friendship.

In those 2 years, we passed 35 bills out of the Health Education, Labo& Pensions Committee, and the President signed 27 of those into law. Most of them passed almost unanimously. Again, it was kind of the belief that if two people that far apart could come together on an issue, it must be OK. The HELP Committee used to be the most contentious committee in the Senate, but in our 3 years of working together as chairman and ranking member, we turned it into the most productive committee in the Senate. I

remember being in the President's office at a bill signing and having him say, ''You know, you are the only committee sending me anything.'' We got to checking on it, and he was right.

I could not help but think of my friend as I stood next to the President while he signed the Genetic Information Nondiscrimination Act a few weeks ago. That bill was the fourth bill that month Senator KENNEDY and I sent to the President. We had worked on it for several years, and we are glad it finally passed, almost unanimously. We briefly conferenced it with the other side, so the differences are already worked out before they vote on the bill. It went to the President's desk. That is a perfect example of how we worked together to pass legislation that had been held up for years.

Another example is the mine safety law. In 6 weeks, we worked together to pass the first changes to mine safety law in almost 30 years. The average bill around here takes about 6 years to pass. That one happened in 6 weeks.

We share an incurable optimism, and if you add that in with TED's work ethic and my persistence, you have a great recipe for success.

When we don't get along, you will see us come to the Senate floor and debate our policy differences passionately. Once the votes are cast and we walk off the floor, we move on to tackle the next issue, and we do that as colleagues with a deep respect for the other person and his beliefs.

We have taken trips around the country together to look at mine safety and hurricane damage. I have also invited Vicki and TED to come to Wyoming to dig fossils with Diana and me when our schedules can work it in. We have some 60-million-year-old fossil fish in Wyoming. If you ever see the brown bones of a fish in a piece of white rock, it undoubtedly came from Wyoming. If you see brown bones in a brown rock, it probably came from the other place, which would be China. But I have invited him out to do a little fishing in the fossil field with me. This week I even sent him a very small one that we might be able to use for bait if we get to do that.

Mr. Chairman, if you are listening, I do still expect you to make that trip to Wyoming for the fossil dig.

Senator KENNEDY has a very deep human side. Although he has one of the busiest schedules of any Senator, he makes time to do small things for those around him. There is a program called Everybody Wins; it is a reading program, where an individual who is willing to volunteer their time meets each week with a young person and they read. One reads to the other, and the other reads back. It is a tremendous help to kids in reading. But to do that, you have to sacrifice an hour each week, and you work with the same child each week. Senator KENNEDY does that. Not many people make that kind of a time commitment.

Senator KENNEDY is also thoughtful. I will always remember when he brought me a gift when each of my grandchildren was born. One happened to be a little pair of training pants that said ''Irish Mist'' on the back. He even treats my staff like family. He made a copy of the painting he made for Vicki on their wedding day and presented it to my scheduler when she got engaged. He always makes a special point to thank my staff on the Senate floor for all their hard work to get their bills through. He somehow finds time for all these things. He also came to a staff coffee in my office. Every month, we do a staff coffee, and that means I invite two Democratic Senate offices and two Republican staff offices to come to my office, so people can meet their counterparts in a less violent situation than working on a bill. If they know their counterparts—if you get to know somebody, it is pretty hard to work against them when you actually have to do the work. On this particularly rare occasion, the Senator showed up also. He came to my office and dramatically presented me with a photo of a University of Wyoming football helmet and a Harvard football helmet next to each other, with a note that said, ''The Cowboys and the Crimson make a great team.'' I agree.

Senator KENNEDY has quite a few friends from Wyoming, one of which is the former Senator Al Simpson. Al and Senator KENNEDY worked together for many years. They even did a little radio program. So when I was elected, my first bill was one dealing with OSHA. That is one of the primary areas of interest of Senator KENNEDY. He was ranking member on the committee. After I got it drafted, I went around to every member of the committee and I pleaded with them and they sat down and went through the bill with me, a section at a time, and asked questions. I answered them. The last person I had on the list to talk to—and the most formidable, in my view, because I knew his history—was Senator KENNEDY. So to get permission to meet with him, I called Al Simpson and said: Could you talk to Senator KENNEDY for me and see if he would meet with me to go through this bill?

The next day I got a call from Senator KENNEDY, who said: Yes, come on down to my office. I will meet with you. So I went down there. My mother had been named ''Mother of the Year'' for Wyoming the day before, and he presented me with clippings of my mother's award. He went through that bill with me, a section at a time.

It wasn't until the markup of the bill that I found out that was not the way you did things around here. He explained that in his, I think, 35 years at that time, he had never had a Senator ask him to sit down and go through a bill a section at a time. The bill did not pass, but several sections of the bill are now law. It was the first eight changes in OSHA in the history of OSHA. After we did those eight changes, he came to me and said: I have this needle stick bill I have been trying to get through. Would you take a look at it?

I did. We made some changes to get to the 80-percent rule, and it passed unanimously here and in the House and the President signed it. The nurses were appreciative and the janitors were appreciative because either of them could get an accidental needle stick and they wouldn't know where it had been and they would have to wait months to find out if they were going to get something from it.

I learned a lot from each of these opportunities to work with TED KENNEDY. I had no idea I would be chairman of the committee, and he would be the ranking member. Then I had no idea the majority would change and he would become chairman and I would become ranking member. I remember meeting with him after he became chairman, where we took a look at the bills we intended to get done during these 2 years, and we have had pretty substantial progress on that. I told him I was glad he was chairman because after I had studied under him for 2 years, I would be able to do a much better job when I became chairman again. He laughed.

A week ago today, we were resolving some issues on the floor and several other things we are trying to get done, and I remember being over in that corner where he was telling me about his dad's recipe for daiquiris, and earlier this week we passed the National Day of the American Cowboy, and that reminded me of an incident in Montana when Senator KENNEDY was helping his brother, he actually went to a bucking horse sale and rode a bucking horse and wound up on the cover of LIFE magazine—to get the Kennedy name out to help get his brother nominated. As a result, Montana and Wyoming both went for Senator John F. Kennedy and put him over the top for the nomination to be President.

There are a lot of other stories I would like to tell, but I will not because of the time.

TED, my chairman, Diana and I are praying for you and your family during this trying time. ''Cancer'' is the last word any family wants to hear. I know you will fight it; you have that fighting spirit. I wish to see you at the next bill signing in the President's office and with me again in the HELP Committee hearing room. We have more bills to pass, fossils to dig, fights to battle, and laughs to enjoy together. We have to keep up our bill-of-the-month club for the President.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I echo the words of my friend, Senator ENZI from Wyoming, about Senator KENNEDY. I have had the honor for only 15 months now to serve on his and Senator ENZI's HELP Committee. Even more important than Senator ENZI points out and even more important than Senator KENNEDY's passion for his work, his commitment to social and

economic justice and his never, ever giving up in fighting for those things he believes in, is what Senator KENNEDY does personally for all kinds of people, including people who don't live in his State, people whom he has never met, people who walk down the hall. He brings them into his office and gives them a book, written by Senator KENNEDY, but in the name of his dog Splash. And he talks to children. Again, they are people Senator KENNEDY doesn't even know, who can do nothing for him politically. He gives so much in those ways.

As Senator ENZI does, I hope Senator KENNEDY will be back here as strong as ever. He has used that energy and passion for so many others, and he will put that same energy and passion into being cured. We all look forward to that day in the fairly near future.

(The remarks of Mr. BROWN pertaining to the introduction of S. Res. 574 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. I thank the Chair.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 3071 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MEMORIAL DAY

Mr. BYRD. Mr. President, this coming Monday, May 26, the nation sets aside a day to honor those brave men and women who died in battle while wearing the uniforms of the Nation's Armed Forces. Soldiers, sailors, marines, and airmen; officers and enlisted; volunteers and draftees; young and old; they were all members of our American family our fathers, brothers, sons, mothers, wives, sisters, cousins, neighbors and friends. More than 41 million Americans have served their nation during a time of war over the course of our history. More than 651,000 Americans have lost their lives as a result of that service. It is likely that somewhere in every family's extended network of relatives, neighbors and friends, there is a veteran, perhaps even a veteran whose service and sacrifice we honor on Memorial Day.

Despite the fact that some 200,000 of our fellow citizens are today wearing uniforms and serving in hostile theaters far from home, too many Americans see Memorial Day weekend only as a long weekend marking the end of the school year, the opening of pools, and the beginning of summer. We are beguiled by the warm breezes redolent of honeysuckle. We are distracted by bright sunshine and outdoor pleasures. We are lulled into a sense of security and carelessness, at home in our safe neighborhoods with new-mown lawns, cheerful flowerbeds, and shady streets. It is easy to forget that in distant places, men in dusty uniforms patrol dangerous streets mined with improvised explosive devices.

If you take a moment to look more closely, however, you may notice the flags flying from front porches along those shady streets. You might notice other flags, smaller flags, planted in front of marble markers throughout cemeteries around your town, each marking the grave of a veteran. You may notice families visiting gravesites in a ritual as old as war itself, laying down flowers to remember and honor those whose lives were lost too soon, too violently, too far away from home and family, in pursuit of causes larger than themselves. They are gone, but not forgotten by those who knew and loved them best.

War is a terrible tool of nations, and its use exacts a high price in both blood and treasure. On Memorial Day, the nation honors those who have paid this price with great courage and even greater sacrifice. It is important to remember the lives of those who were lost, lest we come to think that war is ever easy, or quick, or certain in its course. We do well to remember the words of Sir Winston Churchill, 1874–1965: ''Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events.''

The current wars in Iraq and Afghanistan have meant that many of the gravesites being visited this Memorial Day, more than 4,000 of them, are raw and new. Many of the families visiting those graves bring young children with them, children who have lost a father or mother. They know that their parent died a hero. But that knowledge does not make the day-to-day tasks of school, homework, sports practices, or learning life skills from their parents any easier for these children. It does not make it any easier for the parent left behind to shoulder a life's work that they thought would be shared with their partner. As a nation, we should not give them any reason to worry that their family member's sacrifice will ever be dismissed or overlooked.

Ours is a fortunate nation, blessed with a rich and bounteous land. It is populated by hard-working, creative, inventive, people who are generous and compassionate. And, it is governed by the best form of government ever devised by man. The tangible symbols of that government are the documents of our government the Declaration of Independence and our Constitution that set forth the ideals by which we live and operate. As a Nation, we do not always live up perfectly to those ideals in practice, but we are again fortunate that the system is self-correcting, with the people ultimately in control. None of these fortuitous circumstances could persist, however, without the bravery, valor, and sacrifice of our men and women in uniform who defend our Nation and preserve our Constitution. To them, we owe eternal gratitude. Their willingness to answer the call to battle, and to fight so valiantly and so well in so many conflicts over the years, has kept the Nation strong.

Whether they died at Concord, Gettysburg, in Flanders Fields, Vietnam, or in Iraq and Afghanistan; whether their graves date from this century or those that came before, on this last Monday in May, I hope that Senators and all Americans will set aside a few quiet moments to remember, and honor, the men and women who have lost their lives in the service of the Nation. In those quiet moments, I also hope that the Nation will say a prayer for the families they left behind.

I close with a few stanzas from a poem by Theodore O'Hara, entitled, ''The Bivouac of the Dead.''

THE BIVOUAC OF THE DEAD

The muffled drum's sad roll has beat
The soldier's last tattoo!
No more on life's parade shall meet
The brave and fallen few.

On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Rest on, embalmed and sainted dead,
Dear is the blood you gave—
No impious footstep here shall tread
The herbage of your grave.

Nor shall your glory be forgot
While Fame her record keeps,
Or honor points the hallowed spot
Where valor proudly sleeps.

Yon marble minstrel's voiceless stone
In deathless song shall tell,
When many a vanquished year hath flown,
The story how you fell.

Nor wreck nor change, nor winter's blight,
Nor time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb.

Mr. BENNETT. Mr. President, Memorial Day is a day of reflection. It is a day reserved for remembering those who have given their lives in service to our country. While we may choose to remember these individuals in different ways, each American has a responsibility to recognize the contribution of those who have paid the ultimate sacrifice to defend the values upon which this Nation was built.

Over the years, I have had the opportunity to meet with a number of the men and women serving in our military, many of whom I am proud to say are fellow Utahns. I am always very humbled by this experience. The courage and dedication of these individuals offers much to emulate.

I recognize the sacrifice of the countless men and women who over the decades have selflessly given their lives to uphold freedom and defend the many values we hold dear. Each of these individuals not only gave of their own life but left forever altered the life of a mother, father, husband, wife, son, daughter, brother, or sister. Those

loved ones who are left behind are owed our respect and support. We must continue to work to ensure the fallen are remembered and those they leave behind are not forgotten.

In this time of war, my thoughts and prayers are with all who serve this Nation and with those families who have made the ultimate sacrifice. I am deeply grateful for this service. Please let us not forget the courage and selflessness of these individuals—to them we owe a debt beyond our means to repay. This Nation shall forever stand grateful and proud of each man and woman who has willingly accepted the call to defend our freedoms and provide for our safety at home.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today with the great pleasure of recognizing the month of May as Asian Pacific American Heritage Month and honoring the many contributions that Americans of Asian and Pacific Islander descent have made to our great Nation and to my home State of Nevada.

I am proud of the role this distinguished chamber played in the designation of Asian Pacific American Heritage Month, albeit many years too late. On June 19, 1978, some 135 years after the arrival of the first Japanese immigrant to the United States, Representatives Frank Horton and Norman Mineta introduced a joint resolution ''authorizing and requesting the President to proclaim the 7-day period beginning on May 4, 1979, as 'Asian/Pacific American Heritage Week''—H.J. Res. 1007. Two months after being passed overwhelmingly by the House, the Senate unanimously approved the joint resolution and promptly sent it to President Jimmy Carter for his signature.

In addition to recognizing the onset of Japanese immigration to America, the month of May was selected because May 10, 1869, also known as Golden Spike Day, marked the completion of the first transcontinental railroad in the United States, to whose construction Chinese pioneers contributed greatly. Hundreds of miles of this railroad passed through a newly admitted and mostly uninhabited western state that I have called home for my whole life. Without the tireless efforts and tremendous sacrifices of these Asian settlers, the state of Nevada would have remained largely disconnected from the rest of our country for an untold number of years.

Rising to support H.J. Res. 1007, Senator Spark Matsunaga, who served the State of Hawaii for over 13 honorable years before succumbing to cancer, remarked that ''most Americans are unaware of the history of Pacific and Asian Americans in the United States, and their contributions to our Nation's cultural heritage.'' He continued by saying that one of the two main purposes of the joint resolution was ''to imbue a renewed sense of pride among our citizens of Pacific and Asian ancestry.'' I am delighted that the many celebrations taking place around the country to commemorate Asian Pacific American Heritage Month, particularly in my home State of Nevada, have showcased the enduring sense of pride that Senator Matsunaga spoke about nearly three decades ago.

Almost 14 years after President Carter signed H.J. Res. 1007 into law, Representative FRANK Horton once again assumed the leadership role on this issue and introduced a bill to permanently designate May of each year as ''Asian Pacific American Heritage Month''—H.R. 5572. After this bill was passed by both Houses of Congress, President George H.W. Bush signed it into law on October 23, 1992.

Ever since, our country has taken the time at the end of each spring to celebrate the innumerable contributions that Americans of Asian and Pacific Islander ancestry have made and continue to make to the United States. To the roughly 15 million Asian and Pacific Islander Americans who currently live in our country, and most especially to the thousands of those who reside in Nevada, I wish you all the best during this joyous time of year. I urge my colleagues in this Chamber to do the same.

TRIBUTE TO JOSEPH R. EGAN

Mr. REID. Mr. President, I join Senator ENSIGN today to recognize the remarkable life of Joe Egan, who passed away on May 7, 2008.

Joe is known in Nevada and throughout the country as a skilled attorney who worked hard to make our Nation safer and to stop the proposed Yucca Mountain nuclear waste dump from being built in Nevada. I think Joe hated the nuclear waste dump project as much as I do. In his obituary, he arranged to have his ashes spread over Yucca Mountain. ''Radwaste buried here only over my dead body,'' he said.

After learning in 1996 that Yucca Mountain was scientifically unsuitable for storing radioactive waste, he was deputized as the lead lawyer for the State of Nevada's efforts to fight the dump. Nevadans should be proud to have had such a magnificent person fighting for them.

Joe was a key force in dealing multiple blows to the project and bringing it to a standstill. Over the years, Joe has made it abundantly clear that the project is unsafe and that the science behind it is unsound. It speaks to his character that although he was not from Nevada, he fought against this project with both passion and strength because he knew that it was the right thing to do. When we finally end the battle against the Yucca Mountain project, we will have done it together with Joe and his team.

Joe was by no means antinuclear. He just wanted to see nuclear power produced safely and the dangerous wastes it produces to be managed properly. He also worked hard on nonproliferation efforts, helping the United States secure thousands of tons of weaponsgrade uranium from all over the world.

Joe's legacy will live on through his family, friends, and through his tremendous efforts to keep Nevadans and all Americans safe.

Mr. ENSIGN. We have both had the pleasure to know and work with Joe. He was a brilliant man a Minnesota native who received three degrees, in physics, nuclear engineering, and technology and policy from the Massachusetts Institute of Technology. He received his law degree from Columbia University. During his lifetime, Joe did everything from working in the control room of a nuclear powerplant to serving as president of the International Nuclear Law Association. Joe was a strong supporter of nuclear energy. Throughout his life, he fought for the development of sensible, sound, and safe nuclear policies.

Joe served as Nevada's lead attorney in the fight against dumping nuclear waste in Nevada. Applying his deep knowledge of the law and nuclear engineering, Joe helped the State of Nevada in our fight against Yucca Mountain.

Mr. REID. Joe Egan was a talented person who led a rich life which was tragically cut short by an aggressive cancer. I am saddened by his death, and will not forget all that he has done for the people of Nevada. To his wife, children, and family, I wish to extend my deepest sympathies.

Mr. ENSIGN. The work that Joe has accomplished during his lifetime will forever stand as a fitting testament to his character. He was an amazing lawyer, a great father, and he will be sorely missed by all. My sincere condolences go out to his family.

CONGRATULATING MENA BOULANGER

Mr. DURBIN. Mr. President, today I wish to honor the contributions of Mena Boulanger to the Chicagoland area. Next week, Mena is retiring after 30 years of work to raise public awareness of the Forest Preserve District of Cook County and its conservation efforts throughout its 76,000 acres.

In the fall of 1973, the Boulanger family—Mena and David and children Sarah and John—made their way from Seattle, WA, to Cook County, IL. The family began spending almost every weekend exploring the various Forest Preserve District sites in the Western suburbs of Chicago. Leaving behind the landscape of their native Pacific Northwest, the family's appreciation of the Midwest flora and fauna came slowly, and so did a commitment to the prairie around Chicago—lands now part of Chicago Wilderness.

In 1979, Mena began as the first, full-time Director of Development for the Lincoln Park Zoological Society. For

the following 11 years, Mena dramatically increased fundraising efforts, allowing the Lincoln Park Zoo to expand at an unprecedented rate.

Mena transitioned to Chicago's Zoological Society, working with the Brookfield Zoo in 1991, where she assumed the role as Vice President for Development. It was during this time, that Mena achieved one of her most significant long-term accomplishments. Mena helped secure additional bonding authority for the Forest Preserve District so that it could address its capital maintenance needs, as well as the needs of the Brookfield Zoo and Chicago Botanic Gardens. The Forest Preserve District's holdings—and those of the Brookfield Zoo and Chicago Botanic Garden—have significantly improved through the use of these bond funds.

In 2003, she became the Vice President of Government Affairs and Strategic Initiatives, directing the Zoo's local, State, and Federal government communications and solicitation programs. Mena worked closely with Zoo staff to help the Forest Preserve District better serve Cook County residents through special outreach programs, including tours for senior groups, family pass programs at area libraries, and information on Brookfield Zoo job fairs and lecture series.

One of Mena's signature achievements was raising funds for the Hamill Family Play Zoo, an award-winning play area for children age 8 and under that has served as a model for many zoos across the country.

A few years ago, Mena was diagnosed with breast cancer. In the midst of a personal health crisis and in addition to pursuing traditional therapies, Mena thought about all of the women in her life—daughter, granddaughters, friends, colleagues—and enrolled in an NIH-funded study at Loyola University in Chicago, examining the effects of meditation on immune cells in breast cancer patients. That is what makes Mena special. She is always optimistic, always strong, and always looking to help others. I am happy to say that Mena's cancer is in remission. She is a survivor. She is also an inspiration.

To say that Mena is ''retiring'' somehow doesn't seem quite right. It would be more accurate to say that she is redirecting her energies. I have no doubt that Mena will remain involved in her community and committed to the many causes in which she believes so deeply. I know she is excited to spend more time with her family, especially her four grandchildren. Mena will enjoy having more free time to spend hiking, picnicking and exploring the lands of the Forest Preserve District she treasures so dearly. And if you know Mena, you also know that she enjoys a good, spirited political debate. I can only imagine how retirement will foster that passion.

It is with a sense of gratitude that I wish Mena Boulanger well as she prepares to retire from the Chicago Zoological Society and moves on to the next chapter in her life. Mena has created a lasting impact on the lives of thousands through her work and volunteerism in the Chicagoland region. Anyone that has visited either the Lincoln Park Zoo or Brookfield Zoo since 1980 has benefited from Mena's efforts and generosity.

I wish Mena Boulanger the best in her retirement and thank her for caring for the Midwest flora and fauna she embraced some 35 years ago.

HONORING DOMINIC AND BRENDA RANDAZZO

Mr. DURBIN. Mr. President, I rise today to honor two constituents, Dominic and Brenda Randazzo, who have spent much of their lives giving back to their community.

Dominic and Brenda are a remarkable couple. Through 45 years of marriage, three children and seven grandchildren, they have maintained an unyielding spirit of giving back.

They were honored recently as the 2008 Servant Leaders of the Year by Provena St. Mary's Foundation in Kankakee, IL.

Provena St. Mary's Hospital has a special meaning for Dominic and Brenda. It is where they were both born.

For many years, both Dominic and Brenda have been among the hospital's most loyal supporters. Dominic has served as lead fundraiser for the hospital's annual Black Tie Gala for more than 8 years.

Last year, Dominic asked Brenda if she could lend some helpful suggestions for an auction benefiting the hospital. Brenda wound up chairing the auction and raised generous contributions.

Dominic grew up in Kankakee, IL and after he graduated from college, spent nearly 2 years in the United States Army, including time in Germany. After his years in the service, Dominic went to work for Armour Pharmaceutical in 1960 where he met his lovely wife, Brenda.

Two years ago, Dominic retired as the manager of community and government relations for Aventis Behring. This job combined Dominic's two favorite passions, community and legislation.

Brenda grew up in Chebanse, IL, with dreams of becoming a flight attendant or an interior designer. After working at Armour Pharmaceutical and meeting Dominic, Brenda joined Albanese Development, a company that designs, builds, and decorates hotels. Brenda's caring nature helped her excel in the hospitality industry, ultimately being named General Manager of Year in 2000 by the American Hotel and Lodging Administration.

Provena St. Mary's is only one of many community organizations to which the Randazzos give so generously of their time and talents.

Dominic also spends countless hours with the United Way of Kankakee County. In 2004, he chaired that organization's Leadership Giving Campaign and broke its previous fundraising record. For his efforts, he was honored with the Ken Cote Award, better known as the Mr. United Way Award.

For more than 15 years, Dominic organized the Hemophilia Foundation of Illinois' annual Walk-and-Bike-a-thon.

Throughout her career in hotel management, Brenda, too, has always found time to help others. On Halloween, Brenda invited Easter Seals to bring children to trick-or-treat at the hotel. She also mentored low-income women—helping them obtain jobs at her hotels and access to public transportation. And she is a stalwart supporter of both the Arthritis Foundation and the Rotary Club in Bourbonnais, IL.

Their motivation for their service is simple and inspiring. Dominic and Brenda Randazzo both say that they have been blessed, and they want to share their blessings with others.

We are all enriched by the good works and fine example of caring citizens such as the Randazzas. I congratulate both Dominic and Brenda on their well-deserved honor and thank them for their many years of selfless giving to others.

GUNS AND CHILDREN

Mr. LEVIN. Mr. President, often when we talk about combating gun violence, we discuss preventing criminal access to dangerous firearms. However, we must also focus our attention on the unsupervised access to firearms by our children and teenagers. While firearms in the hand of criminals pose a significant threat to society, many of the fatal firearm incidences in our country occur when children and teens discover loaded and unsecured firearms in their own homes. Over the years, suicides and accidental shootings have claimed the lives of thousands of young people. Sadly, many of these tragedies could have been prevented through commonsense gun legislation.

The Center for Disease Control and Prevention estimates that 1.69 million children in the United States live in households with unlocked and loaded firearms. Tragically, firearms kill an average of nearly eight children and teenagers a day. What's more, the Children's Defense Fund estimates that at least four times this number are injured in nonfatal shootings.

Many parents believe that simply educating their children about the dangers firearms can pose is enough to keep them safe. Unfortunately, this is simply not the case. A study conducted by the Harvard School of Public Health, involving 201 families who have guns in their homes, found that 39 percent of the parents who stated their children did not know the storage location of their firearms were contradicted by their children. In addition, 22 percent of the parents who believed their children had not handled their

guns were contradicted by their children. The study concluded that although many parents had warned their children about gun safety, there was still a significant possibility that they were misinformed about their children's actions with their guns.

Common sense tells us that when guns are secured, the risk of children injuring or killing themselves or others with a gun is significantly reduced. By passing legislation that would require that all handguns sold by a dealer come with a child safety device, such as a lock, a lock box, or technology built into the gun itself, we could significantly decrease the possibility of a child misusing a firearm. I urge my colleagues to take up and pass such sensible gun safety legislation.

REMEMBERING SEAN KENNEDY

Mr. SMITH. Mr. President, I rise today in remembrance of a young man whose life was cut short because of a tragic crime—a hate crime. I came to the Senate floor, 1 year ago today, to speak about a vicious attack that killed Sean Kennedy on May 16, 2007. He was just 20 years old. As I have done countless times in the past, I have again come to the floor to highlight the needless deaths of hate crimes' victims and the need to enact Federal hate crimes legislation.

Recently, I had the opportunity to speak to Sean Kennedy's mother Elke Kennedy. I had heard that Elke had read about her son in the CONGRESSIONAL RECORD and was grateful that someone had recognized his death and understood the need for hate crimes legislation. For every victim of a hate crime, many more family members and friends are impacted by the tragic loss. While I know the pain of losing a son, I can only imagine the grief Elke must have felt when someone took the life of her son simply for who he was. As a nation, what do we say to Elke and other family members who have lost a loved one to a hate crime? What salve do we have to offer them for their pain? I believe we could start by passing Federal hate crimes legislation to demonstrate our national commitment to ending bias-motivated crimes.

No parent should have to fear for their child's safety because of their sexual orientation and because our laws do not adequately protect them. It is the Government's first duty to defend its citizens, to defend them against the harms that come out of hate. Federal and State laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. Sean's death is an unfortunate reminder of this fact.

The Matthew Shepard Act would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can lessen the very impact of hate on our society. Moreover, for parents like Elke Kennedy and Judy Shepard, Matthew's mother, it will finally prove that their sons' deaths were not in vain.

REFORMING THE FEDERAL HIRING PROCESS

Mr. AKAKA. Mr. President, I would like to speak today about the broken hiring process in the Federal Government and the need to recruit and retain the next generation of Federal employees.

The Federal Government is the largest employer in the United States, but every day talented people interested in Federal service are turned away at the door. Too many Federal agencies have built entry barriers for younger workers, invested too little in human resources professionals, done too little to recruit the right candidates, and invented an evaluation process that discourages qualified candidates. As a result, high-quality candidates are abandoning the Federal Government. The Federal Government has become the employer of the most persistent.

This problem was forcibly brought home at a hearing on May, 8, 2008, of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia entitled ''From Candidates to Change Makers: Recruiting the Next Generation of Federal Employees,'' which I chair. The subcommittee heard testimony from the Office of Personnel Management, the Nuclear Regulatory Commission, the Merit Systems Protection Board, the Government Accountability Office, Federal employee unions, think tanks, a human resources consulting firm, and an expert in New Media marketing.

The Government Accountability Office's testimony pointed out the broad failures of agencies to address these issues and stated, ''Studies by us and others have pointed to such problems as passive recruitment strategies, unclear job vacancy announcements, and imprecise candidate assessment tools. These problems put the Federal Government at a competitive disadvantage when acquiring talent.''

The Office of Personnel Management OPM is supposed to be the leader in the Federal Government on personnel and human capital practices, but not enough is being done. OPM's answer is to offer a legislative proposal that would have the Federal Government rehire retired employees on a part-time or limited-time basis. This demonstrates a clear lack of focus on attracting the next generation of Federal workers and working to retain the current employees. OPM estimates that 30 percent of the Federal workforce—approximately 600,000 employees—will retire in the next 5 years. Rehiring former employees does not address the changing culture of job seekers.

Mr. Dan Solomon, the chief executive office of the marketing firm Virilion, addressed the issue of developing recruitment strategies that are friendly to 25- to-35-year-old. Mr. Solomon laid out the challenge before Federal agencies in recruiting the next generation testifying, ''younger people are a difficult group to reach and engage . . . bottom line: people looking for jobs are online and the government needs to be there to attract the best.''

Reports and surveys from the Merit Systems Protection Board MSPB, the Partnership for Public Service, and the Council for Excellence in Government demonstrate that young people strongly desire to work in public service. Agencies need to meet young people where they are, and developing recruitment strategies, using online resources and streamlining the hiring process are essential to attracting the next generation of Federal employees. In the private sector, employers post jobs through many online venues and only require a resume and cover letter. Applying to the Federal Government should be accessible and easy.

There were many good suggestions made to improve the process. I believe that if OPM forced agencies to adopt those recommendations improvements would be made. For example, MSPB offered four sound recommendations that could significantly improve agencies' efforts if adopted, First, agencies should manage hiring as a critical business process, and not an administrative function that is relegated to the human resources staff. Second, agencies should evaluate their own internal hiring practices to identify barriers to high-quality, timely, and cost-effective hiring decisions. Third, employ rigorous assessment strategies that emphasize selection quality, not just cost and speed. Finally, agencies should implement sound marketing practices and better recruitment strategies, improve their vacancy announcements, and communicate more effectively with applicants.

Agencies can do this. The problem is not Congress. Since 2002, Congress has given agencies the flexibilities they need. Agencies no longer must rely on the rule of three or selecting only from the top three candidates who apply; they can use category ratings; and they can get direct hire authority from OPM. However, in many cases Federal agencies are not using these authorities. Neither is the competitive process the problem. The notion that merit system principles and veterans preference are barriers to hiring is wrong. These are good management practices that ensure agencies select qualified candidates and do not use discriminatory practices.

OPM has not done enough to force agencies to streamline their hiring processes and appeal to the next generation of employees. OPM developed the 45-day hiring model and Hiring Tool Kit to reduce the hiring time at agencies to 45 days and streamline internal processes. However, these have not reduced the number of complaints

from applicants about the length and complexity of the process. The 45-day model is 45 workdays or 9 weeks. Furthermore, agencies still require too much information up front from candidates instead of an approach that requires more information as the employee moves through the process.

Agencies need to adapt, just as the private sector has, to the culture of the next generation of Federal workers. Candidates should receive timely and informative feedback. Candidate-friendly applications that welcome cover letters and resumes should be implemented. And, more pipelines into colleges and technical schools need to be developed to recruit candidates with diverse backgrounds.

Witnesses from the hearing were committed to improving the process offered many recommendations to help agencies. However, these recommendations are not new and I am concerned that their efforts may be too little, too late. Agencies have the existing authorities to streamline their processes and some are already doing so, but it is not enough.

I am convinced that only through agency leadership that prioritizes this issue will any meaningful reforms take place. I will continue to press this administration to address this issue, and I encourage the next administration to take on the challenge of reforming the recruitment and hiring process to ensure that the Federal workforce is the greatest workforce in the world.

MEDICARE

Mr. BURR. Mr. President, for the last 8 weeks, a group of Republican Senators, led by Senator VITTER, have come to the floor to talk about health care. Thus far Senators VITTER, THUNE, ISAKSON, and DEMINT have spoken about health care particularly the choice we are facing this November in electing our next President. I don't think there has ever been such a clear difference in opinions between parties on an issue that issue is health care.

One side would like the Government to run health care. The other side would like to give individuals and families the resources to access their own health care that they can control and take with them from job to job. In a nutshell—big government v. individual and family choice.

This week I am responsible for talking about the most tangible area we see this dichotomy—Medicare. Under Medicare, beneficiaries either have fee-for-service or Medicare Advantage. The Government sets prices and makes coverage decisions under fee-for-service. Multiple private sector companies offer comprehensive coverage under Medicare Advantage. But the best example of individual choice and private sector competition is seen under Medicare's drug benefit—Part D. Let me first talk about Medicare Advantage.

In 2008, Medicare Advantage plans are offering an average of approximately $1,100 in additional annual value to enrollees in terms of cost savings and added benefits. Some examples of extra benefits available through Medicare Advantage plans are; No. 1, coordination of care; No. 2, special needs services; No. 3, predictability in out-of-pocket costs; No. 4, reduced cost-sharing for Medicare covered services; and No. 5, vision and dental benefits.

Competition in the Medicare Advantage Program has created significant value for beneficiaries. Medicare Advantage enrollees typically benefit from reduced cost-sharing relative to FFS Medicare. All regional PPO enrollees have the protection of a required catastrophic spending cap and a combined Part A and B deductible. Sixty-seven percent of plans have coverage for eye glasses. Eighty-three percent have coverage for routine eye exams. Eighty-six percent cover additional inpatient acute care stay days. Ninety percent waive the 3-day hospital stay requirement for skilled nursing facility care.

Many Medicare Advantage plan enrollees also receive basic Part D prescription drug coverage at a lower cost than stand-alone Part D plans can provide. Enrollees in Medicare Advantage plans that include Part D coverage save money on drug coverage in two ways: No. 1, Medicare Advantage plan drug premiums for basic coverage in 2008 were, on average, about $6 less than average Part D premiums for basic coverage; and No. 2, the Medicare Advantage payment structure allows Medicare Advantage with Part D to use rebates to further reduce Part D premiums. On average, Part D premium savings from rebates was more than $16 per month in 2008. In 2007 it was reported that 99 percent of Medicare beneficiaries have access to Medicare Advantage plans with zero added premiums, while 86 percent have access to plans that would cover prescription drugs with a zero premium through Medicare Advantage.

Some say Medicare Advantage is not needed because Medicare meets all the needs of the beneficiaries, but if this was true, millions of seniors would not purchase supplemental Medigap coverage to add benefits and pick up some costs. If Medicare Advantage plans were no longer available to those currently enrolled, 39 percent of the beneficiaries would go without supplementary coverage because they could not afford it. According to the NAACP, Medicare Advantage plans have been able to provide low income beneficiaries more comprehensive benefits and lower cost-sharing than if they just had Medicare alone.

Medicare Advantage enrollees report on their experience in Medicare Advantage plans through the Consumer Assessment of Health Plan Survey, CAHPS. Scores from CAHPS are consistently high. Eighty-six percent of respondents give their plan a rating of 7 or higher, on a scale of 10. Ninety percent of respondents indicated that they usually or always received needed care. And 88 percent of respondents indicated that they usually or always received care quickly.

As I said earlier, the greatest example of individual choice and private sector competition is found in Medicare Part D. The overall projected cost of the drug benefit is $117 billion lower over the next 10 years than was estimated last summer due to the slowing of drug cost trends, lower estimates of plan spending, and higher rebates from drug manufacturers. Compared to original Medicare Modernization Act projections, the net Medicare cost of the new drug benefit is $243.7 billion, or 38.5 percent, lower over the 10-year period, 2004 to 2013.

Ninety percent of Medicare beneficiaries in a stand-alone Part D prescription drug plan, PDP, will had access to at least one plan in 2008 with lower premiums than they were paying in 2007. In every State, beneficiaries had access to at least one prescription drug plan with premiums of less than $20 a month. The national average monthly premium for the basic Medicare drug benefit in 2008 is projected to average roughly $25. Seventeen organizations will offer stand-alone prescription drug plans nationwide in 2008.

Beneficiaries had a wide range of plans from which to choose—some that have zero deductibles and some that offer other enhanced benefits, such as reduced deductibles and lower cost sharing. There also are options that cover generic drugs in the coverage gap for as low as $28.70 a month; nationwide, beneficiaries in any State can obtain such a plan for under $50 a month.

Consumer satisfaction with the Part D benefit is very high: Wall St Journal/Harris Interactive, December 2007—87 percent satisfied; VCR Research/Medicare Rx Network, November 2007—83 percent satisfied; KRC/Medicare Today, October 2007—89 percent satisfied; and 90 percent of dual eligible beneficiaries and 85 percent of beneficiaries with limited incomes are satisfied. Both the KRC and VCR survey show that satisfaction is increasing 10 to 12 percent over the past 2 years and that 65 percent to 77 percent say that their Medicare plan is saving them money.

Our experience with the Medicare Advantage and Part D drug plan shows one thing—competition and choice works. Under Part D we have true competition—private plans bidding against one another and driving down the price of drug benefit packages to seniors. Seniors can go onto Medicare.gov and select the plan that best suits their needs for drugs, copays, pharmacy locations, and the overall premium. As I described earlier—premiums are more reasonable than we predicted and satisfaction is very high—competition and choice works.

Under Medicare Advantage we have competition-lite. Plans compete for beneficiaries, but Medicare Advantage reimbursement is tied to Medicare fee-

for-services rates in an area. People love to talk about how Medicare Advantage plans are reimbursed too much, but unfortunately that rally cry is based off a study that did not compare apples to apples. If you compare the cost of delivering Part A and B services alone, Medicare Advantage plans are only paid 2.8 percent more than Medicare FFS. I am comfortable paying 2.8 percent more because seniors have more choices, they receive more comprehensive benefits, and their care is coordinated under Medicare Advantage plans. Medicare Advantage plans actually match treatments with diseases and maintenance care with chronic conditions.

Senator COBURN and I want to move Medicare Advantage from competition-lite to full competition. We will be introducing a bill in the coming weeks that will force Medicare Advantage plans to truly compete against each other on price. Medicare Advantage plans already compete on service and quality under our bill they will have to taken lessons from Part D drug plans and compete on price.

If you have been listening from the beginning, you hopefully understand how effective competition and choice have been in two parts of the Medicare program. And you understand why I want that same robust health care competition and choice for every American. Every American deserves access to quality, affordable health care of their choice and competition between health care plans will help achieve that goal.

REBUILDING AMERICA'S IMAGE

Mr. DORGAN. Mr. President, our go-it-alone foreign policy over the last 8 years has severely damaged our image and stirred up anti-American sentiment around the world. We have lost the international goodwill we had following the terrorist attacks of September 11, 2001, and the failed strategy of the war in Iraq has cost us a good number of allies.

A worldwide survey conducted last year of 28,000 people, asking them to rate 12 countries, put the United States at the bottom, along with Iran and Israel, when it comes to having the world's most negative image. In fact, even North Korea ranked higher than the United States in that survey. Another survey found that our favorability rating around the world dropped considerably from 2000 to 2006. For example, in Germany, we went from a favorability rating of 78 percent in 2000 to 37 percent in 2006. In Spain, only 23 percent of people have a favorable opinion of the United States. I could go on and on, but I don't think anyone can dispute the fact that our image and credibility in the world has dropped dramatically. This negative trend hurts us. It makes it more difficult to implement our foreign policy, and even threatens our national security by making the United States a target.

With that being said, as the most powerful country in the world we still have an unprecedented opportunity to both help those in less fortunate countries and help our country regain the moral authority we once held.

A lot of interesting ideas have been proposed to repair our damaged image. Some of the most creative suggestions have come from students, such as the paper I recently received from Occidental College in Los Angeles. That paper makes recommendations for United States policy changes on issues like the war in Iraq, oil and energy issues, and illegal immigration, just to name a few. Calling for the United States to lead rather than dominate, to be a beacon more than a bullhorn, this paper presents a possible path to help repair our standing in the international community. I don't agree with everything in the paper, but it is full of interesting ideas that can make a difference. It is encouraging to see that the youth of this country have taken a serious interest in our country's image. I encourage my colleagues on both sides of the aisle to take a serious look at this and other proposals to see what Congress can do to help ensure that future generations inherit a government that is well respected throughout the world.

It is my hope that with the new administration, our country will be able to turn the page of the past 8 years and focus on a foreign policy that is more constructive. I look forward to working with my colleagues and the next President to make this happen.

AMERICA'S FOSTER CARE CHILDREN

Mr. NELSON of Nebraska. Mr. President, I rise today, during National Foster Care Month, to speak for the more than a half million children living in foster care across the United States who are waiting for a loving family to adopt them.

I encourage potential parents throughout our country to open their hearts, their lives and their homes to these vulnerable children and provide them with the safe, permanent families that all children deserve. As an adoptive parent myself, I know first-hand the joy and fulfillment adoption can bring to a family, and I cannot think of a more perfect gift to give a child than the love, nurturing, and protection they need to grow.

A sense of stability is critical to the development of children. Yet, young children in foster care never know how long they will stay in one place or where they will be sent off to next, resulting in a frightening lack of consistency and security.

I recently had the chance to meet with Aaron Weaver, a young man from Nebraska, who shared with me some of his experiences in the foster care system: ''Growing up in foster care, a tattered yellow vinyl suitcase always accompanied me, as I switched families, rules and routines,'' he said.

I hated that suitcase. It was a constant reminder of how unstable my life was, and how every day was uncertain.

Fortunately, after 6 years in Nebraska's foster care system, Aaron was finally adopted. Adoption for him meant a family who gave him unconditional love. Adoption meant the end of packing his suitcase, wondering where he would be placed next. Adoption gave him, for the first time, the freedom and confidence to think about his future not in terms of where he would be sleeping next month, but in terms of what his goals were and where he wanted to go in life.

In 2005, just 10 percent of Nebraska's foster care children were lucky enough to be adopted into new families like Aaron's, leaving nearly a thousand more waiting eagerly for adoptive homes. Unfortunately, any chance of these children being placed with adoptive parents becomes worse the longer they remain in foster care. In fact, when a child reaches the 8- to 9-year age range, the probability that child will continue to wait in foster care exceeds the probability that he or she will be adopted; and the number of children in this older age group is growing.

The Adoption Incentive Program, a Federal program first enacted into law as part of the Adoption and Safe Families Act of 1997, is up for reauthorization this year. This important program encourages State governments to find permanent homes for foster children through adoption by rewarding those States which have increased their number of placements. Additionally, the program provides special incentives to focus on finding homes for older foster children and those with special needs. I am proud to report that, through this program, my home State of Nebraska was awarded $1,392,000 between 2000 and 2006 for finding adoptive families for 2,483 children, money which will be reinvested to make this number even greater.

I believe we have a responsibility to help foster children in Nebraska and across the Nation join loving, permanent adoptive families such as Aaron's. I hope all of you agree and will join me in my commitment to improving America's foster care system.

Mr. BUNNING. Mr. President, today I wish to recognize May as National Foster Care Month. I salute the thousands of families in Kentucky and throughout the country who serve as foster parents, along with those who expand their families by adopting a child from the foster care system. Unfortunately, not every child finds a home. In 2005, more than 24,000 foster children reached their 18th birthdays without being adopted. As these young adults aged out of the foster care program, they faced many of life's challenges without the family support and encouragement that many of us take for granted. With over a half million children currently in our Nation's foster care system, it is imperative that we do all that we can to ensure that they

are able to join the families they so desperately need and deserve.

From my home State of Kentucky, Chris Brown is a testament to the importance of adoption. Chris entered foster care at the age of 11, after the death of his mother. He spent more than 2 years in foster care before being adopted. At the age of 13, Chris was adopted by his Big Brothers, Big Sisters mentor, Dave Brown. Chris thrived in his adoptive home, and was presented with opportunities he would not have had otherwise. Through the support of his adopted family, he was able to attend Northern Kentucky University, where he majored in psychology. Now married and with a family of his own, Chris has dedicated his career to social work, using his talents and skills to give back to the community. Chris's story demonstrates how an investment in just one child can pay off for an entire community.

The care provided by foster homes and foster families is of great value. Raising awareness about the number of foster children in America, and making it easier for families to adopt is crucial to guaranteeing that America's foster children have the resources and support they need to succeed. Chris Brown is an excellent example of how a child can thrive and develop in a loving family. National Foster Care Month reminds us of our obligation to America's youth. I commend all those who love and accept into their homes those children needing a home.

Mr. SMITH. Mr. President, I rise in observance of National Foster Care Month. Throughout our Nation, so many families provide loving and caring homes for children who have suffered from abuse and neglect. This month is an important reminder to thank the families who welcome these children into their homes, as well as the State and local officials, social workers, health care workers, and others in our communities who look for signs of abuse and take action to ensure it stops.

Social workers, in particular, have numerous demands placed on them in their efforts to ensure appropriate care of abused and neglected children, those with disabilities and our vulnerable elderly. To help these workers in their important jobs, I recently introduced the Dorothy I. Height and Whitney M. Young Jr. Social Reinvestment Act with Senator MIKULSKI. I look forward to swift passage of this bill so that we can better support our Nation's social workers.

I also want to thank those who help parents who may have a substance abuse problem or who suffer from mental illness. These important professionals help so many parents to overcome their illnesses, which can be a barrier in providing safe and stable homes for their children.

Our justice systems, including our judges, attorneys and local law enforcement, who work every day to ensure the safety of our children, also deserve our recognition this month. So many of them take the extra time in their overburdened caseloads to ensure they are doing the right thing for the future of each abused and neglected child. In fact, in my home State of Oregon, Judge Pamela Abernethy runs a program in her courtroom that engages mental health professionals, law enforcement officials, child development specialists and others in a team approach that has produced great outcomes for children and their parents. Her work helps to stop the cycle of abuse that we see too often in families. I look forward to continuing to work with Senator HARKIN to pass our bill, the Safe Babies Act, which will work to replicate successful programs like Judge Abernethy's across the Nation.

However, we know that often children may not be able to return to their birth families. In America we are lucky that many families, including my own, have a great love in their heart for children and are looking to adopt.

Oregonians Tim and Sari Gale, for example, originally were very interested in adopting an infant. However, as they continued to look into adoption, they could not get the images out of their minds of the older children they saw in the brochures. ''We started to ask ourselves why we would adopt an infant, when so many children were in need of parents,'' said Shari. ''It started making more and more sense for us to adopt an older child.''

Soon, Andrew became a member of the family. ''It has been heart-warming and amazing to watch the gradual process whereby this frightened little boy learned to love and to trust,'' observed a family friend. ''Andrew has blossomed under the Gales' loving care.'' Watching Andrew interact with peers at high school events or serving as a counselor for other children at summer riding camp, one would never guess this likeable and polite young man had spent his early years as an abused and neglected child. The Gales truly are a testament to the healing power of a loving family.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, encourages States to find foster children permanent homes through adoption. The Adoption Incentive Program is due to expire on September 30. Congress must reauthorize this act so that it can continue to serve as a vitally important incentive to States for finalizing adoptions for children in foster care, with an emphasis on finding adoptive homes for special-needs children and foster children over age 9. I am proud of Oregon's success in finalizing more than 12,700 adoptions of children from foster care between 2000 and 2006. This has resulted in Oregon receiving $3.1 million in Federal adoption incentive payments, which are invested back into the child welfare program.

In 2005, roughly 2,065 children from Oregon's foster care system were adopted—but nearly 3,500 foster children in Oregon were still waiting for adoptive families, and they waited an average of about 2½ years to join a new family. These vulnerable children have waited long enough.

Again, it is important that we thank foster care and adoptive families in our Nation, as well as frontline workers who protect our children, for the wonderful work that they do and love that they share.

EXPORT CONTROL SYSTEM

Mr. AKAKA. Mr. President, I wish today to discuss the U.S. export control system bureaucracy and its impact on our national interests.

Recently I chaired a hearing of the Oversight of Government Management Subcommittee of the Senate Homeland Security and Governmental Affairs Committee entitled ''Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests.'' Some of the issues explored in the hearing were: revising the multilateral coordination and enforcement aspects of export controls; addressing weaknesses in the interagency process for coordinating and approving licenses; reviewing alternative bureaucratic structures or processes to eliminate exploitable seams in our export control system; and ensuring that there are enough qualified licensing officers to review efficiently license applications.

Witnesses from the State Department's Bureau of Political-Military Affairs, the Commerce Department's Bureau of Industry and Security, and the Department of Defense's Defense Technology Security Administration responded to almost a decade's worth of analysis, recommendations, reports, and testimony from the Government Accountability Office, GAO. The GAO witness on the panel identified numerous instances of inefficiency and ineffectiveness in the U.S. export control system, including poor strategic management, insufficient interagency coordination, shortages of manpower, short-term fixes for long-term problems, and inadequate information systems.

Although the agency witnesses acknowledged their progress in addressing these shortcomings, they also articulated a deeper need for greater reform in response to the challenges of globalization in the 21st century. I would go one step further then the administration witnesses. The U.S. export control system is a relic of the Cold War and does not effectively meet our national and economic security needs.

Recent examples demonstrate the challenges of controlling sensitive exports. Dual-use technology has been diverted through Britain and the United Arab Emirates, UAE, to Iran. A recent attempt by two men to smuggle sensitive thermal imaging equipment to China shows that Iran is not alone in

its desire for sensitive technology. However, the effort to control the flow of dual-use technology goes beyond our borders. Working with the international community is critical as technologies which were once only produced in the U.S. are now being produced elsewhere.

The second group of witnesses, representing many decades of government and private sector experience with export controls, identified recommendations that could begin to modernize this system: eliminating the distinction between weapons and dual-use technology; reducing the total number of items on control lists; implementing project licenses that cover a multitude of items instead of relying on an item-by-item licensing process; passing an updated Export Administration Act; focusing on multilateral export controls and harmonizing them with our allies; and reestablishing high-level policy management of both dual-use and munitions exports at the White House. Mr. President, I would like to ask to have printed in the RECORD, following my remarks, a CRS memorandum providing an excellent overview of U.S export controls.

An opportunity to revise our ineffective and inefficient export control system will accompany the arrival of the new administration in January. I urge my colleagues to consider these recommendations for improving the management and bureaucracy of the export control system as the Congress debates and updates relevant legislation.

Mr. President, I ask unanimous consent to have the two CRS memoranda to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 21, 2008.

MEMORANDUM

Re: Background for Hearing on U.S. Export Controls.

To: Senate Homeland Security and Government Affairs Committee; Subcommittee on Oversight of Government Management; the Federal Workforce; and the District of Columbia.

From: Ian F. Fergusson, Specialist in International Trade and Finance; Richard F. Grimmett, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division.

This memorandum responds to your request for background information in support of your upcoming hearing on the U.S. export control system. The memo discusses the legislative authority, structure, and function of U.S. dual-use and defense export controls. It also discusses current issues related to the administration of those controls. If you have any questions concerning the material in this memorandum, please contact Ian Fergusson at 7–4997 or Richard Grimmett at 7–7675.

OVERVIEW OF THE U.S. EXPORT CONTROL SYSTEM

The United States restricts the export of defense items or munitions, so-called ''dual-use'' goods and technology, certain nuclear materials and technology, and items that would assist in the proliferation of nuclear, chemical and biological weapons or the missile technology to deliver them. Defense items are defined by regulation as those ''specifically designed, developed, or configured, adapted, or modified for a military application, has neither predominant civilian application nor performance equivalent to an item used for civilian application, or has significant military or intelligence application ''such that control is necessary.'' Dual-use goods are commodities, software, or technologies that have both civilian and military applications.

U.S. export controls are also utilized to restrict exports to certain countries in which the United States imposes economic sanctions. Through the Export Administration Act (EAA), the Arms Export Control Act (AECA), and other authorities, Congress has delegated to the executive branch its express constitutional authority to regulate foreign commerce by controlling exports. In its administration of this authority, the executive branch has created a diffuse system by which exports are controlled by differing agencies under different regulations. This section describes the characteristics of the dual-use, munitions, and nuclear controls. The information contained in the section also appears in chart form in Appendix 1.

Various aspects of this system have long been criticized by exporters, non-proliferation advocates and other stakeholders as being too rigorous, insufficiently rigorous, lax, cumbersome, too stringent, or any combination of these descriptions. In January 2007, the Government Accountability Office (GAO) designated government programs designed to protect critical technologies, including the U.S. export control system, as a 'high-risk area' ''that warrants a strategic re-examination of existing programs to identify needed changes.'' The report cited poor coordination among export control agencies, disagreements over commodity jurisdiction between State and Commerce, unnecessary delays and inefficiencies in the license application process, and a lack of systematic evaluative mechanisms to determine the effectiveness of export controls.

THE DUAL-USE SYSTEM

The Export Administration Act (EAA). The EAA of 1979 (P.L. 96–72) is the underlying statutory authority for dual-use export controls. The EAA, which is currently expired, periodically has been reauthorized for short periods of time. The last incremental extension expired in August 2001. At other times and currently, the export licensing system created under the authority of EAA has been continued by the invocation of the International Emergency Economic Powers Act (IEEPA) (P.L. 95–223). EAA confers upon the President the power to control exports for national security, foreign policy or short supply purposes. It also authorizes the President to establish export licensing mechanisms for items detailed on the Commerce Control List (see below), and it provides some guidance and places certain limits on that authority.

Several attempts to rewrite or reauthorize the EAA have occurred over the years. The last comprehensive effort took place during the 107th Congress. The Senate adopted legislation, S. 149, in September 2001, and a competing House version, H.R. 2581, was developed by the then House International Relations Committee, and the House Armed Services Committee. The full House did not act on this legislation. More modest attempts to update the penalty structure and enforcement mechanisms in context of renewing the 1979 Act for a period of 5 years has been introduced in the 110th Congress as the Export Enforcement Act of 2007 (S. 2000).

The EAA, which was written and amended during the Cold War, was based on strategic relationships, threats to U.S. national security, international business practices, and commercial technologies many of which have changed dramatically in the last 25 years. Some Members of Congress and most U.S. business representatives see a need to liberalize U.S. export regulations to allow American companies to engage more fully in international competition for sales of high-technology goods. Other Members and some national security analysts contend that liberalization of export controls over the last decade has contributed to foreign threats to U.S. national security, that some controls should be tightened, and that Congress should weigh further liberalization carefully.

Administration. The Bureau of Industry and Security in the Department of Commerce administers the dual-use export control system. The export licensing and enforcement functions that now form the agency mission of BIS were detached from the International Trade Administration in 1980 in order to separate it from the export promotion functions of the Department of Commerce. In FY2006, BIS processed 18,941 licenses with a value of approximately $36 billion. During the same fiscal year, BIS approved 15,982 applications, denied 189, and returned 2,763 (usually because a license was not necessary), for an approval rate of 98.8%, disregarding the returned licenses. BIS was appropriated $72.9 million in FY2008 with budget authority for 365 positions. The President's FY2009 request for BIS is $83.7 million, a 14.8% increase from FY2008, with budget authority for 396 positions. In addition to its export licensing and enforcement functions, BIS also enforces U.S. anti-boycott regulations concerning the Arab League boycott against Israel.

Implementing Regulations. The EAA is implemented by the Export Administration Regulations (EAR) (15 CFR 730 et seq). As noted above, the EAR is continued under the authority of the International Economic Emergency Powers Act (IEEPA) in times when the EAA is expired. The EAR sets forth licensing policy for goods and destinations, the applications process used by exporters, and the Commerce Control List (CCL). The CCL is the list of specific goods, technology, and software that are controlled by the EAR. The CCL is composed of ten categories of items: Nuclear materials, facilities, and equipment; materials, organisms, microorganisms, and toxins; materials processing; electronics; computers; telecommunications and information security; lasers and sensors; navigation and avionics; marine; and propulsion systems, space vehicles, and related equipment. Each of these categories is further divided into functional groups: Equipment, assemblies, and components; test, inspection, and production equipment; materials; software; and technology. Each controlled item has an export control classification number (ECCN) based on the above categories and functional group. Each ECCN is accompanied by a description of the item and the reason for control. In addition to discrete items on the CCL, nearly all U.S. origin commodities are ''subject to the EAR.'' This means that any product ''subject to the EAR'' may be restricted to a destination based on the end-use or end-user of the product. For example, a commodity that is not on the CCL may be denied if the good is destined for a military end-use, or to an entity known to be engaged in proliferation.

Licensing Policy. The EAR sets out the licensing policy for dual-use commodities. Items are controlled for reasons of national security, foreign policy, or short-supply. National security controls are based on a common multilateral control list, however the

countries to which we apply those controls are based on U.S. policy. Foreign Policy controls may be unilateral or multilateral in nature. Items are controlled unilaterally for anti-terrorism, regional stability, or crime control purposes. Anti-terrorism controls proscribe nearly all exports to the 5 state sponsors of terrorism. Foreign policy-based controls are also based on adherence to multilateral non-proliferation control regimes such the Nuclear Suppliers' Group, the Australia Group (chemical and biological precursors), and the Missile Technology Control Regime.

The EAR sets out timelines for the consideration of dual-use licenses and the process for resolving interagency disputes. Within 9 days from receipt, Commerce must refer the license to other agencies (State, Defense, or NRC as appropriate), grant the license, deny it, seek additional information, or return it. If the license is referred to other agencies, the agency to which it is referred must recommend the application be approved or denied within thirty days. The EAR provides a dispute resolution process for a dissenting agency to appeal an adverse decision. The interagency dispute resolution process is designed to be completed within 90 days. This process is depicted graphically in Appendix 2.

Enforcement and Penalties. Because of the expiration of the EAA, current penalties for export control violations are based on those contained in the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.). For criminal penalties, IEEPA sanctions individuals up to $1 million or up to 20 years imprisonment, or both, per violation [50 U.S.C. 1705(b)]. Civil penalties under IEEPA are set at $250,000 per violation. IEEPA penalties were recently raised to the current levels by the International Emergency Economic Powers Enhancement Act (P.L. 110–96), which was signed by President Bush on October 16, 2007.

Enforcement is carried out by the Office of Export Enforcement (OEE) at BIS. OEE has a staff of approximately 164 in Washington and eight domestic field offices. OEE is authorized to carry out investigations domestically and works with Department of Homeland Security (DHS) to conduct investigations overseas. OEE also conducts pre-license and post-shipment verification along with in-country U.S. embassy officials overseas.

The Export Enforcement Act of 2007. One of the persistent concerns about the administration of the dual-use system is that it operates under the emergency authority of the International Economic Emergency Powers Act (IEEPA), the underlying EAA having last expired in 2001. On August 3, 2007, the administration-supported Export Enforcement Act of 2007 (S. 2000) was introduced by Senator Dodd. The draft bill would reauthorize the Export Administration Act for five years and amend the penalty and enforcement provisions of the Act. The proposed legislation would revise the penalty structure and increase penalties for export control violations. The bill would raise criminal penalties for individuals up to $1 million and raise the term of potential imprisonment to ten years for each violation. For firms, it would raise penalties to the greater of $5 million or 10 times the value of the export. Under the 1979 FAA, the base penalty was the greater of $50,000 or 5 times the value of the export, or five years imprisonment. It would expand the list of statutory violations that could result in a denial of export privileges, and it extends the term of such denial from not more than 10 years to not more than 25 years.

The enforcement provisions of the Administration proposal would expand the authority of the Department of Commerce to investigate potential violations of EAA overseas. It provides for enforcement authority at other places at home and abroad with the concurrence of the Department of Homeland Security. The proposed draft legislation would restate the enforcement provisions of the EAA to account for the current structure of Customs and Border Security and the Immigration and Customs Enforcement in the Department of Homeland Security. It would also direct the Secretary of Commerce to publish and update best practices guidelines for effective export control compliance programs. It also would expand the confidentiality provisions beyond licenses and licensing activity to include classification requests, enforcement activities, or information obtained or supplied concerning U.S. multilateral commitments. The bill included new language governing the use of funds for undercover investigations and operations and establishes audit and reporting requirements for such investigations. It also authorized wiretaps in enforcement of the act.

Some in the industry community have criticized the legislation for focusing on penalties and enforcement without addressing business concerns such as streamlining the license process. While the Administration favors the 5 year renewal period of the current EAA as a period in which a new export control system may be devised, the length of the extension may also serve to take the pressure off such reform efforts.

MILITARY EXPORT CONTROLS

Arms Export Control Act of 1976 (AECA). The AECA provides the statutory authority for the control of defense articles and services. It sets out foreign and national policy objectives for international defense cooperation and military export controls. Section 3(a) of the Arms Export Control Act (AECA) sets forth the general criteria for countries or international organizations to be eligible to receive United States defense articles and defense services provided under the act. It also sets express conditions on the uses to which these defense items maybe put. Section 4 of the Arms Export Control Act states that U.S. defense articles and defense services shall be sold to friendly countries ''solely'' for use in ''internal security,'' for use in ''legitimate self-defense,'' to enable the recipient to participate in ''regional or collective arrangements or measures consistent with the Charter of the United Nations,'' to enable the recipient to participate in ''collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security,'' and to enable the foreign military forces ''in less developed countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries.'' The AECA also contains the statutory authority for the Foreign Military Sales program, under which the U.S. government sells U.S. defense equipment, services, and training on a government-to-government basis.

Licensing Policy. The International Traffic in Arms Regulations (ITAR) sets out licensing policy for exports (and some temporary imports) of U.S. Munitions List (USML) items. A license is required for the export of nearly all items on the USML. Canada has a limited exemption as it is considered part of the U.S. defense industrial base. In addition, the United States has recently signed treaties with the United Kingdom and Australia to exempt certain defense articles from licensing obligations to approved end-users in those countries. These treaties must be ratified by the Senate. Unlike some Commerce controls, licensing requirements are based on the nature of the article and not the end-use or end-user of the item. The United States prohibits munitions exports to countries either unilaterally or based on adherence to United Nations arms embargoes. In addition, any firm engaged in manufacturing, exporting, or brokering any item on the USML must register with DDTC and pay a yearly fee, currently $1,750, whether it seeks to export or not during the year.

Congressional Requirements. A prominent feature of the AECA is the requirement of congressional consideration of foreign arms sales proposed by the President. This procedure includes consideration of proposals to sell major defense equipment, defense articles and services, or the re-transfer to other nations of such military items. The procedure is triggered by a formal report to Congress under Sections 36 of the Arms Export Control Act (AECA). In general, the executive branch, after complying with the terms of applicable section of U.S. law, usually those contained in the Arms Export Control Act, is free to proceed with an arms sales proposal unless Congress passes legislation prohibiting or modifying the proposed sale.

The traditional sequence of events for the congressional review of an arms sale proposal has been the submission by the Defense Department (on behalf of the President) of a preliminary or ''informal'' classified notification of a prospective major arms sale 20 calendar-days before the executive branch takes further formal action. This ''informal'' notification is submitted to the Speaker of the House (who traditionally has referred it to the House Foreign Affairs Committee), and to the Chairman of the Senate Foreign Relations Committee. This practice stems from a February 18, 1976, letter of the Defense Department making a nonstatutory commitment to give Congress these preliminary classified notifications. It has been the practice for such ''informal'' notifications to be made for arms sales cases that would have to be formally notified to Congress under the provisions of Section 36(b) of the Arms Export Control Act (AECA). These ''informal'' notifications always precede the submission of the required statutory notifications, but the time period between the submission of the ''informal'' notification and the statutory notification is not fixed. It is determined by the President. He has the obligation under the law to submit the arms sale proposal to Congress, but only after he has determined that he is prepared to proceed with any such notifiable arms sales transaction.

Under Section 36(b) of the Arms Export Control Act, Congress must be formally notified 30 calendar-days before the Administration can take the final steps to conclude a government-to-government foreign military sale of major defense equipment valued at $14 million or more, defense articles or services valued at $50 million or more, or design and construction services valued at $200 million or more. In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with the sale. However, the prior notice thresholds are higher for NATO members, Australia, Japan or New Zealand. These higher thresholds are: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of defense articles and defense services; and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations.

Commercially licensed arms sales also must be formally notified to Congress 30 calendar-days before the export license is issued if they involve the sale of major defense

equipment valued at $14 million or more, or defense articles or services valued at $50 million or more (Section 36(c) AECA). In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with such a sale. However, the prior notice thresholds are higher for sales to NATO members, Australia, Japan or New Zealand specifically: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of defense articles and defense services, and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations. It has not been the general practice for the Administration to provide a 20–day ''informal'' notification to Congress of arms sales proposals that would be made through the granting of commercial licenses.

A congressional recess or adjournment does not stop the 30 calendar-day statutory review period. It should be emphasized that after Congress receives a statutory notification required under Sections 36(b) or 36(c) of the Arms Export Control Act, for example, and 30 calendar-days elapse without Congress having blocked the sale, the executive branch is free to proceed with the sales process. This fact does not mean necessarily that the executive branch and the prospective arms purchaser will sign a sales contract and that the items will be transferred on the 31st day after the statutory notification of the proposal has been made. It would, however, be legal to do so at that time.

Administration. Exports of defense goods and services are administered by the Directorate of Defense Trade Controls (DDTC) at the Department of State. DDTC is a component of the Bureau of Political-Military Affairs and consists of four offices: Management, Policy, Licensing, and Compliance. In FY2008, DDTC was funded at a level of $12.7 million and had a staff of 78 ($6.6 million for licensing activities, 44 licensing officers). In the 12 months ending March 2008, DDTC completed action on 83,886 export license applications, and its FY2009 budget request reported that license application volumes have increased by 8% a year. DDTC's FY2009 budget request, however, did not ask for additional staffing and its budget request called for an increase of $0.4 million to $13.1 million ($6.9 million for licensing activities). On March 24, 2008, 19 Members of Congress wrote to the Chairwoman and Ranking Member of the House State and Foreign Operations Appropriations Subcommittee to request a funding level of $26 million, including $8 million collected yearly from registration fees. Senator Biden, in his Foreign Relations Views and Estimates letter to the Senate Budget Committee also described DDTC as ''seriously understaffed'' and suggested ''a doubling of that figure ($6.9 million for licensing) is warranted.

Critics of the defense trade system have long decried the delays and backlogs in processing license applications at DDTC. The new National Security Presidential Directive (NSPD–56), signed by President Bush on January 22, 2008, directed that the review and adjudication of defense trade licenses submitted under ITAR are to be completed within 60 days, except where certain national security exemptions apply. Previously, except for the Congressional notification procedures discussed above, DDTC had no defined time-line for the application process. DDTC's backlog of open cases, which had reached 10,000 by the end of 2006, has been reduced to 3,458 by March 2008. During this period, average processing time of munitions license applications have also trended downward from 33 days to 15 days. However, GAO reported in November 2007 that DDTC was using ''extraordinary measures—such as extending work hours, canceling staff training, meeting, and industry outreach, and pulling available staff from other duties in order to process cases'' to reduce the license backlog, measures that it described as unsustainable.

Enforcement and Penalties. The AECA provides for criminal penalties of $1 million or ten years for each violation, or both. AECA also authorizes civil penalties of up to $500,000 and debarment from future exports. DDTC has a small enforcement staff (18 in the Office of Defense Trade Compliance) and works with the Defense Security Service and the Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) units at the Department of Homeland Security (DHS). DDTC assists the DHS and the Department of Justice in pursuing criminal investigations and prosecutions. DDTC also coordinates the Blue Lantern end-use monitoring program, in which U.S. embassy officials in-country conduct pre-license checks and post-shipment verifications. In FY2006, DDTC completed 489 end-use cases, 94 (19%) of which were determined to be unfavorable.

NUCLEAR

A subset of the abovementioned dual-use and military controls are controls on nuclear items and technology. Controls on nuclear goods and technology are derived from the Atomic Energy Act as well as from the EAA and the AECA. Controls on nuclear exports are divided between several agencies based on the product or service being exported. The Nuclear Regulatory Commission regulates exports of nuclear facilities and material, including core reactors. The NRC licensing policy and control list is located at 10 C.F.R. 110. BIS licenses ''outside the core'' civilian power plant equipment and maintains the Nuclear Referral List as part of the CCL. The Department of Energy controls the export of nuclear technology. DDTC exercises licensing authority over nuclear items in defense articles under the ITAR.

DEFENSE TECHNOLOGY SECURITY ADMINISTRATION (DTSA)

DTSA is located in the Department of Defense, Office of the Under Secretary of Defense for Policy under the Assistant Secretary of Defense for Global Security Affairs. DTSA coordinates the technical and national security review of direct commercial sales export licenses and commodity jurisdiction requests received from the Departments of Commerce and State. It develops the recommendation of the DOD on these referred export licenses or commodity jurisdictions based on input provided by the various DOD departments and agencies and represents DOD in the interagency dispute resolution process. In calendar year 2007, DTSA completed 41,689 license referrals. Not all licenses from DDTC or BIS are referred to DTSA; memorandums of understanding govern the types of licenses referred from each agency. DTSA coordinates the DOD position with regard to proposed changes to the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR). It also represents the DOD in interagency fora responsible for compliance with multinational export control regimes. For FY2008, DTSA had a staff of 187 civilian and active duty military employees and received funding of $23.3 million.

APPENDIX 1: BASIC EXPORT CONTROL CHARACTERISTICS

Characteristic	Dual-Use	Munitions	Nuclear
Legislative Authority	Export Administration Act (EAA) of 1979 (expired); International Emergency Economic Powers Act of 1977 (IEEPA).	Arms Export Control Act of 1976 (AECA)	Atomic Energy Act of 1954.
Agency of Jurisdiction	Bureau of Industry and Security (BIS) (Commerce)	Directorate of Defense Trade Controls (DDTC) (State)	Nuclear Regulatory Commission (NRC) (facilities and material); Department of Energy (DOE) (technology); BIS ('outside the core' civilian power plant equipment); DDTC (nuclear items in defense articles).
Implementing Regulations	Export Administration Regulations (EAR)	International Traffic in arms Regulations (ITAR)	10 C.F.R. 110—Export and Import of Nuclear Material and Equipment (NRC); 10 C.F.R. 810—Assistance to Foreign Atomic energy Activities (DOE).
Control List	Commerce Control List (CCL)	Munitions List (USML)	List of Nuclear Facilities and Equipment; List of Nuclear Materials (NRC); Nuclear Referral List (CCL); USML; Activities Requiring Specific Authorization (DOE).
Relation to Multilateral Controls.	Wassenaar Arrangement (Dual-Use); Missile Technology Control Regime (MTCR); Australia Group (CBW); Nuclear Suppliers' Group.	Wassennaar Arrangement (munitions); MTCR	Nuclear Suppliers' Group; International Atomic Energy Agency.
Licensing Policy	Based on item, country, or both. Anti-terrorism controls proscribe exports to 5 countries for nearly all CCL listings.	Most Munitions; License items require licenses; 21 proscribed countries.	General/Specific Licenses (NRC); General/Specific Authorizations (DOE).
Licensing Application Timeline.	initial referral within 9 days; agency must approve/deny within 30 days; 90 appeal process. (See Appendix 2).	60 days with national security exceptions; Congressional notification period for significant military equipment.	No timeframe for license applications.

APPENDIX 1: BASIC EXPORT CONTROL CHARACTERISTICS—Continued

Characteristic	Dual-Use	Munitions	Nuclear
Penalties	Criminal: $1 million or 20 years; Civil: $250,000/Denial of export privileges. (IEEPA).	Criminal: $1 million/10 years prison; Civil: $500,000/ forfeiture of goods, conveyance; Denial of Export Privileges for either.	Criminal: Individual—$250,000/12 years to life; Firm—$500,000 (For NRC and DOE); Civil: $100,000 per violation (For NRC).

CONGRESSIONAL RESEARCH SERVICE;
Washington, DC, April 21, 2008.

MEMORANDUM

Re: United Arab Emirates: Political Background and Export Control Issues.

To: Senate Homeland Security and Government Affairs Committee; Subcommittee on Oversight of Government Management; the Federal Workforce, and the District of Columbia.

From: Kenneth Katzman; Specialist in Middle Eastern Affairs; Ian F. Fergusson; Specialist in International Trade and Finance Foreign Affairs, Defense, and Trade Division.

This memorandum responds to your request for background on the United Arab Emirates and concerns about that country's export control law and practices. If you have any requests concerning this material, please contact Kenneth Katzman (7–7612) or Ian Fergusson (7–4997).

POLITICAL AND ECONOMIC BACKGROUND

The UAE is a federation of seven emirates (principalities): Abu Dhabi, the oil-rich capital of the federation; Dubai, its free-trading commercial hub; and the five smaller and less wealthy emirates of Sharjah; Ajman; Fujayrah; Umm al-Qawayn; and Ras al-Khaymah. The UAE federation is led by the ruler of Abu Dhabi, Khalifa bin Zayid al-Nuhayyan, now about 60 years old. The ruler of Dubai traditionally serves concurrently as Vice President and Prime Minister of the UAE; that position has been held by Mohammad bin Rashid Al Maktum, architect of Dubai's modernization drive, since the death of his elder brother Maktum bin Rashid Al Maktum on January 5, 2006.

In part because of its small size—its population is about 4.4 million, of which only about 900,000 are citizens—the UAE is one of the wealthiest of the Gulf states, with a gross domestic product (GDP) per capita of about $55,000 per year in terms of purchasing power parity. Islamist movements in UAE, including those linked to the Muslim Brotherhood, are generally non-violent and perform social and relief work. However, the UAE is surrounded by several powers that dwarf it in size and strategic capabilities, including Iran, Iraq, and Saudi Arabia, which has a close relationship with the UAE but views itself as the leader of the Gulf monarchies.

The UAE has long lagged behind the other Persian Gulf states in political reform, but the federation, and several individual emirates, have begun to move forward. The most significant reform, to date, took place in December 2006, when limited elections were held for half of the 40–seat Federal National Council (FNC); the other 20 seats continue to be appointed. Previously, all 40 members of the FNC were appointed by all seven emirates, weighted in favor of Abu Dhabi and Dubai (eight seats each). UAE citizens are able to express their concerns directly to the leadership through traditional consultative mechanisms, such as the open majlis (council) held by many UAE leaders.

The UAE's social problems are likely a result of its open economy, particularly in Dubai. The Trafficking in Persons report for 2007 again placed the UAE on ''Tier 2/Watch List'' (up from Tier 3 in 2005) because it does not comply with the minimum standards for the elimination of trafficking but is making significant efforts to do so. The UAE is considered a ''destination country'' for women trafficked from Asia and the former Soviet Union.

Defense Relations With the United States and Concerns About Iran. Following the 1991 Gulf war to oust Iraqi forces from Kuwait, the UAE, whose armed forces number about 61,000, determined that it wanted a closer relationship with the United States, in part to deter and to counter Iranian naval power. UAE fears escalated in April 1992, when Iran asserted complete control of the largely uninhabited Persian Gulf island of Abu Musa, which it and the UAE shared under a 1971 bilateral agreement. (In 1971, Iran, then ruled by the U.S.-backed Shah, seized two other islands, Greater and Lesser Tunb, from the emirate of Ras al-Khaymah, as well as part of Abu Musa from the emirate of Sharjah.) The UAE wants to refer the dispute to the International Court of Justice (ICJ), but Iran insists on resolving the issue bilaterally. The United States is concerned about Iran's military control over the islands and supports UAE proposals, but the United States takes no position on sovereignty of the islands. The UAE, particularly Abu Dhabi, has long feared that the large Iranian-origin community in Dubai emirate (est. 400,000 persons) could pose a ''fifth column'' threat to UAE stability. Illustrating the UAE's attempts to avoid antagonizing Iran, in May 2007, Iranian President Mahmoud Ahmadinejad was permitted to hold a rally for Iranian expatriates in Dubai when he made the first high level visit to UAE since UAE independence in 1971.

The framework for U.S.-UAE defense cooperation is a July 25, 1994, bilateral defense pact, the text of which is classified, including a ''status of forces agreement'' (SOFA). Under the pact, during the years of U.S. ''containment'' of Iraq (1991–2003), the UAE allowed U.S. equipment pre-positioning and U.S. warship visits at its large Jebel Ali port, capable of handling aircraft carriers, and it permitted the upgrading of airfields in the UAE that were used for U.S. combat support flights, during Operation Iraqi Freedom (OIF). About 1,800 U.S. forces, mostly Air Force, are in UAE; they use Al Dhafra air base (mostly KC–10 refueling) and naval facilities at Fujairah to support U.S. operations in Iraq and Afghanistan.

The UAE, a member of the World Trade Organization (WTO), has developed a free market economy. On November 15, 2004, the Administration notified Congress it had begun negotiating a free trade agreement (FTA) with the UAE. Several rounds of talks were held prior to the June 2007 expiration of Administration ''trade promotion authority,'' but progress had been halting, mainly because UAE may feel it does not need the FTA enough to warrant making major labor and other reforms. Despite diversification, oil exports still account for one-third of the UAE's federal budget. Abu Dhabi has 80% of the federation's proven oil reserves of about 100 billion barrels, enough for over 100 years of exports at the current production rate of 2.2 million barrels per day (mbd). Of that amount, about 2.1 mbd are exported, but negligible amounts go to the United States. The UAE does not have ample supplies of natural gas, and it has entered into a deal with neighboring gas exporter Qatar to construct pipeline that will bring Qatari gas to UAE (Dolphin project). UAE is also taking a leading role among the Gulf states in pressing consideration of alternative energies, including nuclear energy, to maintain Gulf energy dominance.

EXPORT CONTROL ISSUES

Cooperation Against Terrorism. The relatively open society of the UAE—along with UAE policy to engage rather than confront its powerful neighbors—has also caused differences with the United States on the presence of terrorists and their financial networks. However, the UAE has been consistently credited by U.S. officials with attempting to rectify problems identified by the United States.

The UAE was one of only three countries (Pakistan and Saudi Arabia were the others) to have recognized the Taliban during 1996–2001 as the government of Afghanistan. During Taliban rule, the UAE allowed Ariana Afghan airlines to operate direct service, and Al Qaeda activists reportedly spent time there. Two of the September 11 hijackers were UAE nationals, and they reportedly used UAE-based financial networks in the plot. Since then, the UAE has been credited in U.S. reports (State Department ''Country Reports on Terrorism: 2006, released April 30, 2007'') and statements with: assisting in the 2002 arrest of senior Al Qaeda operative in the Gulf, Abd al-Rahim al-Nashiri; denouncing terror attacks; improving border security; prescribing guidance for Friday prayer leaders; investigating suspect financial transactions; and strengthening its bureaucracy and legal framework to combat terrorism. In December 2004, the United States and Dubai signed a Container Security Initiative Statement of Principles, aimed at screening U.S.-bound containerized cargo transiting Dubai ports. Under the agreement, U.S. Customs officers are co-located with the Dubai Customs Intelligence Unit at Port Rashid in Dubai. On a ''spot check'' basis, containers are screened at that and other UAE ports for weaponry, explosives, and other illicit cargo.

The UAE has long been under scrutiny as a transhipment point for exports to Iran and other proliferators. In connection with revelations of illicit sales of nuclear technology to Iran, Libya, and North Korea by Pakistan's nuclear scientist A.Q. Khan, Dubai was named as a key transfer point for Khan's shipments of nuclear components. Two Dubai-based companies were apparently involved in trans-shipping components: SMB Computers and Gulf Technical Industries. On April 7, 2004, the Administration sanctioned a UAE firm, Elmstone Service and Trading (FZE), for allegedly selling weapons of mass destruction- related technology to Iran, under the Iran-Syria Non-Proliferation Act (P.L. 106–178). More recently, in June 2006, the Bureau of Industry and Security (BIS) released a general order imposing a license requirement on Mayrow General Trading Company and related enterprises in the UAE. This was done after Mayrow was implicated in the transhipment of electronic components and devices capable of being used to construct improvised explosive devices (IED) used in Iraq and Afghanistan.

Current Controls. The UAE is not subject to any blanket prohibitions regarding dual-use Commerce exports. In general, the UAE faces many of the same license requirements

as other non-NATO countries. In the Export Administration Regulations (15 CFR 730 et seq.), the UAE is designated on Country Group D and thus is not eligible for certain license exceptions for items controlled for chemical biological and missile technology reasons. Reexports of U.S. origin goods from one foreign country to another subject to EAR are also controlled, and may require the reexporter regardless to nationality to obtain a license for reexport from BIS.

The Treasury Department's Office of Foreign Assets Control maintains a comprehensive embargo on the export, re-export, sale or supply of any good, service or technology to Iran by persons of U.S. origin, including to persons in third countries with the knowledge that such goods are intended specifically for the supply, transhipment or re-exportation to Iran (Iranian Transaction Regulations, 31 CFR 560.204). Re-exportation of goods, technology and services by non-U.S. persons are also prohibited if undertaken with the knowledge or reason to know that the re-exportation is intended specifically for Iran. (31 CFR 560.205). In addition, BIS also maintains controls on exports and reexports for items on the Commerce Control List (EAR, 15 CFR 746.7).

The lack of an effective export control system in the UAE and the use of the emirates' ports as transhipment centers has been a concern to U.S. policymakers. To that end, BIS released an advanced notice of proposed rule-making on February 26, 2007 that would have created a new control designation: ''Country Group C: Destinations of Diversion Control.'' This designation would have established license requirements on exports and re-exports to countries that represent a diversion or transhipment risk for goods subject to the Export Administration Regulations. According to BIS, the Country C designation was designed ''to strengthen the trade compliance and export control system of countries that are transhipment hubs.'' Designation on the Country Group C list could lead to tightened licensing requirements for designees. Although no countries were mentioned in the notice, it was widely considered to be directed at the United Arab Emirates.

Perhaps as a response to the possibility of becoming a 'Country C' designee, the UAE Federal Council passed the emirate's first ever export control statute in March 2007. That law, also created a control body known as the National Commission for Commodities Subject to Import, Export, and Re-export Controls and that law was signed on August 31, 2007 by Emirates President H.H. Sheikh Khalifa bin Zayed Al Nahyan. Reportedly, the law's structure and control lists were modeled after the export control regime of Singapore, another prominent transhipment hub. It remains unclear, however, the extent to which the law is being enforced or whether resources are being devoted to preventing the diversion or illegal transhipment of controlled U.S. goods and technologies.

The United States has one export control officer (ECO) on the ground in the UAE to investigate violations of U.S. dual-use export control laws. This officer may be augmented by U.S. Foreign Commercial Officers in conducting end-use check and post-shipment verifications. A recent GAO report mentioned a ''high-rate of unfavorable end-use checks for U.S. items exported to the UAE,'' but the report did not elaborate further.

The United States also has engaged in technical cooperation to assist the UAE in developing its export control regime. Officials from BIS and other agencies reportedly traveled to the UAE in June 2007 to discuss the proposed statute. In addition, the Department of State has also provided training through its Export Control and RelatedBorder Security (EXBS) program. This program provides participating countries with licensing and legal regulatory workshops, detection equipment, on-site program and training advisers, and automated licensing programs. Since FY2001, UAE has received between $172–$350 thousand annually in this assistance. For FY2009, State has requested $200 thousand for the UAE under this program.

RECENT U.S. AID TO UAE

	FY2007 and FY2006 (Combined)	FY2007	FY2008 (est.)	FY2009 (req)
NADR (Non-Proliferation, Anti-Terrorism, De-Mining, and Related)—Anti-Terrorism Programs (ATA).	$1.094 million	$1.581 million	$300,000	$925,000
NADR—Counter-Terrorism Financing	$300,000 (FY2006 only)	$580,000		$725,000
NADR—Export Control and Related Border Security Assistance	$250,000	$172,000	$300,000	$200,000
International Military Education and Training (IMET)			$14,000	$15,000
International Narcotics and Law Enforcement (INCLE)			$300,000	

Source: Department of State, FY2009 Budget Justification.

TRIBUTE TO RABBI STEPHEN BAARS

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to my friend Rabbi Stephen Baars, of Bethesda, MD, whom I had the honor of sponsoring as our guest Chaplain for this morning. Given all that Rabbi Baars has done to help others, it was fitting that he was picked to lead the Senate in prayer. No tribute would be complete, however, without giving Senators a greater understanding of his outstanding and unique accomplishments.

Born and raised in London, Rabbi Baars originally envisioned himself working in business or sales until, at age 19, he went on vacation to Israel and became enamored with Judaism. When he finally returned to London 6 months later, he had made up his mind to become a rabbi. Shortly thereafter, he moved back to Jerusalem, where he attended rabbinical school for 9 years through Aish HaTorah, a nonprofit network of Jewish educational centers.

After completing his studies, Rabbi Baars moved to Los Angeles to work for Aish HaTorah. It was in L.A. that he tried a second career as a stand-up comedian. On the advice of a friend, Rabbi Baars began taking comedy classes at UCLA and performing stand-up in clubs. In fact, he is the only rabbi to have performed at the famous L.A. Improv. Eventually, he would stop performing because he found his spiritual work more rewarding. His comedic skills, however, would play a role in his future work, serving as means for him to get his message across to audiences.

In 1990, Rabbi Baars moved to the Washington, DC, region and began teaching Jewish studies classes throughout the DC area. Some of his students included Senators, Representatives, and top business leaders. In 1998, he established a Washington, DC, chapter of Aish HaTorah, and served as its executive director. It was there that he established his most ambitious and creative project yet. In 2002, troubled by America's high divorce rate, Rabbi Baars created BLISS, an innovative, nondenominational marriage seminar that mixes humor with advice taken from the Torah and Talmud. Always an optimist who sees the best in people, Rabbi Baars conducts these seminars and prepares his provocative ''Think Again'' e-mail newsletter with the belief that human beings all contain the skills and attributes they need to be good spouses and parents and that they just need to learn how to reach deep into themselves to utilize these abilities.

Rabbi Baars continues to operate BLISS, which has won rave reviews from many of its participants. Not too long ago, he was kind enough to demonstrate a sample presentation to my staff, who very much enjoyed it. He has stated that his goal for BLISS is to help reduce the divorce rate in America to the single digits. Some may mock this goal as naive, but as Rabbi Baars says, ''If you pick a goal that's reasonable to achieve, you didn't look high enough.''

Of course, it should come as no surprise that someone as dedicated to helping families as Rabbi Baars is happily married. He and his wife Ruth have been together for 16 years and have been blessed with seven wonderful children. His wife and family are a constant source of strength and support for Rabbi Baars as he pursues his life's work.

Thank you, Rabbi Baars, for all you have done to bring families together. It was truly an honor to have you pray with us today.•

ENDANGERED SPECIES DAY

Mrs. FEINSTEIN. Mr. President, 2 years ago I sponsored a resolution designating the third Friday in May as Endangered Species Day. This resolution passed by unanimous consent. There were no objections. The resolution was nonpartisan and noncontroversial.

The goal of Endangered Species Day was simple: to give students an opportunity to learn about the threats facing endangered and threatened species and the work being done to save them.

Last year, I introduced a similar resolution. Once again, it passed by unanimous consent and was noncontroversial. Over 60 events were held in cities across the country. It was used as an educational tool for teachers and a day for parents to take their children to the zoo.

This year the resolution was offered for a third time. It was thought it would pass quickly and without controversy. However, this was not the case. It was held up by an unknown Senator. We could not clear the hold, so we were unable to get unanimous consent to pass the resolution.

Now why is this important? The fact is that 90 events were scheduled in 28 States. Twenty events took place in California to commemorate the day. In my city of San Francisco, the Golden Gate National Recreation Area and the Farralones National Marine Sanctuary led nature hikes in search of the endangered tidewater goby and explained to children what they can do to save them. The Antelope Valley Conservancy hosted its third annual Endangered Species Day Conference that brought together Federal, State, and local leaders to discuss their recovery efforts. Similarly, the San Diego Zoo held public lectures on the affects that global climate change will have on endangered species.

These events still went on as planned. Teachers continued to educate their students about what we need to do as a Nation and at the local level to protect our planet and endangered species.

We know that global climate change, habitat destruction, and the illegal trade and hunting of endangered species carry serious consequences for their future survival. These threats are ongoing. More effective wildlife management programs are needed like those to save the California condor, least Bell's vireo songbird and the California grey whale.

I am disappointed that this noncontroversial resolution was prevented from passing. The goals of Endangered Species Day are simple and uncontroversial: to build awareness about the threats facing our planet's species. If we don't recognize these threats and act now to address them, our planet's endangered species may soon become our planet's extinct species. I am hopeful that all those who took part in last Friday's events came away knowing that more work needs to be done to protect our planet.

CONGRATULATING DAVID COOK

Mrs. McCASKILL. Mr. President, I want to congratulate a Missourian who has accomplished something truly remarkable. We have known our share of champions in Missouri, like the 2006 St. Louis Cardinals and the Big 12 North winning University of Missouri football team. We have also had our share of great entertainers, like Josephine Baker, Scott Joplin, and Sheryl Crow. But it is very rare that we have someone who is both. Last night, David Cook, a native of Blue Springs, MO, and a graduate of Central Missouri State University, achieved that rare combination when he was crowned winner of ''American Idol.''

David's victory was remarkable even by ''American Idol's'' standards. The show has become one of the greatest competitions the country has ever witnessed. It is ubiquitous. It is practically unavoidable. And with the eyes of the whole country watching, David Cook won ''American Idol'' by the incredible margin of 12 million votes out of a record 97.5 million votes cast. His performances, along with those of David Archuleta, the other worthy finalist, drew in more viewers than watched the season finale last year.

It is telling of the graciousness and humility of this superbly talented young man that David didn't even intend to try out for the show. The only reason he was at the audition was to support his brother. But while entering the contest may have been accidental, it is no accident that the country voted him the next ''American Idol.'' His easy confidence and visible passion (not to mention that voice), made him the clear choice. He was also one of the nicest contestants ever to appear on the show—even notoriously grumpy Simon Cowell said so.

So I want to extend my heartfelt congratulations to Missouri's next superstar, David Cook. I wish you the best of luck in what I am sure will be a stellar career.

TRIBUTE TO JAMES S. HOLT

Mr. CRAIG. Mr. President, I pay tribute to Dr. James S. Holt, who passed away on April 28, 2008.

Dr. Holt was known to many Members of this Senate because of the outstanding contributions he made to developing sound Federal public policy related to agriculture, immigration, and employment. It was through his involvement in these issues before Congress that I got to know Jim and gained a tremendous respect for his wealth of knowledge and integrity—and especially his unwavering commitment to finding policy solutions that were correct, even if that meant they were also uncomfortable or difficult.

Jim Holt received his Ph.D. in agricultural economics from the Pennsylvania State University in 1965, and then served 16 years on the Penn State faculty as a professor of agricultural economics and farm management. From 1978 until the present, Dr. Holt headed his own consulting firm, as well as serving as senior economist to a Washington, DC, law firm, where his responsibilities included research, policy analysis, and government relations in matters related to labor, agriculture, immigration and animal welfare.

Dr. Holt authored more than 70 publications and served agricultural clients in more than 30 States. Jim was a recognized expert with unique knowledge of the H–2A program and served as a consultant to national organizations such as the National Council of Agricultural Employers and the Agriculture Coalition for Immigration Reform during his involvement in the major immigration and H–2A reform efforts in Congress during the past 30 years.

I first became aware of Jim's expertise when he helped farmers in my own State of Idaho to establish the Snake River Farmers Association an organization that helps obtain legally authorized workers through the H–2A temporary and seasonal foreign agricultural worker program. Earlier this year in Idaho, at a meeting of the association, Jim and I teamed up again to address the grave labor situation facing Idaho farmers.

I had the pleasure of working with Jim in the development of the AgJOBS legislation that I coauthored with Senators Feinstein and Kennedy. As my colleagues know, this bill has enjoyed broad bipartisan support and even passed the Senate in 2006. Jim brought his unique knowledge to the process of developing this historic legislation that brought together farm worker advocates and growers in an effort to provide a legal and stable agricultural workforce. During the past decade, Dr. Holt testified numerous times in both Chambers of Congress before the Committees on Agriculture, Judiciary, and Education and Labor in an effort to educate members on the importance of reforming our farm labor system and the severe economic consequences if we fail to do so. When we succeed in enacting the AgJOBS legislation and I am convinced that will ultimately happen—it will be in no small part because of the immeasurable effort Dr. Holt devoted to that cause over the past decade.

On behalf of the policymakers who have worked with Jim Holt and benefited from his wise counsel over the years, I would like to express profound regret at his passing. He will be sorely missed. Let me extend my deepest sympathies to Jim's many friends and colleagues, and to the family he leaves behind.

HONORING ABIGAIL TAYLOR

Ms. KLOBUCHAR. Mr. President, last fall I came before the Senate to ask my colleagues to join me in passing the Virginia Graeme Baker Pool and Spa Safety Act on behalf of an amazing little girl, Abigail Taylor, of Edina MN.

And in December of 2007, with Abigail as our inspiration, Congress answered the call. We not only passed the bill, but working with the Taylor family and child safety experts, we included provisions in the legislation to create tough new safety standards that require all existing public pools with single drains to install the latest drain safety technology. On December 19,

2007, the President signed the Pool and Spa Safety Act into law.

One of the most touching moments in my time in the Senate was that day in December when I was able to call Scott Taylor from the Senate cloakroom to let him know that the pool safety bill had passed. Abbey may have been a small girl, but there is no doubt she had a super-sized impact on our world.

From the beginning, Abbey said she wanted her story told so that it would make a difference. And it did. Although Abbey is no longer with us, she will always live on through this important new law that will protect other children so they do not have to suffer what she did. I am certain that this new law would not have passed except for the inspiring courage of Abbey Taylor and her family. It was their gift to all the children of America.

The city of Edina, MN, will designate May 24, 2008, as Abigail Taylor Day the day Abigail would have celebrated her seventh birthday.

On May 24, I ask that we join in honoring Abbey Taylor, ''Amazing Abigail'' as we called her, and keep the entire Taylor family—Scott, Katey, Grace, Christina, and Audrey—in our thoughts. We owe them all a debt of gratitude for their courage and their pursuit of a safer America for all our children.

ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACT OF 2008

Mr. OBAMA. Mr. President, last year, I was proud to cosponsor America COMPETES, legislation which addressed many issues essential to maintaining America's competitive leadership in an increasing competitive and technological global marketplace. I was heartened by the bipartisan support for that effort. Today, I rise to urge my colleagues to join me and my friend from Indiana, Mr. LUGAR, in extending that effort, by supporting legislation to enhance education efforts in science, technology, engineering and mathematics—the fields known as STEM.

Strengthening STEM education is important not only to foster the innovation needed to ensure our nation's future prosperity, but also so that every citizen can benefit from our democracy's ever-increasing pace of technological and scientific advance. Federal agencies currently administer more than a hundred different STEM education programs, with over $3,000,000,000 spent annually. Yet there is little coherence among these efforts. There is a clear need for increased coordination of STEM education among states, and between the efforts of federal agencies and of state and local educators.

The intent of our legislation, the Enhancing Science, Technology, Engineering, and Technology Act of 2008, is to bring coherence and coordination to these efforts, for the benefit of students, science, and society. The legislation establishes a STEM Education Committee within the President's Office of Science and Technology Policy to coordinate the initiatives of the many Federal agencies engaged in STEM education, and to avoid unnecessary duplication among these efforts. It consolidates existing STEM education initiatives within the Department of Education under the direction of an Office of STEM Education. It authorizes grant funding for States which choose to work together to develop rigorous common STEM education standards with more meaningful and effective ways of measuring student learning. And it facilitates sharing of information about effective educational practices and innovations so that they become widely available to STEM teachers and educators. Throughout this legislation, there is emphasis on developing strategies to increase the participation of Americans from underrepresented populations in our national science and engineering enterprise, bringing new perspectives for the benefit of all.

All of these efforts together will strengthen our efforts to help students learn, and teachers teach, not just to train the scientists and engineers of the future, but to empower all students to become more fluent in science and technology, and more capable in math.

I am pleased that Mr. LUGAR has joined in this effort, as have Mr. SANDERS and Mr. BROWN. In the House, Mr. HONDA has introduced companion legislation, joined by a bipartisan group totaling 40. I urge my colleagues to join us in this effort.

ADDITIONAL STATEMENTS

CONGRATULATING KATELYN BOWLES AND RILEY MILLER

• Mr. BUNNING. Mr. President, today I congratulate Ms. Katelyn Bowles and Ms. Riley Miller on receiving the Prudential Spirit of Community Award. Sponsored by Prudential Financial and the National Association of Secondary School Principals, the Prudential Spirit of Community Award recognizes middle and high school students who perform outstanding community service at the local, State and national level. Each year, two students are chosen as State honorees from each of the 50 States, and the District of Columbia.

Ms. Bowles, a senior at Montgomery County High School in Mount Sterling, KY, has been recognized as one of the Commonwealth top youth volunteers. She spearheaded a campaign to renovate the Mount Sterling C&O Train Depot, an integral part of the community tradition. By initiating a business plan between Future Business Leaders of America members and local government agencies, Ms. Bowles successfully secured $200,000 in grants for the project, including $153,000 from the Kentucky Transportation Cabinet. Additionally, she managed to recruit fellow high school students to help with much of the renovation, scheduled to be completed next year.

In addition to being chosen as a State honoree, Ms. Miller, an eighth grader at Drakes Creek Middle School in Bowling Green, KY, has been selected as one of America's top 10 youth volunteers. She is recognized for her outstanding efforts in raising $50,000 for childhood cancer research over the past 3 years. Having lost two younger brothers to leukemia, raising money for cancer research is a particularly important mission for Ms. Miller. Last year alone, Ms. Miller managed 29 lemonade stands with over 200 volunteers across Bowling Green, raising $19,000. This incredible feat demonstrates her exceptional dedication, organizational skill, and enormous capacity for leadership.

Ms. Bowles and Ms. Miller have proven themselves to be exemplary students and volunteers, deserving of the Prudential Spirit of Community Award. They are an inspiration to the citizens of Kentucky and to student leaders and community volunteers everywhere. I look forward to seeing all that they will accomplish in the future.•

RECOGNIZING L. ROBERT KIMBALL

• Mr. CASEY. Mr. President, I would like to take a few moments to recognize the contributions of a community leader from my home State of Pennsylvania, Mr. L. Robert Kimball. Bob Kimball's name has become synonymous with high-quality work that clients have come to expect from the architecture, engineering, technology, and consulting firm that he founded 55 years ago in his home town of Ebensburg, PA.

The firm's professional services are well known both in Cambria County and among the public and private marketplaces it serves. Far less recognized are the contributions that Bob makes to his community.

In addition to his involvement on the boards of various civic, higher education, and professional organizations, his support extends to the fine and performing arts, education, athletics, youth organizations, community economic development initiatives, and health and human service agencies. His generosity is not limited to monetary contributions and sponsorships. He also encourages active participation by his staff in community activities. Bob wants to make sure that his firm never forgets its small-town foundation.

Under his leadership as founder, Bob places a high priority on treating clients, staff, and the community with consideration, appreciation, and fairness. These core values are among the key components of the firm's success.

Bob Kimball has enjoyed a successful career and has continuously shared that success, experience, and guidance with the community in Cambria County. He has distinguished himself as a

business leader, an accomplished professional engineer, a successful entrepreneur, and a dedicated family man.

On behalf of the United States Senate, we recognize Mr. L. Robert Kimball's commitment to his community in Ebensburg, PA.●

TRIBUTE TO WILLIAM PEYTON HARRIS

● Mr. SESSIONS. Mr. President. I rise today to tell you about a wonderful and humble man, William Peyton Harris of Camden, AL, who died on February 25, 2008.

Mr. Harris was born October 22, 1909. He was a man who loved adventure and a man of many talents. He survived the Great Depression and worked some weeks for $5 per week. He grew up in a time when good morals, good manners, and discipline were the norm.

He was very fortunate to have married Lois Sutherland who was the perfect life partner for him. She was with him for 62 years. They had one son, my friend, Billy, three grandchildren and seven great-grandchildren.

At the age of 12, he rode a horse 2½ miles to see the last steamboats loading cotton bales on the Alabama River. Then, in the early 1960s, he salvaged an old steamboat that sank in 1850 and his discovery revealed lost treasure.

He was well known in his later years for his artwork of Old South scenes and wildlife, especially the wild turkey, which he also loved to hunt. His art studio was in the back of an old country store he owned and operated for many years in Possum Bend. The store was known as the ''Social Center'' of Possum Bend. After renting out the country store, he concentrated more on his art. His popularity grew and in 2001, he was interviewed by CNN and the interview aired on national television. Buyers for his art increased and more visitors stopped by his studio. No matter how busy he was, there was always time for his friends and customers. Good conversation occurred on subjects from politics to weather, and from grandchildren to divorces and if you were down and out, or had a cold, he would always offer you a little of his special ''remedy.''

As a son of a store owner in a nearby community myself, I remember some of those times very well when as a young boy I observed such scenes, but times have changed. We are much ''busier'' now, though not necessarily wiser. The old store stands vacant. Only fond memories remain of the life of a wonderful man who was one of the last of a great generation.●

TRIBUTE TO KATHRYN TUCKER WINDHAM

● Mr. SHELBY. Mr. President, I wish today to honor Kathryn Tucker Windham, who is celebrating her 90th birthday on June 5, 2008. In Alabama, one of our greatest treasures is our history, which is often best learned through the stories told by others. Alabama is lucky to have one of the world's best storytellers, Kathryn Tucker Windham, who shares her memories and observances of our State's social history in a way unlike any other. Kathryn can tell stories about graveyards and ghosts, cooking or recipes and the Gee's Bend quilters that provide her listener with a unique view into life in the rural South.

Born in Selma, AL, Mrs. Windham grew up in Thomasville, where she began her writing career at the age of 12 working for the Thomasville Times, a local weekly newspaper. After receiving her bachelor's degree from Huntingdon College in Montgomery, AL, Kathryn became one of the first women to cover the police beat for a major daily newspaper in the South at the Alabama Journal. She also worked as a reporter, photographer, and State editor for the Birmingham News and as a reporter, city editor, State editor, and associate editor for the Selma Times-Journal, where she won Associated Press awards for her writing and photography.

Kathryn is also the author of 24 books and is a playwright. She is widely recognized for storytelling abilities in classrooms, historical meetings, and storytelling events across Alabama. In addition to her writing career, Mrs. Windham worked as the community relations coordinator for the area agency on aging, which serves 12 rural counties in southwest Alabama and promoted statewide war bond drives during World War II.

Mrs. Windham's work in radio brought her a new level of notoriety, as she is now a favorite contributor to National Public Radio's program, ''All Things Considered.'' Her tales about life in the rural South tell listeners more about our region than is widely known and have included stories about rumors of people who could kill a rattlesnake by spitting, a hailstorm in Thomasville that was supposed to have knocked the eyes out of goldfish in a pond, or the frog houses Alabama children make with cold mud.

Quoted in a 1999 article for Current magazine, Windham said of her storytelling, ''It preserves a part of our Southern history maybe, our heritage. We need to know where we came from.'' I could not agree with her more. Kathryn Tucker Windham will leave an important legacy as a trailblazing female journalist and a chronicler of life in Alabama that I greatly admire.

I join Kathryn's three children, Kathryn Tabb Windham, Amasa Benjamin Windham, Jr., and Helen Ann Windham Hilley, and her two grandsons, David Wilson Windham and Benjamin Douglas Hilley in wishing Mrs. Windham a happy 90th birthday. Mrs. Windham is a special and unique lady, and I wish her the very best.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2712) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, In which I originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

At 1:40 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 bill and joint resolution, without amendment:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for fiscal year 2008, Which provides special immigrant status for certain Iraqis, and for other purposes.

S.J. Res. 17. Joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 752. An act to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

H.R. 1771. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes.

H.R. 3323. An act to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.

H.R. 3819. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

H.R. 4841. An act to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of

Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.

H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 5856. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes.

H. Con. Res. 325. Concurrent resolution celebrating the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes.

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month.

At 6:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 752. To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers , and fax machines, to educational recipients; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1771. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

H.R. 3323. An act to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3819. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5856. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 325. Concurrent resolution celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes; to the Committee on the Judiciary.

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2420. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food (Rept. No. 110–338).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1581. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration (Rept. No. 110–339).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2482. A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida (Rept. No. 110–340).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2307. A bill to amend the Global Change Research Act of 1990, and for other purposes (Rept. No. 110–341).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 563. A resolution designating September 13, 2008, as ''National Childhood Cancer Awareness Day''.

S. Res. 567. A resolution designating June 2008 as ''National Internet Safety Month''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1210. A bill to extend the grant program for drug-endangered children.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Kimberly A. Siniscalchi, to be Major General.

Air Force nomination of Maj. Gen. Mark D. Shackelford, to be Lieutenant General.

Air Force nomination of Maj. Gen. Philip M. Breedlove, to be Lieutenant General.

Air Force nomination of Maj. Gen. Charles E. Stenner, Jr., to be Lieutenant General.

Army nomination of Lt. Gen. Stanley A. McChrystal, to be Lieutenant General.

Army nomination of Brig. Gen. John F. Mulholland, Jr., to be Lieutenant General.

Army nominations beginning with Brigadier General Stephen E. Bogle and ending with Colonel Joe M. Wells, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2008.

Army nomination of Lt. Gen. Peter W. Chiarelli, to be General.

Navy nomination of Rear Adm. Harry B. Harris, Jr., to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Julius S. Caesar and ending with Rear Adm. (lh) Garland P. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Navy nomination of Rear Adm. William H. McRaven, to be Vice Admiral.

Navy nomination of Rear Adm. Michael C. Vitale, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Raymond E. Berube, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Richard R. Jeffries and ending with Rear Adm. (lh) David J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Navy nominations beginning with Capt. David F. Baucom and ending with Capt. Vincent L. Griffith, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. David C. Johnson and ending with Capt. Thomas J. Moore, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Donald E. Gaddis and ending with Capt.

Maude E. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Michael H. Anderson and ending with Capt. William R. Kiser, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nomination of Capt. Norman R. Hayes, to be Rear Admiral (lower half).

Navy nomination of Capt. William E. Leigher, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William E. Gortney, to be Vice Admiral.

Navy nomination of Vice Adm. Melvin G. Williams, Jr., to be Vice Admiral.

Navy nomination of Rear Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Kevin M. McCoy, to be Vice Admiral.

Navy nomination of Vice Adm. William D. Crowder, to be Vice Admiral.

Navy nomination of Rear Adm. Peter H. Daly, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lonnie B. Barker and ending with Jerry P. Pitts, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Eric L. Bloomfield and ending with Deborah L. Mueller, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Air Force nominations beginning with Mary J. Bernheim and ending with Kelli C. Mack, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Air Force nominations beginning with James E. Ostrander and ending with Frank J. Nocilla, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Army nomination of Cheryl Amyx, to be Major.

Army nomination of Deborah K. Sirratt, to be Major.

Army nominations beginning with Mark A. Cannon and ending with Michael J. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Gene Kahn and ending with James D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Lozay Foots III and ending with Margaret L. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Phillip J. Caravella and ending with Paul S. Lajos, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nomination of Jimmy D. Swanson, to be Colonel.

Army nomination of Ronald J. Sheldon, to be Colonel.

Army nominations beginning with Brian M. Boldt and ending with Christopher L. Tracy, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2008.

Army nomination of James K. McNeely, to be Major.

Navy nominations beginning with Stanley A. Okoro and ending with David B. Rosenberg, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2008.

Navy nomination of Robert S. McMaster, to be Lieutenant Commander.

Navy nomination of Christopher S. Kaplafka, to be Lieutenant Commander.

Navy nomination of David R. Eggleston, to be Lieutenant Commander.

Navy nominations beginning with Katherine A. Isgrig and ending with Jason C. Kedzierski, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Navy nominations beginning with Robert D. Younger and ending with Jeffrey W. Willis, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

By Mrs. FEINSTEIN for the Committee on Rules and Administration.

*Cynthia L. Bauerly, of Minnesota, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

*Caroline C. Hunter, of Florida, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

*Donald F. McGahn, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

By Mr. LEAHY for the Committee on the Judiciary.

Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. ALEXANDER:

S. 3048. A bill to amend the Internal Revenue Code of 1986 to make the allowance of bonus depreciation and the increased expensing limitations permanent; to the Committee on Finance.

By Mr. ALEXANDER:

S. 3049. A bill to amend the Internal Revenue Code of 1986 to make the capital gains and dividends rate permanent and to provide estate tax relief and reform, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3050. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus, and parts thereof, for use in the construction of an isotopic separation facility in southern New Mexico; to the Committee on Finance.

By Mr. GRAHAM:

S. 3051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 3054. A bill to require all automobiles manufactured or sold in the United States to be equipped with a real time and average fuel economy display; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. SALAZAR, Mrs. CLINTON, Mr. COLEMAN, Mr. TESTER, Mr. LUGAR, Mr. DURBIN, and Ms. COLLINS):

S. 3056. A bill to reduce the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, United States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family seperation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. 3058. A bill to prohibit the importation of certain products that contain or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 3060. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

By Mr. BIDEN (for himself and Mr. BROWNBACK):

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 3064. A bill to establish a multi-faceted approach to improve access and eliminate disparities in oral health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 3065. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 3066. A bill to designate certain National Forest System land in the Pike and San Isabel National Forests and certain land in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARNER, Mr. KERRY, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3069. A bill to designate certain land as wilderness in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. ENZI, Mr. BROWN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. WICKER, Mr. NELSON of Florida, Mr. BUNNING, Mr. INOUYE, Mr. CRAPO, Ms. MURKOWSKI, Mr. STEVENS, Mr. COCHRAN, Mr. ROBERTS, Mr. BARRASSO, Mr. ALEXANDER, Mr. ISAKSON, Mr. GREGG, Mr. SMITH, Mr. MARTINEZ, Mr. BENNETT, Mr. INHOFE, Mr. LUGAR, Mr. DEMINT, Mr. VITTER, Mr. MCCAIN, Mr. CORKER, Mr. HAGEL, Mr. CHAMBLISS, Mr. VOINOVICH, Mr. ALLARD, Mr. BURR, Mr. CRAIG, Mr. COLEMAN, Mr. WARNER, Mr. COBURN, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mrs. DOLE, Mr. BROWNBACK, and Mrs. LINCOLN):

S. 3070. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WICKER:

S. 3072. A bill to provide for comprehensive health reform; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUNE):

S. 3073. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 34. A joint resolution to provide a replacement laboratory and support space at the Smithsonian Environmental Research Center (SERC) Mathias Laboratory; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 35. A joint resolution to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 36. A joint resolution to provide replacement laboratory space for terrestrial research at the Smithsonian Tropical Research Institute; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 574. A resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately release from custody the children of Rebiya Kadeer and Canadian citizen Huseyin Celil and should refrain from further engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, and Ms. SNOWE):

S. Res. 575. A resolution expressing the support of the Senate for veteran entrepreneurs; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VOINOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. BARRASSO, Mr. GRASSLEY, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. INHOFE, Mrs. BOXER, Mr. COLEMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAIG, Mr. SANDERS, Mr. SPECTER, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. AKAKA, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER):

S. Res. 576. A resolution designating August 2008 as ''Digital Television Transition Awareness Month''; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. CHAMBLISS, Ms. SNOWE, Mr. CARPER, Mr. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAKSON, Mr. REID, and Mr. DORGAN):

S. Res. 577. A resolution to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies; considered and agreed to.

By Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska):

S. Res. 578. A resolution recognizing the 100th anniversary of the founding of the Congressional Club; considered and agreed to.

By Mr. VITTER (for himself, Mr. SHELBY, Mr. MARTINEZ, Ms. LANDRIEU, Mr. SESSIONS, Mr. DEMINT, Mr. BURR, and Mr. NELSON of Florida):

S. Res. 579. A resolution designating the week beginning May 26, 2008, as ''National Hurricane Preparedness Week''; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Con. Res. 84. A concurrent resolution honoring the memory of Robert Mondavi; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BYRD, Mrs. DOLE, Mr. MCCAIN, Mr. WARNER, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BURR):

S. Con. Res. 85. A concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War; considered and agreed to.

ADDITIONAL COSPONSORS

S. 612

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 612, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 678

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1253

At the request of Mr. BINGAMAN, the name of the Senator from Colorado

(Mr. ALLARD) was added as a cosponsor of S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1680

At the request of Ms. MURKOWSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1680, a bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1906

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2389

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2433

At the request of Mr. OBAMA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was withdrawn as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2560

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 2568

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2568, a bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2684

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2742

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2742, a bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator.

S. 2743

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2792

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2792, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 2854

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2854, a bill to amend title 10, United States Code, to clarify the effective date of active duty members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in

support of a contingency operation for purposes of entitlement to medical and dental care as members of the Armed Forces on active duty.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

At the request of Ms. STABENOW, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2931, supra.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2994

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2994, a bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

S. 3005

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3005, a bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes.

S. 3008

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

AMENDMENT NO. 4796

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4796 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 4800

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4800 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today, Senator LUGAR and I are introducing the Naval Vessel Transfer Act of 2008, a bill to permit the transfer of certain U.S. Navy vessels to particular foreign countries. All of the proposed ship transfer authorizations have been requested by the U.S. Navy, with the approval of the Office of Management and Budget.

Pursuant to section 824(b) of the National Defense Authorization Act for fiscal year 1994, as amended, 10 U.S.C. 7307(a), a naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation unless the disposition of that vessel is approved by law enacted after August 5, 1974. The bill we introduce today would provide that required approval for six transfers: a guided missile frigate for Pakistan; two minehunter coastal ships for Greece; an oiler for Chile; and two amphibious tank landing ships for Peru. These would all be grant transfers under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j). If any Member of this body has questions or concerns regarding one or more of the proposed ship transfers, please let us know.

The bill also contains provisions that are traditionally included in ship transfer bills, relating to transfer costs and repair and refurbishment of the ships, and exempting the value of a vessel transferred on a grant basis from the aggregate value of excess defense articles in a given fiscal year.

The authority provided by this bill would expire 2 years after the date of enactment of the bill.

Finally, the Department of Defense has provided the following information on this bill:

These proposed transfers would improve the United States' political and military relationships with close allies. They would support strategic engagement goals and regional security cooperation objectives. Active use of former naval vessels by coalition forces in support of regional priorities is more advantageous than retaining vessels in the Navy's inactive fleet and disposing of them by scrapping or another method.

The United States would incur no costs in transferring these naval vessels. The recipients would be responsible for all costs associated with the transfers, including maintenance, repairs, training, and fleet turnover costs.

This act does not alter the effect of the Toxic Substances Control Act, or any other law, with regard to their applicability to the transfer of ships by the U.S. to foreign countries for military or humanitarian use. The laws and regulations that apply today would apply in the same manner if this section were enacted.

The Secretary of the Navy, the Honorable Donald C. Winter, has added: ''Expeditious enactment of the proposal is in the best interests of the Navy's Maritime Strategy as it will allow us to strengthen the capabilities of partner nations.''

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3052

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 ''Naval Vessel Transfer Act of 2008''.

SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) PAKISTAN.—To the Government of Pakistan, the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG–8).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC–51) and ROBIN (MHC–54).

(3) CHILE.—To the Government of Chile, the KAISER class oiler ANDREW J. HIGGINS (AO–190).

(4) PERU.—To the Government of Peru, the NEWPORT class amphibious tank landing ships FRESNO (LST–1182) and RACINE (LST–1191).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section

shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senator CANTWELL, I introduce a bill to provide grants to Area Agencies on Aging to provide services to improve financial literacy among older individuals.

A number of trends have occurred over the past few years that make financial literacy a critical element of retirement security. The personal savings rate in the United States has declined dramatically over the last two decades. According to the Commerce Department, the personal savings rate was 0.2 percent in March of this year. This means for every $1,000 of after-tax income, the average person saved only $2.

In addition, the shift from defined benefit to defined contribution retirement plans has generally placed the burden on employees to effectively manage the investment of their pensions.

However, many Americans, including older Americans, lack financial literacy skills. In the 2008 Retirement Confidence Survey by EBRI/Matthew Greenwald & Associates, 40 percent of retirees surveyed reported that they are not knowledgeable about investments and investment strategies. In addition, a 2003 national survey by AARP of consumers aged 45 and older found that they often lacked knowledge of basic financial and investment terms. For example, only about half of respondents reported knowing that diversification of investments reduces risk.

The Smith-Cantwell bill will improve older Americans' financial literacy and help them better prepare for and manage their assets in retirement. Under the bill, grants will be provided to Area Agencies on Aging to enable these organizations to provide services to improve financial literacy among older individuals, especially older women. These services include education, training and other assistance.

This bipartisan financial literacy bill will help increase older Americans' financial literacy so they can make more informed and prudent investment and retirement planning decisions. And I am pleased that the Women's Institute for a Secure Retirement and the National Association of Area Agencies on Aging have both endorsed this bill.

I look forward to working with my colleagues to enact this important bill. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL LITERACY SERVICES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

''FINANCIAL LITERACY SERVICES

''SEC. 1150A. (a) DEFINITIONS.—In this section:

''(1) AREA AGENCY ON AGING.—The term 'area agency on aging' has the meaning given that term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(2) FINANCIAL LITERACY SERVICES.—The term 'financial literacy services' means the services described in subsection (b)(1).

''(3) OLDER INDIVIDUAL.—The term 'older individual' has the meaning given that term in such section 102.

''(b) GRANTS FOR SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to eligible entities and other entities determined appropriate by the Secretary to enable the entities to provide services to improve financial literacy among older individuals, including older individuals who are women, and the family members and legal representatives of such individuals. The Secretary shall make the grants on a competitive basis, and nationwide.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be an area agency on aging or another entity that meets such requirements as the Secretary may specify.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. In the case of an entity who intends to provide the financial literacy services jointly with other services as described in paragraph (4)(C), the application shall include information demonstrating that the entity has the capacity to provide the services jointly.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant to provide financial literacy services, such as financial literacy education, training, and assistance.

''(B) PROVISION THROUGH CONTRACTS.—The entity may provide the services directly or by entering into a contract with an organization that provides counseling, advice, or representation to older individuals and the family members and legal representatives of such individuals in a community served by the entity.

''(C) PROVISION WITH OTHER SERVICES.—The entity may provide the services alone or jointly with other services provided by or funded by the eligible entity, such as—

''(i) services provided through State Health Insurance Assistance Programs;

''(ii) services provided through a Long-Term Care Ombudsman program under section 307(a)(9) or 712 of the Older Americans Act of 1965 (42 U.S.C. 3027, 3058g);

''(iii) information and assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

''(iv) legal assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

''(v) services provided through Senior Medicare Patrol Projects conducted by the Administration on Aging;

''(vi) case management services; and

''(vii) services provided through Aging and Disability Resource Centers.

''(5) REPORT.—The Secretary shall submit to Congress an annual report on the activities carried out by entities under a grant under this subsection.

''(c) NATIONAL SUPPORT CENTER FOR FINANCIAL LITERACY GRANT.—

''(1) IN GENERAL.—The Secretary may make a grant to an eligible center to coordinate the services provided through, and support the grant recipients under, the grant program carried out under subsection (b).

''(2) ELIGIBLE CENTER.—To be eligible to receive a grant under this subsection, a center shall—

''(A) be an entity that is housed within an organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;

''(B) have a minimum of 10 years experience operating a national program and support center with a focus on financial literacy; and

''(C) be primarily engaged in outreach and training activities designed to provide financial education and retirement planning for low- and moderate-income individuals, particularly with respect to women; and

''(D) have a demonstrated record of collaboration with organizations that focus on the needs of low- and moderate-income individuals and with national organizations serving the elderly, including those working with area agencies on aging and women, as well as organizations with expertise in financial services and related fields.

''(3) USE OF FUNDS.—A center that receives a grant under this subsection shall use the funds made available through the grant to—

''(A) design and conduct training (which may include providing training for trainers) related to financial literacy services;

''(B) provide curricula for financial literacy services;

''(C) develop and disseminate relevant information about financial literacy services;

''(D) conduct outreach to national, State, and community organizations through a series of strategic partnerships in order to improve financial literacy among older individuals and the family members and legal representatives of such individuals;

''(E) provide technical assistance to the grant recipients under subsection (b) with respect to the program; and

''(F) collect data from such grant recipients about the services provided under this section, and the impact of those services.

''(4) ADDRESSING CHALLENGES TO WOMEN IN SECURING ADEQUATE RETIREMENT INCOME.—In addition to the activities described in paragraph (3), a center that receives a grant under this subsection shall use the funds made available through the grant to conduct activities that are focused on addressing the challenges faced by older women, women of color, single women, and women who are heads of households to securing an adequate retirement income.

''(d) COORDINATION.—The Secretary shall ensure that the activities carried out under the grant program under subsection (b) and under a grant made under subsection (c) are

coordinated with the activities carried out by—

''(1) the Office of Financial Education of the Department of the Treasury; and

''(2) the Financial Literacy and Education Commission established under section 513 of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702).

''(e) FUNDING.—The Secretary of the Treasury shall transfer to the Secretary of Health and Human Services from the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund established under section 201 such funds as are necessary for making grants under this section.''.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with Senator SMITH, I am introducing a bill to exempt wooden practice arrows from the unfair impact of an excise tax designed for much more expensive hunter and professional arrows. The JOBS Act of 2004 changed the tax on all arrows from 12.4 percent of an arrow's value to a fixed amount, adjusted for inflation, that now stands at 39 cents per arrow. Under the prior law, wooden practice arrows that cost 30 cents paid a tax of 3.6 cents. Under the current fixed tax, the same practice arrows are now assessed a tax of 39 cents per arrow, more than doubling the arrows' cost to the camps, schools and Boy Scouts that use them. The fixed tax is suited to the higher cost of hunter and professional arrows, which sell for up to $100 apiece. It is not suited for the less costly practice arrows and these should be made exempt as our legislation would do. The Archery Trade Association, which represents arrow makers large and small, supports this bill and agrees that the newer fixed tax unfairly and unintentionally hurts the makers and users of wooden practice arrows. Moreover, there is a precedent for exempting practice arrows, because Code section 4161 exempts youth bows, defined by their draw weight, from taxes. The Joint Committee on Taxation puts the cost of this arrows bill as $2 million over 10 years. This seems a small price to pay to help wooden arrow manufacturers struggling to stay in business in Oregon and 9 other States: Washington, Wisconsin, Arizona, Minnesota, Indiana, Virginia, New York, Utah and Texas. I urge my colleagues to support reform of the arrow excise tax to help both the makers and users of children's wooden practice arrows.

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. 3055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF RATE OF EXCISE TAX ON CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) of the Internal Revenue Code of 1986 (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, Unite States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family separation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

Mr SMITH. Mr. President, I rise today to honor our Nation's veterans and their families. As we approach Memorial Day and reflect upon the countless sacrifices of our service men and women, we must also take a moment and remember our military families. These families have shouldered the burden of our military engagements, going extended periods, sometimes years, without seeing their spouse, their mother, or their father. To help alleviate this burden, Senator FEINSTEIN and I are introducing the Military Family Separation Benefit Enhancement Act.

The Military Family Separation Benefit Enhancement Act would peg the Family Separation Allowance to the Consumer Price Index, allowing for increases in the benefit, providing some additional relief to military families separated by deployments. The Family Separation Allowance is a benefit awarded to our military families when a service man or woman with dependents is deployed overseas for 30 days or more. The current amount of the Family Separation Allowance is only $250, which does not have much purchasing power in these days of high fuel and food prices. The Family Separation Allowance remains at $250, regardless of economic conditions.

When a service member is deployed, a family experiences new and unexpected costs. Oftentimes, the deployed service member is a vital part of a household, helping to raise children, perform various community services and complete chores around the house. Therefore, many of our military families are forced to seek additional help. Families must pay for extra child care or for a lawn care service, tasks that often are the deployed service member's responsibility.

Pegging the Family Separation Allowance to the Consumer Price Index will better reflect the economic burdens our military families encounter. The FSA will not be stuck at $250 a month when fuel costs are skyrocketing and food prices continue to rise.

The Military Family Separation Benefit Enhancement Act also creates a new Family Separation Allowance for those service members who do not have dependents. Just because a service member does not have dependents does not mean he or she will not need help at home while overseas. Many still need help maintaining their lawn, ensuring the upkeep of their house, or providing for the storage of their car.

Our bill is a means to help our military families and those who serve. Deploying overseas is a difficult adjustment for our military families and this legislation will provide some relief.

I ask my colleagues to join Senator FEINSTEIN and me to pass the Military Family Separation Benefit Enhancement Act.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise today to introduce the Commercial Truck Fuel Savings Demonstration Act of 2008, which would help address the growing crisis of energy costs for our Nation's trucking industry.

Our Nation faces record high energy prices, affecting almost every aspect of daily life. The rapidly growing price of diesel is putting an increasing strain on our trucking industry. The U.S. average on diesel prices reached $3.50 a gallon in February 2008 and prices have not gone below this amount since that time. The average price of diesel this week is $4.50. Escalating fuel costs are especially devastating in states where the cost of diesel fuel is exacerbated by Federal weight limit restrictions that prohibit trucks that carry more than 80,000 pounds from traveling on the Federal interstate system.

For example, under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the State Turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced

onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

The Commercial Truck Fuel Savings Demonstration Act of 2008, which I am introducing today, will provide immediate savings to our truckers. My bill creates a 2-year year pilot program that would permit trucks carrying up to 100,000 pounds to travel on the Federal interstate system whenever diesel prices are at or above $3.50 a gallon. This legislation does not mandate that each state participate in the pilot program, but gives each state the opportunity, during this time of high fuel costs, to offer relief to their trucking industries.

Permitting trucks to carry up to 100,000 pounds on Federal highways would lessen the fuel cost burden on truckers in three ways: First, raising the weight limit would allow trucking companies to put more cargo in each truck, thereby reducing the numbers of trucks needed to transport goods: Second, trucks carrying up to 100,000 pounds would no longer need to move off the main Federal highways where trucks are limited at 80,000 pounds and take less direct routes on local roads requiring considerably more diesel fuel and extended periods of idling during each trip; and third, trucks traveling on the interstate system would save on fuel costs due to the much superior road design of the interstate system as compared to the rural and urban state road systems.

I recently met with Kurt Babineau, a small business owner and second generation logger and trucker from my State who has been struggling with the increasing costs of running his operation. Mr. Babineau's operation works just east of central Maine on the outskirts of the town of Mattawamkeag. All of the pulpwood his business produces, which is roughly 50 percent of his total harvest, is transported to Verso Paper, which is located in the southwestern part of the State, in the town of Jay. The distance his trucks must travel is 165 miles and a round trip takes approximately 8 hours to complete.

If Mr. Babineau's trucks were permitted to use Interstate 95, this would reduce the distance his trucks must travel to approximately 100 miles and would shave one hour off the time it takes his trucks to make their delivery to Verso Paper, saving his operation both time and fuel.

The results of less fuel consumption from decreased distance traveled would create significant savings for Mr. Babineau's operation. His trucks average 4 miles to the gallon, which calculates to approximately 11.8 gallons an hour. Permitting trucks to travel on Interstate 95 would save Mr. Babineau 118 gallons of fuel each week. The current cost of diesel fuel in his area is approximately $4.42 per gallon, and therefore, combined with time saved on wages for drivers, his savings would estimate to nearly $697 a week.

If you applied this savings to one year of trucking for Mr. Babineau's company alone, it would save his operation over $33,400 a year and 5,664 gallons of fuel over the same period. These savings are not only beneficial to Mr. Babineau's business, his employees, and the consumer, but also to our Nation, as we look for ways to decrease on our overall fuel consumption.

Trucking is the cornerstone of our economy as most of our goods are transported by trucks at some point in the supply chain. Some independent truckers in my state already have been forced out of business due to rising fuel costs and more businesses are facing a similar fate if Congress does not act soon to address our growing energy crisis. The Commercial Truck Fuel Savings Demonstration Act offers an immediate and cost effective way to help our Nation's struggling trucking industry. I am pleased that Senator SNOWE has joined me as an original cosponsor of the bill, and I urge all my colleagues to support this important legislation.

Ms. SNOWE. Mr. President, I rise today to commend my colleague from Maine, Senator COLLINS, in introducing legislation critical to rectifying not only a serious impediment to the movement of international commerce, but more importantly, will improve safety on our secondary roads and sustain a commercial trucking industry suffering from an astonishing rise in diesel prices.

There are some of our colleagues who believe that expanding upon the current Federal truck weight limitation of 80,000 pounds is dangerous, compromising the safety of passenger vehicles driver who may be faced with a truck weighing as much as 143,000 pounds, the limit on Interstates in Massachusetts and New York. I certainly concur that safety of such drivers is very important, and I have the record to back that up. Yet, in some areas the imposition of this outdated patchwork of weight limits puts the safety of pedestrians and the motor carrier operators themselves at risk.

Take the situation we face in Maine, where we currently have a limited exemption along the southern portion of the Maine turnpike. Many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel teeter past elementary schools, libraries, and weaving through traffic to reach locations like our Air National Guard station. Not only is that an inefficient method of bringing necessary fuel to Guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed last year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate. So I ask you, is the so-called safety argument truly a legitimate reason for opposition as my constituents and many others across small American communities are taking their lives in their hands when merely crossing Main Street?

As laid out in this legislation, it is obvious Senator COLLINS has a clear understanding of this safety issue, crafting a strategy that quantifies any potential risks to safety, and places the gathering of that data in the hands of the nonpartisan Government Accountability Office. It is my expectation that, like earlier studies that have indicated traffic fatalities involving trucks weighing 100,000 pounds are ten times greater on secondary roads than on exempted Interstates, the data collected by the GAO will point the way to a permanent solution that will enable America to harmonize the myriad weight limits across our Nation's highways.

This legislation also exhibits a true sensitivity to one of the greatest problems facing the domestic trucking industry, particularly our smaller operators: the cost of fuel. This is a problem that cannot be ignored. The price of diesel nationally as I make this statement is four dollars and 49 cents. One year ago today, it was two dollars and 82 cents! We must act.

As a result of this legislation, motor carriers will be able to expand their ability to carry loads when the price of diesel surpasses three dollars and fifty cents per gallon. While this will only affect some states that face a federal interstate system without a weight exemption, it will greatly facilitate the movement of goods across this country. Given that volume of goods projected to enter this country is forecast to increase by over 100 percent, we need a forward-thinking, intermodal plan in place. Having a greater synergy in terms of our weight limits will not only assist our Nation's struggling trucking industry, but will simplify the flow of goods moving across our country and augment our Nation's economy.

I would like to thank Senator COLLINS for her steadfast efforts and innovative thinking on this legislation as, side-by-side, we will continue to seek a resolution to this issue, which, to my eyes, is a simple matter of fairness.

By Mr. BIDEN (for himself and Mr. BROWNBACK):

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the William Wilberforce Trafficking Victims Protection

Reauthorization Act of 2008. The Trafficking Victims Protection Act was authored 8 years ago by Senator BROWNBACK and the late Senator WELLSTONE, and since then, through two re-authorizations, has been a tremendous asset in preventing and prosecuting human trafficking crimes. Today, I am honored to be able to introduce legislation to reauthorize these valuable programs with my distinguished colleague, Senator BROWNBACK.

Human trafficking is a major problem worldwide and the challenges remain great. According to the most recent State Department report, roughly 800,000 individuals are trafficked each year, the overwhelming majority of them women and children. The FBI estimates approximately $9.5 billion is generated annually for organized crime from trafficking in persons. The International Labor Organization estimates that, at present, 2.4 million persons have been trafficked into situations of forced labor.

These victims are trafficked in a variety of ways. Sometimes they are kidnapped outright, but many times they are lured with dubious job offers, or false marriage opportunities. The traffickers capitalize on the victims' desire to seek a better life, and trap them with lifetime debt bondages that degrade and destroy their lives.

Since 2000, the Trafficking Victims Protection Act has provided us effective tools, and in this reauthorization, our aim is to take the successes and lessons of eight years of progress and expand our abilities to combat human trafficking. In Title I, the legislation focuses on combating human trafficking internationally by broadening the U.S. interagency task force charged with monitoring and combating trafficking, and increasing the authority to the State Department Office to Monitor and Combat Trafficking. Because of the difficulty in accurately understanding the full scope of the problem globally, we also include provisions to coordinate our multiple federal databases, and set a reporting requirement to address forced labor and child labor.

Today's reauthorization bill also expands our ability to combat trafficking in the United States. We've provided for certain improvements to the T-visa program, which protects trafficking victims and their families from retaliation, so that we can have their help in bringing traffickers to justice, without the victim fearing harm to themselves or their loved ones. We also expand authority for U.S. Government programs to help those who have been trafficked, and require a study to outline any additional gaps in assistance that may exist. Finally, we establish some powerful new legal tools, including increasing the jurisdiction of the courts, enhancing penalties for trafficking offenses, punishing those who profit from trafficked labor and ensuring restitution of forfeited assets to victims.

Human trafficking is a daunting and critical global issue. I urge my colleagues to support this reauthorization and work with Senator BROWNBACK and me to pass it in the Senate as quickly as possible.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008

SECTION-BY-SECTION DESCRIPTION

Section 1. Short title; table of contents

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Section 101. Interagency task force to monitor and combat trafficking

Section 101 adds the Secretary of Education to the existing interagency task force to monitor and combat trafficking.

Section 102. Office to monitor and combat trafficking

Section 102 provides for several amendments to Section 105(b) of the Trafficking Victims Protection Act (TVPA) related to the State Department's Office to Monitor and Combat Trafficking (the TIP Office) including mandating the office, conferring additional responsibility to the Director to work on public-private partnerships to combat trafficking and providing that the Director of the office have the ability to review and concur in State Department anti-trafficking programs that are not managed by the Office to Monitor and Combat Trafficking (TIP Office).

Section 103. Assistance for victims of trafficking in other countries

Section 103 amends section 107(a) of the TVPA, including ensuring that programs take into account the transnational aspects of trafficking, support increased protection for refugees, internally displaced persons and trafficked children and emphasize cooperative, regional efforts.

Section 104. Increasing effectiveness of anti-trafficking programs

Section 104 creates a new section to the TVPA to increase the effectiveness of anti-trafficking programs by providing that solicitation of grants be made publicly available and awarded by a transparent process with a review panel of Federal and private sector experts, when appropriate. The provision provides a mandated evaluation system for anti-trafficking programs on a program-by-program basis. It requires that priorities and country assessments contained in the most recent annual Report on Human Trafficking shall guide grant priorities. It provides that not more than 5 percent of the appropriations may be used for evaluations of specific programs or for evaluations of emerging problems or trends in the field of human trafficking.

Section 105. Minimum standards for the elimination of trafficking

Section 105 amends section 108(b) of the TVPA by clarifying that in evaluating whether a country's anti-trafficking efforts convictions of principal actors that result in suspended or significantly reduced sentences shall be considered on a case-by-case basis.

Section 106. Actions against governments failing to meet minimum standards

Section 106 amends Section 110 of the TVPA by providing that if a country has been on the special watch list for three consecutive years, such country shall be deemed to be not making significant efforts to combat trafficking and shall be included in the list of countries described in paragraph (1)(C). The subsection includes a Presidential waiver for up to one year if it would promote the purposes of the act or is in the national interest of the United States.

Section 107. Research on domestic and international trafficking in persons

Section 107 amends section 112A of the TVPA by requiring the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center, details the purposes of the database, and authorizes $3 million annually to the Human Smuggling and Trafficking Center to carry out these activities.

Section 108. Presidential award for extraordinary efforts to combat trafficking in persons

Section 108 authorizes the President to establish a ''Paul D. Wellstone Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons'' for persons who provided extraordinary service in efforts to combat trafficking in persons.

Section 109. Report on activities of the department of labor to monitor and combat forced labor and child labor

Section 109 requires that the Secretary of Labor provide a final report that describes the implementation of section 105 of the TVPRA of 2005, including a list of imported goods made with forced and/or child labor.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Section 201. Protecting trafficking victims against retaliation

Subsection (a) of Section 201 amends section 101(1)(15)(T) of the Immigration and Nationality Act (INA) to provide for certain changes to the T visa for trafficking victims. Paragraph (1) allows persons who are brought into the country,for investigations or as witnesses to apply for such a visa. It also allows a T visa for persons who are not able to assist law enforcement because of the physical or psychological trauma; it also clarifies the existing language in the T Visa authorization and eliminates the ''unusual and severe harm'' standard.

Paragraph (2) allows parents and siblings who are in danger of retaliation to join the trafficking victims safely in the United States. Subsection (b) modifies certain requirements of the T Visa contained in section 214(o) of the INA, including allowing 2 the extension of time for a T Visa in exceptional circumstances and providing that the Secretary of Homeland Security may look at certain security and other conditions in the applicant's home country in making the determination that extreme hardship exists.

Subsection (d) provides for certain changes to section 245(1) of the INA relating to adjustment of status of T visa holders, including providing that the Secretary of Homeland Security may waive the restriction on disqualification for good moral character for T visa holders applying for permanent residence alien status if the actions that would have led to the disqualification are caused by or incident to the trafficking.

Section 202. Information for work-based non-immigrants on legal rights and resources

Section 202 requires the Secretary of Homeland Security to create an information pamphlet for work-based non-immigrant visa applications. The pamphlet will detail the illegality of human trafficking and reiterate worker rights and information for related services.

Section 203. Domestic worker protections

Section 203 sets forth new protections for trafficked domestic household workers and preventative measures to be followed by the State Department. Subsection (b) states that

the Secretary of State shall develop an information pamphlet for A–3 and G5 visa applicants and describes the required information to be included in the pamphlets. It mandates that the pamphlets be translated into at least ten languages and mailed to each A–3 or G–5 visa applicant in his/her primary language.

Subsection (c) provides the circumstances in which the Secretary may suspend a visa or renew a visa, as well as when the Secretary is not permitted to issue a visa.

Subsection (d) provides the protections and remedies for A–3 and G–5 visa holders working in the United States.

Subsection (e) ensures protection from removal for visa holders wanting to file a complaint regarding a violation of contract or some Federal, State, or local law to allow time sufficient to participate fully in all legal proceedings.

Subsection (f) requires that every two years the Secretary of State shall submit a report on the implementation of this section and describes the necessary content of the report.

Section 204. Relief for certain victims pending actions on petitions and applications for relief

Section 204 allows the Secretary of Homeland Security to stay the removal of an individual which has made a prima case for approval of a T Visa.

Section 205. Expansion of authority to permit continued presence in the United States

Section 205 expands the authority to permit the Secretary of Homeland Security to permit continued presence of trafficking victims, including if the alien has filed a civil action against the trafficking perpetrators (unless the alien is not showing due diligence in pursuing his civil action). It also allows for parole into the United States of certain relatives of trafficking victims with several limitations.

Section 206. Implementation of trafficking victims protection reauthorization act of 2005

Section 206 amends the Immigration and Nationality act and requires the Secretary of Homeland Security to issue interim regulations on the adjustment of status to permanent residence for T Visa holders.

Subtitle B—Assistance for Trafficking Victims

Section 211. Assistance for certain nonimmigrant status applicants

Section 211 clarifies that T-visa applicants have access to certain public benefits.

Section 212. Interim assistance for child victims of trafficking

Subsection (a) of Section 212 provides that if credible information is presented that a child has been a trafficking victim, the Secretary of HHS may provide interim assistance to the child for up to 90 days. Subsection (a) also provides that any federal official must notify HHS within 48 hours of coming into contact with such child and that State or local officials must notify HHS within 48 hours of coming into contact with such a child. Long term assistance determinations are to be made by the Secretary of HHS, the Attorney General and the Secretary of Department of Homeland Security.

Subsection (b) provides for education on identification of trafficking victims.

Section 213. Ensuring assistance for all victims of trafficking in persons

Subsection (a) of Section 213 amends the TVPA of 2000 to specifically authorize an assistance program for victims of severe forms of trafficking of persons and provides for establishing a system that refers such victims to existing programs at the Department of Health and Human Services and the Department of Justice.

Subsection (b) requires a study on the gaps for assistance to women in prostitution victimized under chapter 117 of title 18.

Subtitle C—Penalties Against Traffickers and Other Crimes

Section 221. Restitution of forfeited assets; enhancement of civil action

Section 221 amends chapter 77 of title 18 by allowing the Attorney General in a prosecution brought under Federal law to grant restoration or remission of property to victims of severe forms of trafficking.

Section 222. Enhancing trafficking offenses

Section 222 amends title 18 of the U.S. Code to enhance existing penalties for trafficking offenses. Subsection (a) permits pretrial detention for trafficking offenders. Subsection (b) ensures that obstruction or attempts to obstruct or in any way interfere with enforcement of the trafficking statutes is a separate offense. Subsection (c) ensures that trafficking conspirators are punished as though they had completed a violation. Subsection (d) amends the trafficking statutes to hold accountable those who knowingly or in reckless disregard financially benefit from participation in a trafficking venture; it also amends the forced labor and sex trafficking statutes to clarify the definition of ''harm'' and ''abuse of the law or legal process.'' Subsection (e) tightens the immigration law to ensure that committing or conspiring to commit trafficking offenses are grounds of inadmissibility and removability. The provision also creates a new crime of sex tourism that punishes individuals who go abroad for sex tourism and sex tour operators that benefit from such promoting such travel.

Section 223. Jurisdiction in certain trafficking offenses

Section 223 amends chapter 77 of title 18 by increasing the jurisdiction of the courts to include any trafficking case found in or brought into the United States, even if the conduct occurred in a different country, as long as no more than ten years have passed.

Subtitle D—Activities of the United States Government

Section 231. Annual report by the Attorney General

Section 231 requires that the annual report by the Attorney General include activities by the Department of Defense to combat trafficking in persons, actions taken to enforce policies relating to contractors and their employees, actions by the Secretary of Homeland Security to waive restrictions on section 307 of the Tariff Act of 1930, and prohibitions on procurement of items or services produced by slave labor.

Section 232. Defense Contract Audit Agency audit

Section 232 requires the Defense Contract Audit Agency to conduct an audit of all Department of Defense contractors and subcontractors where there is substantial evidence to suggest trafficking in persons, notify congress of the findings of each audit, and certify that the contractor is no longer engaging in such activities.

Section 233. Senior policy operating group

Section 233 amends section 206 of the TVPRA of 2005 to ensure that the Senior Policy Operating Group reviews all anti-trafficking programs.

Section 234. Preventing United States travel by traffickers

Section 234 provides that the Secretary of State may prohibit the entry into the United States of traffickers.

Section 235. Enhancing efforts to combat the trafficking of children

Section 235 sets forth comprehensive protections for child victims of trafficking and other unaccompanied alien children, including the following the provisions: (1) Care and Custody of Unaccompanied Children: Care and custody of all unaccompanied alien children shall be the responsibility of Health and Human Services; (2) Transfer of Custody: Consistent with the Homeland Security Act of 2002, requires all departments or agencies of the federal government to notify the Department of Health and Human Services (HHS) within 48 hours. The custody of most unaccompanied alien children encountered by immigration authorities must be transferred to the Secretary of Health and Human Services within 72 hours with special rules for children who have committed crimes or threaten national security; (3) Special Repatriation Procedures and Safeguards for Mexican and Canadian Nationals: Permits the Department of Homeland Security to repatriate promptly certain unaccompanied alien children from Canada or Mexico apprehended provided that those Canadian and Mexican unaccompanied alien children who are victims of severe forms of trafficking or have a fear of persecution; (4) Safe and Secure Placements: An unaccompanied alien child in the custody of HHS shall be placed in the least restrictive setting that is in the best interests of the child. Placement of child trafficking victims may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of support; (5) Standards for Placement: An unaccompanied child may not be placed with a person or entity unless HHS makes a determination that the proposed custodian is capable of providing for the child; (5) Representation: All unaccompanied alien children who are or have been in government custody, must have competent counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking; (6) Special Immigrant Juvenile Status: Revises procedures for obtaining special immigrant juvenile status provided for under the Immigration and Nationality Act.

Section 236. Temporary increase in fee for certain consular services

Section 236 allows the Secretary of State to increase the fee for processing machine readable non-immigrant visas by two dollars. This increase shall be deposited in the Treasury and will terminate two years following the initial increase.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

This title and the sections within it provide authorization of appropriations for various trafficking programs.

TITLE IV—CHILD SOLDIERS PREVENTION AND ACCOUNTABILITY

Section 401. Short title

Section 401 provides that this title may be referred to as the ''Child Soldier Prevention and Accountability Act of 2008''.

Section 402. Definitions

Section 402 provides for various definitions used throughout the Act.

Section 403. Prohibition

Subsection (a) of Section 403 prohibits military assistance, the transfer of excess defense articles, or licenses for direct sales of military equipment to governments that the State Department's annual human rights report indicates have governmental armed forces or government-supported armed forces, including paramilitaries, militias or civil defense forces that recruit or use child soldiers.

Subsection (b) provides that the Secretary of State formally notify any government of such prohibitions.

Subsection (c) provides that the President may waive the restriction in subsection (a) if doing so is in the national interest of the United States. The President must publish each waiver granted, and its justification, within 45 calendar days.

Subsection (d) provides that the President may reinstate assistance which is restricted if the Government has implemented measures to come into compliance with this title and has implemented policies to prohibit and prevent future governmentsupported use of child soldiers.

Subsection (e) provides that notwithstanding the restriction in subsection (a), assistance for international military education and training and nonlethal supplies may be provided for up to two years s/he certifies that the government of that country is taking steps to implement effective measures to demobilize child soldiers and the assistance is provided to directly support professionalization of the military.

Section 404. Reports

Subsection (a) of Section 404 provides that the Secretary of State and U.S. missions abroad thoroughly investigate reports of the use of child soldiers.

Subsection (b) clarifies that the Secretary of State, in the annual Human Rights Report, must include a description of the use of child soldiers, including trends toward improvement or the continued or increased tolerance of such practices and the role of the government in engaging in or tolerating the use of child soldiers.

Subsection (c) requires that the President submit an annual report to the appropriate congressional committees that contains a list of countries in violation of standards under this subtitle, a list of any waivers or exceptions, justification for any such waivers and exceptions, and a description of any assistance provided under this subtitle.

Subsection (d) provides that not less than 180 days after implementation of the Act, the Secretaries of State and Defense shall submit a strategy and a coordination plan for achieving the policy objectives described in this Act.

Section 405. Training for foreign service officers

Section 405 establishes a requirement for training relevant Foreign Service officers in the assessment of child soldier use and other matters related to child soldiers.

Section 406. Effective date; Applicability

Section 406 states that the amendments made under this section shall take effect 180 days after the date of the enactment of this Act.

Sec. 407. Accountability for the recruitment and use of child soldiers

Subsection (a)(1) of Section 407 amends chapter 118 of title 18 by adding the offense of recruiting persons less than 15 years of age into an armed force or knowingly using a person under 15 in hostilities, and provides for terms of imprisonment. This subsection also provides that anyone attempting or conspiring to commit an offense under this section shall be punished in the same manner as someone who completes the offense, establishes the jurisdiction of the code, and provides for definitions used in this section.

Subsection (a)(2) establishes a statute of limitations of 10 years for prosecution under this code.

Subsection (b) makes participation in recruiting or using child soldiers grounds for inadmissibility or deportation under U.S. immigration law.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, this weekend is the unofficial beginning of summer and the start of the summer driving season. This is as oil hits $135 per barrel and more and more cities and towns all over the country are seeing gasoline prices over $4 per gallon. In the face of these challenges to the American economy and consumer, we have failed to take the steps that are necessary to address this problem either in the short term or the long term.

Last week, the House and Senate voted to suspend filling the Strategic Petroleum Reserve. I voted against that effort as many on the other side hailed it as a major move that would help to alleviate ''pain at the pump.'' Instead, oil prices have continued to increase every day since that measure passed. I think this demonstrates that adding a mere 70,000 barrels a day to the marketplace means little when we consume 21 million barrels of oil per day in this country alone.

Oil shale can be a major part of addressing rising oil prices by potentially bringing over 1 trillion barrels of oil to the domestic market. There are enormous oil shale reserves located in Colorado, Wyoming, and Utah. Oil shale is energy we can develop here at home to lower gas prices, increase our Nation's security, and improve our balance of trade by keeping money and investment in the United States rather than sending hundreds of billions of dollars overseas—frequently to governments, I might add, that are unstable or whose interests are counter to those of this country. It will also bring in billions of dollars to the States and the Federal Treasury in the form of future royalties.

This bill is necessary because the fiscal year 2008 Interior, Environment, and Related Agencies bill has language prohibiting funds from being used by the Department of the Interior to prepare final regulations and will set forth the requirements for a commercial leasing program for oil shale resources or to conduct an oil shale lease sale as provided in the Energy Policy Act of 2005. Without removing this moratorium—and it is a moratorium—companies will not know the rules of the road so they can make investment decisions, things such as what the length of the oil shale leases will be, the royalty rate, and reclamation and bonding requirements.

I have a letter from the Assistant Secretary for Lands and Minerals at the Department of the Interior, Stephen Allred, dated May 14 in support of removing the prohibition contained in last year's Interior bill on the Department of the Interior issuing oil shale regulations. I ask unanimous consent at this time to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. WAYNE ALLARD,
Ranking Minority, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: Section 433 of the FY 2008 Interior, Environment and Related Agencies Appropriations Act prohibits our Department from issuing regulations related to oil shale leasing. This letter is to communicate our opposition to this prohibition and to urge its removal, so that the Administration can move forward and issue regulations.

As you know, in Section 369 of the Energy Policy Act of 2005, the Congress directed the Department to take the steps necessary to meet future requests for a commercial oil shale leasing program on Federal lands. In 2007, the Bureau of Land Management authorized six oil shale research, development, and demonstration projects on public lands in northwestern Colorado and northeastern Utah. These projects provide industry access to oil shale resources to further their development of oil shale technologies.

This type of research will require significant private capital, with an uncertain return on this investment in the immediate future. Part of the wisdom of Section 369 is that it envisions the private sector will lead this investment—not the American taxpayer. However, for these projects to be successful, companies will require a level playing field and a clear set of regulations or ''rules of the road.'' Developing a regulatory framework now will aid in facilitating a producing program in the future should oil shale development prove to be economic. Impeding the Federal Government's efforts at this stage could have serious consequences.

Moving forward with these regulations does not mean commercial oil shale production will take place immediately. To the contrary, with thoughtfully developed regulations, thoroughly vetted through a public process, we have only set the groundwork for the future commercial development of this resource in an environmentally sound manner. With the administrative and regulatory certainty that regulations will provide, energy companies will be encouraged to commit the financial resources needed to fund their RD&D projects, and the development of viable technology will continue to advance. Actual commercial development and production will be dependent upon the results of the RD&D efforts and more site-specific environmental evaluations.

Consistent with the language in the Consolidated Appropriations Act for FY 2008, the BLM is not spending FY 2008 funds to develop and publish final oil shale regulations; however, the agency is moving forward in a thoughtful, deliberative manner to publish proposed regulations on oil shale. These proposed regulations will reflect input already received from our partners in the states. The publication of the draft regulations will provide an opportunity for the public and interested parties to remain engaged on this important issue.

Given the Nation's projected future energy needs, it is incumbent on us to promote the development of oil shale for our national security and energy security. Declining domestic oil production and rising U.S. demand for oil increase the Nation's dependence on imports, and leave us vulnerable to rising energy costs. Households across America are struggling to deal with these additional costs and experts predict that the trend is

set to continue. In looking beyond traditional energy resources to unconventional and alternative fuels, the Department of the Interior has a key role to play in the development of oil shale.

I ask for your support for removal of the prohibition on issuing oil shale regulations in order that we may move forward with the public process of finalizing regulations for commercial oil shale development on Federal lands. I commit to working closely with the Congress throughout the development of this program.

A similar letter has been sent to the Honorable Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate, the Honorable Norman D. Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives, and the Honorable Todd Tiahrt, Ranking Minority Member, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives.

Sincerely,

C. STEPHEN ALLRED,
Assistant Secretary,
Land and Minerals Management.

Mr. ALLARD. Mr. President, Allred points out that issuing these regulations is critical to providing regulatory certainty for these oil shale projects to go forward. With the regulatory certainty these regulations will provide, companies will have an incentive to commit the resources necessary to develop this technology.

I also have a letter from Secretary of the Interior Dirk Kempthorne dated December 12, 2007, objecting to the inclusion of this moratorium that was in the House version of the fiscal year 2008 Interior appropriations. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical ''rules of the road'' upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. Mr. President, Secretary Kempthorne also indicates the critical nature of allowing the Department to issue these regulations in order to attract the private investment necessary to develop the oil shale resource.

Let me emphasize that this is not an environmental issue. No commercial lease sales are permitted under the provisions of this bill. In fact, commercial oil shale leases are banned for 2½ years because the technology for oil shale extraction is not yet economically viable on a wide scale. But, as I have said, the companies that invested tens of millions of dollars in this technology already need to have the Department of Interior issue the leasing ground rules so that they know what their costs will be for taking part in the Federal commercial leasing program when the time for leasing comes.

My bill also makes sure there is adequate public comment by requiring that final regulations not be issued for at least 90 days after they have been published in draft form.

When I offered this as an amendment in the Appropriations Committee, it was defeated by one vote and strictly along party lines. I heard from the other side of the aisle that because the Governor of Colorado and the junior Senator from Colorado opposed lifting this moratorium, Congress should not do so. I find this curious and incredibly inconsistent with prior debates over public lands policy. When we have debated drilling in the section 1002 area of ANWR, the other side seems to have little or no regard for the desires of Alaska's Governor, the people of the State of Alaska, or the entire congressional delegation about how they want their public lands managed.

On this side of the aisle—that is, the Republican side of the aisle—we have offered proposals to bring to market billions of barrels of domestic supply that are continually blocked. If we don't begin to put in place policies to enhance our domestic production, prices are only going to go higher and the American people are going to pay the price at the pump as well as suffer the consequences of a further drag on the economy.

In closing, I wish to state that increasing domestic energy production, including from oil shale, will strengthen this country's national security, lower gas prices, keep jobs and investments right here at home, and, in these tight budgetary times, bring in hundreds of billions of dollars to the States and the Federal Treasury through royalty collections.

Congress needs to take a good, hard look at what it has done as far as encouraging further supply of energy for this country. As was mentioned in a number of editorials that have shown up in the papers, it is easy to blame companies and the stock market, and it is easy to blame the futures market, but really the problem starts right here in the Congress. The Congress needs to come up with a solution to relieve the inadequate supply of oil and gas. If that solution is not arrived at soon, Americans are going to be put out of business. We already hear about airlines having to cut back on the number of employees they have because of the high cost of gasoline. So it is going to have a dramatic impact on the economy of this country.

Just think about how much land we have tied up because of previous action by this Congress—the billions of barrels of oil that potentially would be available in ANWR; the huge amount of reserves that we think is in the deep-sea portions that would be available off the coast of this country. We

are the only country in the world that restricts drilling out in the deep sea. There are potential reserves that would be available for consumers of this country with oil shale in Utah and Colorado and Wyoming. Now we have that tied up with a strict moratorium that tells the oil producers of this country: We want you to shut down. We don't want you to be able to move forward.

I think these are huge reserves, and if we had acted, actually, 10 years ago, we wouldn't now have a problem. We are going to have a problem for the next 10 years unless we do something quickly and drastically, and we need to do something more than just saying that the Strategic Oil Reserve can't purchase oil for 6 months or we wait until it drops to less than $75 a barrel.

I am calling on my colleagues to join us because this is a serious problem we are facing in this country, and the Congress needs to do something about it.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am very pleased to rise today to introduce the S Corporation Modernization Act of 2008 with my good friend, Senator ORRIN HATCH. I also want to say a special thanks to our cosponsors, Senators GORDON SMITH of Oregon and BEN CARDIN of Maryland. This legislation makes needed changes to the tax code to help small and family-owned businesses across this Nation. It is my hope that these policy changes will provide them the opportunity to grow their businesses, create jobs and stimulate the economy.

In my home State of Arkansas, as in so many rural States across the country, the vast majority of our businesse are small businesses. They are the local insurance agency, the flower shop, the coffee shop—and they are most often organized as so-called ''S corporations.'' In fact, our country has more than four million S corporations nationwide. These businesses and their employees are truly the engines of our rural economies. We must do all we can to ensure they can continue to compete in a global economy that is becoming steadily more competitive.

Because Congress has not updated many of the rules governing S corporations—such as allowing better access to capital—I am concerned that these privately-held businesses are not in the best position to deal with the current downturn in the economy. We must modify our outdated rules so that these businesses that are starved for capital have the means to expand and create jobs. Current law—particularly the punitive built-in gains tax penalty—not only limits the ability of S corporations to attract new equity investors, but also effectively forces businesses to sit on 'locked-up' capital that they cannot access and put to use to grow their business.

The S Corporation Modernization Act would update and simplify our S corporation tax rules. It increases access to capital, encourages family-owned businesses to stay in the family, eliminates tax traps that penalize unwary but well-meaning business owners, and encourages charitable giving.

A strong economic recovery will depend on the health and strength of our small business sector—our S corporations. It is absolutely imperative that we work to ensure our tax rules that govern this sector are fair, simple and encourage growth. I look forward to working with my colleagues on the Senate Finance Committee to ensure these important changes are made.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues from Wisconsin and Maryland in introducing legislation to reauthorize the Collins-Feingold Dental Health Improvement Act, which was first signed into law as part of the Health Care Safety Net Act Amendments of 2002. The legislation we are introducing today will extend the authorization of this program, which provides grant funding to States to strengthen the dental workforce in our Nation's rural and underserved communities, for an additional 5 years.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 47 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as 11 percent of our Nation's rural population has never been to a dentist.

The situation is exacerbated by the fact that our dental workforce is graying. More than 20 percent of dentists nationwide will retire in the next 10 years, and the number of dental graduates may not be enough to replace their retirees. As a consequence, many states are facing a serious shortage of dentists, particularly in rural areas.

In Maine, there is one general practice dentist for every 2,300 people in the Portland area. The numbers drop off dramatically, however, in other parts of our state. In Aroostook County, for example, where I am from, there is only one dentist for every 5,500 people. Of the 23 dentists practicing in Aroostook County, only a few are taking on any new cases.

The Collins-Feingold Dental Health Improvement Act, which is now Section 340G of the Public Health Service Act, authorized a State grant program administered by the Health Resources and Services Administration at the Department of Health and Human services that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund a wide variety of programs. For example, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. To assist in their recruitment and retention efforts, States can use the funds for placement and support of dental students, residents and advanced dentistry trainees. Or, they can use the grant funds for continuing dental education, through distance-based education and practice support through teledentistry.

Congress appropriated $2 million for this program for fiscal year 2006 and fiscal year 2007 and just under $5 million for fiscal year 2008.

Thirty-six States have applied for grants from this program, but so far, the funding available has only been sufficient to fund programs in 18 States. Clearly there is sufficient interest and need for this program to justify its extension, particularly given all of the recent reports documenting the very serious need to improve access to oral health care.

Those 18 States that have been awarded funding under this program are doing great things to improve access to oral health services. Colorado, Georgia and Massachusetts are using the grant funds for loan forgiveness and repayment programs for dentists who practice in underserved areas and who agree to provide services to patients regardless of their ability to pay. Arkansas, Maine, Michigan, Mississippi and a number of other states are using the funds for recruitment and retention efforts. Delaware, Rhode Island and Vermont, which, like Maine, don't have dental schools, are using the funds to expand dental residency programs in their States.

The legislation we are introducing today will authorize an additional $50 million over the next 5 years for this important program. The American Dental Association, the American Dental Education Association, and the American Academy of Pediatric Dentistry have all endorsed the legislation, and I encourage all of our colleagues to join us as cosponsors.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARNER, Mr. KERRY, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Equity in Prescription Insurance and Contraceptive Coverage Act. I am pleased to be joined by my colleague from Nevada, Majority Leader REID. I originally authored this legislation in 1997, and I stand today to resolve the issue of inequity in prescription drug coverage and to make certain that all American women have access to contraception methods.

Without question, we have made remarkable progress in the number of employer sponsored health plans covering contraception. According to a study released in 2004, between 1993 and 2002, contraceptive coverage in employer-purchased plans covering the full range of reversible contraceptive methods tripled from 28 percent to 86 percent. Conversely, the proportion of employer plans covering no method at all dropped dramatically, from 28 percent to 2 percent. Yet despite these gains, women of reproductive age currently spend 68 percent more in out-of-pocket health care costs than men. Not surprisingly, this discrepancy is due in large part to reproductive health-related costs.

Women whose health plans do not cover the full range of reversible contraceptive methods often face high out-of-pocket costs. Yet covering prescription contraceptives results in cost-savings not only for women, but for society as a whole. There are three million unintended pregnancies every year in the United States, and almost half of these pregnancies result from women who do not use contraceptives. Equal treatment of prescription contraceptives will reduce costs to Americans by preventing these unintended pregnancies, which can range anywhere from $5,000 to almost $9,000 in medical costs.

The Equity in Prescription Insurance and Contraceptive Coverage Act will eliminate the disparate treatment of prescription contraception coverage. Simply put, if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA approved prescription contraceptives. Our bill will ensure that women have comprehensive reproductive health coverage, and lower costs to society by preventing unintended pregnancies and thus reducing the need for abortion.

I urge my colleagues to join with me in fixing the inequity in prescription contraception coverage to make certain that all American women have access to this most basic health need.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

Mr. BARRASSO. Mr. President, today I am introducing legislation to address the reality of the needs of species and the global nature of climate change.

Recently, the U.S. Fish and Wildlife Service decided to list the polar bear as a threatened species. The reason for the listing is the loss of sea ice habitat. They say the ice will be subjected to ''increased temperatures, earlier melt periods, increased rain-snow events, and shifts in atmospheric and marine surface patterns.'' Essentially, they are saying it is due to the effects of global climate change.

Without the cooperation of other countries, the United States cannot reverse global climate change. If we are truly going to recover species—species that are being impacted by climate change—we would need to have an international agreement in place, an international agreement among all of the major emitting countries. All of those countries would have to comply with the treaty in order for species to receive any tangible environmental benefit. This is what people who care about the polar bear need to see happen.

Unfortunately, global warming activists are looking to the U.S. Fish and Wildlife Service and to the Endangered Species Act as a means for widespread regulation. This would be a complete departure from the intent of the law.

The Secretary of Interior, Secretary Kempthorne, has stated that he is providing additional guidance to ensure that there are no negative, unintended consequences to the legislation.

Unfortunately, such guidance will likely not survive judicial challenge or perhaps even the next administration.

For the first time ever, lawsuits could be filed to block economic growth and the creation of jobs all across America.

It has been suggested that any economic activity that emits greenhouse gases which then contributes to global warming and to the melting of the polar icecaps must be stopped. Why? Because it might cause polar bears to become extinct.

Think about that for a minute: Buildings could not be expanded or built; new roads could not be built or improved; local governments would be forced up to adopt onerous new zoning requirements; energy development projects would be brought to a standstill; and virtually any economic development activity one can think of could be challenged by anyone. Volumes of new rules and regulations from Washington, DC, would control everything we do.

This action would harm individual freedom, would raise energy costs, and would affect consumers across the board in all 50 States. This action would dramatically hurt our economy.

Frankly, when I see groups publicly stating that they intend to use the polar bear listing as a hammer to stop fossil fuel use, such as even driving your car to work, I am skeptical about their real concern for the polar bear.

In a recent Baltimore Sun article, the Center for Biological Diversity said:

> Once protection for the polar bear is finalized, federal agencies and other large greenhouse gas emitters will be required by law to ensure that their emissions do not jeopardize the species.

Some want to limit how much we drive or how we heat our homes. Wyoming residents and Americans in general do not believe in such a culture of limits. That is perhaps why activists need to use and choose to use the courts to impose them.

We can provide cleaner cars and be more efficient in heating our homes, but there is a line of individual liberty and personal choice that we should not cross.

Yes, we are all concerned about protecting the environment, and as a Senator, I am also concerned about placing dramatic burdens on our economy and on our American citizens.

Very soon, without legislative action by Congress, the Endangered Species Act will be transformed from a tool to recover species into a climate change bill. This will not only shortchange truly endangered species, it will also impact working families who are already struggling with high energy bills.

The beneficiaries will not be the polar bears. Instead, it will be environmental lawyers who will reap the financial windfall through endless lawsuits.

That is why today I have introduced legislation that says that the Secretary of Interior cannot consider global climate change as a natural or a manmade factor in terms of listing species as endangered. Under this bill, no species would be listed as threatened and endangered because of global warming until an international agreement is signed by all the major emitting nations.

The Administrator of the Environmental Protection Agency would have to certify that such an agreement is in place and that countries are in compliance with the treaty for such a listing to occur. This bill specifies that China and India would both have to be part of the agreement.

This is not designed to give the power of legislating or listing species into the hands of foreign nations. The bottom line is, species will not receive the help they need until other countries comply. Plain and simple. To assert otherwise is to give false hope that those who care most about protecting species actually get protection.

We do not need symbolic gestures in addressing climate change. While the symbolism may appease some, it does not address the very real impact of ordinary folks in my home State of Wyoming or anywhere across the Nation.

We are saddled with high gas prices and high energy prices already.

Lawsuits blocking any new coal-fired powerplants can wreak havoc on Wyoming's economy before we have had a chance to finish developing the clean coal technologies of the 21st century. Clean coal technologies truly will address climate change.

Mr. President, all regions that depend on coal, particularly the Midwest, the South, and the Rocky Mountain West, would be the hardest hit. But we need real solutions to address species issues, while at the same time ensuring that we protect working Americans.

You want to drive your family to the beach or drive them to the mountains? Don't be surprised that in the not too distant future you need to get a government permit to do so.

I urge all Members of this body to consider cosponsoring this important bill.

By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUNE):

S. 3073. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, the right to participate in democratic elections and vote for candidates of your choice is fundamental to the American experience. That right to vote is safeguarded by our men and women in uniform, often at great personal cost to them and their loved ones.

As the Global War on Terror continues, the need for overseas service by our troops is unlikely to let up any time soon. They routinely find themselves deployed to far-away battlefields in the Middle East, on ships at sea all across the globe, or assigned to overseas postings in Korea, Europe, or elsewhere.

What's more, the decisions of elected leaders of the Federal Government impact our troops often in a very direct and personal way. As a result of decisions made by those elected leaders, our troops can be called to deploy to a combat zone at virtually any time.

Statistics on overseas military voting in the 2006 election, compiled by the U.S. Election Assistance Commission, show that there is clearly a problem of disenfranchisement of our troops. It is absolutely despicable that, of our overseas troops who asked for mail-in ballots for 2006, less than half, 47.6, percent of their completed ballots actually arrived at the local election office. Many of those arrived too late, and were therefore not even counted.

To me, that is an appalling failure of our current absentee voting system. We need to take action now, before the problem rears its ugly head again, to safeguard the right of our troops to vote and have their votes count.

I believe Congress has a duty to ensure these men and women in uniform, selflessly serving abroad, have a voice in choosing their elected leaders. They serve not only in the defense of freedom and the American way of life, but also in defense of the very system of government in which I and my Senate colleagues have the honor to serve.

These military service members have already given up so much for this country—often being apart from their families, living in the face of constant danger, and standing on the front lines of our defense. We must not allow one of their most fundamental rights as Americans to fall victim to an antiquated and inefficient system of absentee voting and slow—sometimes painfully slow—methods of delivering their marked ballots.

One of the biggest problems in absentee balloting for our overseas troops has been this inadequate delivery system for completed ballots.

The simple fact is that, for many overseas military voters, their marked ballots arrived at the local election office too late to be counted. There is no excuse for allowing inefficiency to disenfranchise our military men and women serving abroad.

That is why I have decided to introduce the Military Voting Protection Act of 2008, or MVP Act. This bill will improve the absentee voting system for our overseas troops by expediting the delivery of their marked ballots to ensure they are delivered in a timely manner and, at the same time, electronically tracked to provide accountability and allow for verification that completed ballots actually arrived at their local election office.

First and foremost, this bill would expedite the process by directing the Pentagon to make use of express delivery services, which many of us use on a regular basis, to get the completed absentee ballots of our overseas troops to election officials here at home. At the same time, it would require the DOD to take a more active role in organizing the collection, transportation, and tracking of these ballots.

We have at our disposal the tools necessary to more efficiently collect and deliver our troops' ballots to help make their votes count. We simply need to start utilizing more capable and expedited delivery methods to ensure that our troops' voices are heard.

This bill also urges the DOD to make better use of modern technology to improve the ability of our troops to participate in elections. At the same time, the bill recognizes the clear importance of preserving the privacy and integrity of the voting system by calling on DOD to focus its efforts on secure, efficient systems that would also achieve these important goals.

In this day and age, it is inexcusable for our troops to be shut out of the democratic process merely because they are far away from their homes as a result of their military service. We should not sit idly by and watch another election pass with a large portion of our brave military men and women being left out of our democratic process.

For far too long in this country we have failed to adequately safeguard the right of our troops to participate in our democratic process. We have allowed slow delivery methods, confusing absentee voting procedures, and myriad other obstacles to disenfranchise many of our overseas troops. We must put those days behind us.

I urge all of my colleagues to join me in addressing this important issue and protecting for our troops the very rights they fight to safeguard for us. Join me in cosponsoring the MVP Act. I look forward to working with my colleagues to pass this important bill quickly.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 574—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE FROM CUSTODY THE CHILDREN OF REBIYA KADEER AND CANADIAN CITIZEN HUSEYIN CELIL AND SHOULD REFRAIN FROM FURTHER ENGAGING IN ACTS OF CULTURAL, LINGUISTIC, AND RELIGIOUS SUPPRESSION DIRECTED AGAINST THE UYGHUR PEOPLE

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 574

Whereas the protection of the human rights of minority groups is consistent with the actions of a responsible stakeholder in the international community and with the role of a host of a major international event such as the Olympic Games;

Whereas recent actions taken against the Uyghur minority by authorities in the People's Republic of China and, specifically, by local officials in the Xinjiang Uyghur Autonomous Region, have included major violations of human rights and acts of cultural suppression;

Whereas the authorities of the People's Republic of China have manipulated the strategic objectives of the international war on terror to increase their cultural and religious oppression of the Muslim population residing in the Xinjiang Uyghur Autonomous Region;

Whereas an official campaign to encourage Han Chinese migration into the Xinjiang Uyghur Autonomous Region has resulted in the Uyghur population becoming a minority in their traditional homeland and has placed immense pressure on those who are seeking to preserve the linguistic, cultural, and religious traditions of the Uyghur people;

Whereas a new policy now actively recruits young Uyghur women and forcibly transfers

them to work at factories in urban areas in far-off eastern provinces, resulting in tens of thousands of Uyghur women being separated from their families and placed into substandard working conditions thousands of miles from their homes;

Whereas the legal system of the People's Republic of China is used as a tool of repression, including for the imposition of arbitrary detentions and torture commonly employed against any and all Uyghurs who voice discontent with the Government;

Whereas the Government of the People's Republic of China continues to apply charges of ''political crimes'' and the death penalty to Uyghurs and other political dissidents, contrary to international humanitarian standards;

Whereas the People's Republic of China is implementing a monolingual Chinese language education system that undermines the linguistic basis of Uyghur culture by transitioning minority students from education in their mother tongue to education in Chinese, shifting dramatically away from past policies that provided choice for the Uyghur people;

Whereas the Senate has a particular interest in the fate of Uyghur human rights leader Rebiya Kadeer, a Nobel Peace Prize nominee, and her family, as Ms. Kadeer was first arrested in August 1999 while she was en route to meet with a delegation from the Congressional Research Service and was held in prison on spurious charges until her release and exile to the United States in the spring of 2005;

Whereas upon her release, Rebiya Kadeer was warned by her Chinese jailers not to advocate for human rights in Xinjiang and throughout China while in the United States or elsewhere, and was reminded that she had several family members residing in the Xinjiang Uyghur Autonomous Region;

Whereas while residing in the United States, Rebiya Kadeer founded the International Uyghur Human Rights and Democracy Foundation and was elected President of the Uyghur American Association and President of the World Uyghur Congress in Munich, Germany;

Whereas 2 of Rebiya Kadeer's sons were detained and beaten and one of her daughters was placed under house arrest in June 2006;

Whereas President George W. Bush recognized the importance of Rebiya Kadeer's human rights work in a June 5, 2007, speech in Prague, Czech Republic, when he stated: ''Another dissident I will meet here is Rebiyah Kadeer of China, whose sons have been jailed in what we believe is an act of retaliation for her human rights activities. The talent of men and women like Rebiyah is the greatest resource of their nations, far more valuable than the weapons of their army or their oil under the ground.'';

Whereas Kahar Abdureyim, Rebiya Kadeer's eldest son, was fined $12,500 for tax evasion and another son, Alim Abdureyim, was sentenced to 7 years in prison and fined $62,500 for tax evasion in a blatant attempt by local authorities to take control of the Kadeer family's remaining business assets in the People's Republic of China;

Whereas another of Rebiya Kadeer's sons, Ablikim Abdureyim, was beaten by local police to the point of requiring medical attention in June 2006 and has been subjected to continued physical abuse and torture while being held incommunicado in custody since that time;

Whereas Ablikim Abdureyim was also convicted by a kangaroo court on April 17, 2007, for ''instigating and engaging in secessionist'' activities and was sentenced to 9 years of imprisonment, this trial being held in secrecy and Mr. Abdureyim reportedly being denied the right to legal representation;

Whereas 2 days later, on April 19, 2007, another court in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, sentenced Canadian citizen Huseyin Celil to life in prison for ''splittism'' and also for ''being party to a terrorist organization'' after having successfully sought his extradition from Uzbekistan where he was visiting relatives;

Whereas authorities in the People's Republic of China have continued to refuse to recognize Huseyin Celil's Canadian citizenship, although he was naturalized in 2005, denied Canadian diplomats access to the courtroom when Mr. Celil was sentenced, and have refused to grant consular access to Mr. Celil in prison;

Whereas a spokesperson of the Foreign Ministry of the People's Republic of China publicly warned Canada ''not to interfere in China's domestic affairs'' after Huseyin Celil's sentencing;

Whereas Huseyin Celil's case was a major topic of conversation in a recent Beijing meeting between the Foreign Ministers of Canada and the People's Republic of China; and

Whereas there have been recent armed crackdowns throughout the Xinjiang Uyghur Autonomous Region against the Uyghur population: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of the People's Republic of China—

(1) should recognize, and seek to ensure, the linguistic, cultural, and religious rights of the Uyghur people of the Xinjiang Uyghur Autonomous Region;

(2) should immediately release the children of Rebiya Kadeer from both incarceration and house arrest and cease harassment and intimidation of the Kadeer family members;

(3) should immediately release Canadian citizen Huseyin Celil and allow him to rejoin his family in Canada; and

(4) should immediately cease all Government-sponsored violence and crackdowns against the people throughout the Xinjiang Uyghur Autonomous Region, including those involved in peaceful protests and political expression.

Mr. BROWN. Mr. President, the Chinese people have endured an unspeakable tragedy, as we know, with the loss of tens of thousands in a major earthquake. Those numbers continue to grow. On the radio this morning, I heard it looks like more than 50,000 Chinese people have died in one of the greatest tragedies of the last decade. My prayers are with the people of Sichuan Province and all those brave men and women who are there now providing support as volunteers, especially providing support to the Chinese people in Sichuan Province.

I wish to focus on something else in China. This isn't the Chinese people, it is the actions of a few people at the top of the Chinese Government—actions we must confront. When I say ''only a few people at the top,'' the Chinese Government is called the People's Republic of China for a reason. It is a Communist government, a very top-line hierarchical system, where a few people at the top enjoy so much of the benefits and so much of the power and they wield that so unfairly and immorally and, many times, against so many in their country.

For us to ignore the behavior of the Chinese Government, to dismiss that behavior, to minimize that behavior is a reprehensible act on our part.

In a little more than 3 months, the world will witness one of its great quadrennial events—the summer Olympic Games. The games have been billed as a way for the host, China, to reintroduce itself—a new China, if you will—to the international community. And China has pulled out all the stops: $38 billion in infrastructure improvements, including a brandnew 91,000-seat stadium, 300 miles of new roads, and an entirely new terminal at Beijing's International Airport, all because of the Olympic Games.

What China will not be highlighting is its human rights record. That is because it is abysmally disgraceful.

As China rolls out the red carpet to welcome hundreds of thousands of tourists and as Olympic-related media flock to Beijing to watch the events, no one will be allowed to go to Tibet, no one will be allowed to go to the Xinjiang Uyghur Autonomous Region, no one will be allowed to see the hundreds of political prisons, no one will be allowed to visit the areas of China where hundreds of millions live in abject poverty.

Last year, Amnesty International—a no more respected and fairminded group in the world—said of China:

> An increased number of . . . journalists were harassed, detained, and jailed. Thousands of people who pursued their faith outside officially sanctioned churches were subjected to harassment and many to detention and imprisonment. Thousands of people were sentenced to death of executed. Migrants from rural areas were deprived of basic rights.

The Presiding officer, from the State of Rhode Island, has talked passionately about the freedom of the press and journalism in countries where we have the kind of relationship we have with China and how important it is. Others in this body have talked about human rights and labor rights, and now China has violated those values we hold dear and that international organizations that serve all of the world hold so dear.

Beijing will continue to attempt to paint its repressive regime during the Olympics in the best light possible, as we have seen in the last month with the unnerving events in Tibet. The repression in Tibet, a region similar in its treatment by the government as the Xinjiang Uyghur Autonomous Region, is nothing new. For almost 60 years, Tibetans have survived under Beijing repression. Tibet was swallowed up by China in 1950. The Uyghur Autonomous Region was swallowed up by China the year before.

China's policy is straightforward: Declare war on human rights, bring in native Chinese for the best jobs, eradicate the indigenous culture, the language, the spiritual center, disperse the population. It seems to have worked for China's interest every time.

China's policies keep import prices low by allowing inhumane treatment of

workers, slave wages, and unsafe working conditions have become all too common.

China, the Communist regime, has become China, the world's largest one-company town where workers are interchangeable, replaceable parts and where members of the Communist Party are its shareholders.

The United States as purportedly the world leader in human rights—we talk about exporting democracy, we brag about our values, yet out business is with encouragement and incentives—unbelievably enough, sometimes from our own Government—even though we say we are the world leader in human rights. The United States should not be endorsing in any way the brutal and horrific policies of the Chinese Government. Again, the United States, by our actions by the Government and by business do not seem so interested oftentimes in human rights in China in spite of what we say. We should not be sacrificing our moral compass at the altar of the dollar. We do that way too often.

I met with Rabiya Kadeer, the Uyghur dissident leader and head of the Uyghur American Association. She told me of her time in prison for political advocacy on behalf of her people. She spent 6 long years in prison, arrested in 1999 on her way to a meeting with foreign activists and leaders. She told me of her children who either live in fear or live in prison because of her advocacy on behalf of basic freedoms for the 12 or 13 million Uyghur people. She told me of her exile. She is not allowed to return to her native country.

We need the strength to stand up to rather than apologize for China's brutal regime. This has been the systematic policy of a highly efficient and powerful central government.

The Chinese Uyghurs have long fought for more autonomy from Beijing and greater freedom to practice their Muslim religion.

This is not a new policy. We have seen the same in the Zinjiang Uyghur Autonomous Region where ethnic Uyghur people have been systematically relocated and repressed. Their Turkic language is prohibited, their women are placed into forced labor, especially young women taken out of the Autonomous Region to other parts of China, in many cases to be slave labor, forced labor, in other cases to be sex slaves, and their political leaders are jailed. Yet we allow China into the World Health Organization, the World Trade Organization, and made them a preferred trading partner.

Communities across America feel the reverberations of this policy. Not only does it blacken our name as a country when China violates every kind of human rights we care about, but then it affects our country in so many other ways.

We have lost more than 3 million manufacturing jobs across this country since President Bush has been President. Many of these jobs have been eliminated because of government-subsidized imports from China, because of cheating on currency rules, and because of direct off shoring to countries such as China.

China gives their manufacturers that unfair competitive advantage by manipulating its currency and providing massive subsidies to its industry. We know all that. American companies have been complicit by hiring Chinese subcontractors and forcing those subcontractors to continue to cut costs, meaning contaminated vitamins, contaminated pharmaceuticals, and dangerous toxic lead-based paint on toys.

I am submitting a resolution today calling on the Chinese to free the Kadeer children, free the Uyghur political prisoners, and end the political, religious, and ethnic repression in that part of China.

I ask my colleagues to take a look at this resolution, to meet with Ms. Kadeer and to join me in working to bring the atrocities against the Uyghur people to an end. Instead of welcoming China, celebrating China, and trading with China on their terms, as we all talk about the great quadrennial events of the international Olympic Games, we should be helping China's repressed. We should not indulge China its abuses. It dishonors our own values.

SENATE RESOLUTION 575—EXPRESSING THE SUPPORT OF THE SENATE FOR VETERAN ENTREPRENEURS

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, Ms. SNOWE) submitted the following resolution; which was referred to the Commitee on Veterans' Affairs.

S. RES. 575

Whereas the veterans of the United States have been vital to the small business enterprises of the United States;

Whereas the Nation should honor its veterans and in particular those veterans with disabilities incurred or aggravated in the line of duty during active service with the United States Armed Forces;

Whereas Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999 (Public Law 106–50; 113 Stat. 233) to assist veterans interested in starting or expanding small businesses;

Whereas the Veterans Entrepreneurship and Small Business Development Act of 1999 required the President to establish a goal of awarding not less than 3 percent of the total value of all Federal prime contracts and subcontracts to service-disabled veteran-owned small businesses;

Whereas Congress approved the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651) to expand benefits for veterans;

Whereas the Veterans Benefits Act of 2003 gave agency contracting officers the authority to reserve certain procurement contracts for service-disabled veteran-owned small businesses;

Whereas President George W. Bush issued Executive Order 13360 (60 Fed. Reg. 62,549) in 2004, calling on Federal agencies to more effectively implement the legislative changes to the Small Business Act (15 U.S.C. 631 et seq.) included in the Veterans Entrepreneurship and Small Business Development Act of 1999 and the Veterans Benefits Act of 2003;

Whereas, despite those Acts of Congress and the issuance of Executive Order 13360 by the President, service-disabled veteran-owned small businesses still struggle to receive a fair share of Federal contracts; and

Whereas Federal agencies have consistently fallen short of the statutory contracting goal for service-disabled veteran-owned small businesses set by the Veterans Entrepreneurship and Small Business Development Act of 1999: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong support of the United States for its veterans and veteran entrepreneurs; and

(2) calls on Federal agencies to work to improve Federal contracting opportunities for service-disabled veteran-owned small businesses.

Mr. STEVENS. Mr. President, I rise to submit a resolution that is cosponsored by Senator MURKOWSKI, Senator INOUYE, Senator AKAKA, Senator COCHRAN, Senator ISAKSON, Senator CRAIG, and Senator SNOWE.

I am submitting this resolution to honor veteran entrepreneurs and calling on the Federal Government to improve Federal contracting opportunities for service-disabled, veteran-owned small businesses. They call them SDVOSBs.

These veteran entrepreneurs have given so much to our country, and the Federal Government needs to honor them by utilizing their array of valuable skills.

Almost 9 years ago, Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999, which directed the President to establish a goal of awarding at least 3 percent of Federal contracts to service-disabled, veteran-owned small businesses.

In subsequent years, however, the Federal agencies have consistently failed to reach that statutory goal. In the most recent official government-wide report, contract awards for service-disabled, veteran-owned small businesses made up less than 1 percent of all Federal contracts.

As I travel home this weekend to observe Memorial Day, I will have the great honor of being accompanied by U.S. Department of Veterans Affairs Secretary Dr. James Peake, who has accepted my invitation to visit our State.

Dr. Peake, a decorated combat veteran and former Army Surgeon General, is an exceptional American. An important challenge for the VA will be to provide adequate VA health facilities and services to veterans in rural areas.

Dr. Peake's decision to travel from our Nation's Capital to Alaska on this important holiday shows his commitment to all veterans, particularly those who come from rural areas.

SENATE RESOLUTION 576—DESIGNATING AUGUST 2008 AS ''DIGITAL TELEVISION TRANSITION AWARENESS MONTH''

Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VOINOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. BARRASSO, Mr. GRASSLEY, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. INHOFE, Mrs. BOXER, Mr. COLEMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAIG, Mr. SANDERS, Mr. SPECTER, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. AKAKA, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 576

Whereas, starting February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only pursuant to the Digital Television Transmission and Public Safety Act of 2005 (47 U.S.C. 309 note);

Whereas some studies indicate that 64 percent of consumers know about the transition to digital television, and of those consumers 74 percent have major misconceptions about the impact of the transition on their television services;

Whereas many consumers who will be left without any television service after February 17, 2009, may be unaware of both the transition and the Government coupon program created to defray the cost of a converter box;

Whereas markets in the West and in Mid-West have the highest percentage of consumers who rely on over-the-air television signals;

Whereas the Salt Lake City, Utah, area has the single highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas more than 20 percent of homes with television sets in Fresno, California, and Minneapolis, Minnesota, also rely solely on free over-the-air television signals;

Whereas the transition to digital television is significant to vulnerable populations such as senior citizens and low-income and minority households; and

Whereas designating a ''Digital Television Transition Awareness Month'' will help Congress to encourage the development of local action plans focused on strategic outreach to the communities most affected by the transition to digital television, including senior citizens and residents of rural areas: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 2008 as ''Digital Television Transition Awareness Month''—

(A) to increase public awareness regarding the February 17, 2009, transition to digital television; and

(B) to encourage consumers to become educated about participating in the Government coupon program for obtaining converter boxes;

(2) encourages consumers to make the transition to digital television well before February 17, 2009, so that consumers have time to obtain and connect converter boxes; and

(3) encourages local nonprofit organizations, such as religious congregations, scout troops, and school-based community service groups—

(A) to assist households to apply for and obtain Government coupons and converter boxes and to install converter boxes; and

(B) to educate consumers about Internet websites and other sources of valuable information regarding the transition to digital television.

Mr. HATCH. Mr. President, I rise today to introduce with my good friend from Minnesota, Senator AMY KLOBUCHAR, S. Res. 576, which would designate August 2008 as Digital Television Transition Awareness Month.

Pursuant to the Digital Television Transmission and Public Safety Act of 2005, starting on February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only. Concentrating efforts to educate consumers well in advance about both the upcoming transition and their options will ensure as smooth a transition as possible. That is why Senator KLOBUCHAR and I, along with dozens of original cosponsors, have introduced this resolution today.

I believe that the month of August is a perfect time to highlight the ongoing educational efforts about the transition to digital television next year. After all, we want to encourage those who will need to take some action to do so now, rather than wait until the last moment.

Several studies indicate that many consumers who will be left without any television service after February 17, 2009, may be unaware of the transition and the Government coupon program created to defray the cost of converter boxes. While 64 percent of consumers know about the transition to digital television, 74 percent of that group has major misconceptions about the impact of the transition on their television services. The transition to digital television is especially significant to vulnerable populations such as senior citizen, low-income, and minority households.

I note that television markets in the West and Midwest have the highest percentage of consumers who rely on over-the-air television signals. In Utah alone, Salt Lake City has the highest percentage of homes in a major metropolitan area, with almost one in four relying on free analog television signals.

The Federal Communications Commission, FCC, recently adopted a proposal to educate consumers about the impending transition. In addition, there are many sources of information on the transition, coupon program and consumer options available on the Internet. These Web sites are comprehensive and provide links to the Government coupon program site where consumers must register to receive the coupons. However, these sites do not reach certain populations, those most likely to be affected by the transition, as effectively.

Congress can and should do more, not only to educate consumers, but also to foster local outreach programs to assist these consumers as they obtain coupons or choose and install converter boxes. Designating August 2008 as Digital Television Transition Awareness Month, timed specifically to take advantage of the congressional recess, will place particular emphasis on educating consumers well in advance of the transition, and will be an integral part of the overall educational program endorsed by the FCC.

I hope that this resolution will be passed and my colleagues will join me in doing all they can to make the transition from analog to digital television easier for those most affected across our Nation.

SENATE RESOLUTION 577—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. WARNER (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. CHAMBLISS, Ms. SNOWE, Mr. CARPER, Mr. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAKSON, Mr. REID, and Mr. DORGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

SENATE RESOLUTION 578—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 578

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled ''An Act to incorporate the Congressional Club'' (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, ''upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were'';

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

SENATE RESOLUTION 579—DESIGNATING THE WEEK BEGINNING MAY 26, 2008, AS ''NATIONAL HURRICANE PREPAREDNESS WEEK''

Mr. VITTER (for himself, Mr. SHELBY, Mr. MARTINEZ, Ms. LANDRIEU, Mr. SESSIONS, Mr. DEMINT, Mr. BURR, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a family disaster plan, create a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'' will help raise the awareness of the people of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'';

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

SENATE CONCURRENT RESOLUTION 84—HONORING THE MEMORY OF ROBERT MONDAVI

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 84

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas, after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery;

Whereas, in the late 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fumé Blanc;

Whereas, as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or ''Judgment of Paris'', wine competition;

Whereas, in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

SENATE CONCURRENT RESOLUTION 85—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO HONOR FRANK W. BUCKLES, THE LAST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR

Mr. SPECTER (for himself, Mr. BYRD, Mrs. DOLE, Mr. MCCAIN, Mr. WARNER, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BURR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4815. Mr. REID (for Mr. WEBB) submitted an amendment intended to be proposed by Mr. REID to the amendment of the House numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4816. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4817. Mr. REID proposed an amendment to the amendment of the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4818. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

SA 4820. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4815. Mr. REID (for Mr. WEBB) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE ____—VETERANS EDUCATIONAL ASSISTANCE

SEC. ____001. SHORT TITLE.

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

SEC. ____002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. ____003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.

''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being

called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post–9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST–9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST–9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST–9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. ____004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. ____005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

SEC. ____006. For an additional amount for Department of Veterans Affairs, ''General Operating Expenses'', $100,000,000, to remain available until expended.

SEC. ____007. For an additional amount for Department of Veterans Affairs, ''Information Technology Systems'', $20,000,000, to remain available until expended.

SEC. ____008. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4816. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'',

$205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided,* That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further,* That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further,* That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further,* That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements 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 the 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 this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counter insurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counter insurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counter insurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term ''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.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided,* That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 11312. H–2B NONIMMIGRANTS. (a) SHORT TITLE.—This section may be cited as the ''Save Our Small and Seasonal Businesses Act of 2007''.

(b) EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board,

dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

''1041. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1041''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a non-appropriated fund instrumentality of the Department) as—

''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);''; and

(B) by adding at the end the following new paragraphs:

''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

''(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.''.

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).'';

(B) in section 3263(a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(C) in section 3264(a), by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested'';

(D) section 3265(a)(1) by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested''; and

(E) in section 3266(a), by striking ''under this chapter'' and inserting ''described in section 3261(a)(1) or 3261(a)(2)''.

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking ''section 3261(a)'' and inserting ''section 3261(a)(1) or 3261(a)(2)''.

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term ''Executive agency'' has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SA 4817. Mr. REID proposed an amendment to the amendment of the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: *Provided,* That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided,* That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further,* That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further,* That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain

available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND

APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements 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 the 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 this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the

Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term ''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.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that

Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

''1041. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1041''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);''; and

(B) by adding at the end the following new paragraphs:

''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

''(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.''.

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).'';

(B) in section 3263(a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(C) in section 3264(a), by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested'';

(D) section 3265(a)(1) by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested''; and

(E) in section 3266(a), by striking ''under this chapter'' and inserting ''described in section 3261(a)(1) or 3261(a)(2)''.

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking ''section 3261(a)'' and inserting ''section 3261(a)(1) or 3261(a)(2)''.

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term ''Executive agency'' has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SA 4818. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000,

to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical,

military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided,* That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further,* That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further,* That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further,* That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements 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 the 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 this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until

September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided,* That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further,* That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term ''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.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; as follows:

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 as relating to sections 104, 105, and 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, strike lines 7 through 11.

On page 4, line 12, strike ''**SEC. 105.**'' and insert ''**SEC. 104.**''.

On page 6, line 10, strike ''**SEC. 106.**'' and insert ''**SEC. 105.**''.

On page 6, line 24, strike ''**SEC. 107.**'' and insert ''**SEC. 106.**''.

On page 8, beginning with line 6, strike through the end of the bill.

SA 4820. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; as follows:

On page 19, strike lines 1 through 13 and insert the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

On page 22, line 9, insert ''in accordance with section 202'' after ''infrastructure''.

On page 29, strike line 18 and insert the following: ''(iv) any other legal impediment. ''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. 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 May 22, 2008, at 10 a.m., to conduct a Nomination Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday May 22, 2008 at 11:30 to conduct a mark up to consider the nomination of Paul Schneider to be Deputy Secretary of the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 22, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Follow Up on the Status of Backlogs at the Department of the Interior.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 22, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Closing the Justice Gap: Providing Civil Legal Assistance to Low-Income Americans'' on Thursday, May 22, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. 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 Thursday, May 22, 2008, at 2:30 p.m., to conduct a hearing entitled, ''Security Clearance Reform: The Way Forward.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, May 22, 2008 from 10:30 a.m.–12:30 p.m., in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Elly Pickett, my press secretary, be given floor privileges for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, if there were someone here from the minority, I would ask consent that on Monday, June 2, 2008, following a period of morning business, the Senate proceed to the consideration of Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act. I have been told that if someone were here, they would object. So I accept that as an objection.

In light of that objection, I now move to proceed to Calendar No. 742, S. 3036, and I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. SANDERS). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act of 2008:

Barbara Boxer, Richard Durbin, Benjamin L. Cardin, Charles E. Schumer, Sheldon Whitehouse, Bill Nelson, Amy Klobuchar, Dianne Feinstein, Joseph Lieberman, Daniel K. Akaka, Christopher J. Dodd, Tom Harkin, Daniel K. Inouye, Max Baucus, Ron Wyden, Robert P. Casey, Jr., Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote occur on Monday, June 2, at 5:30 p.m., that the time between 4:30 and 5:30 be equally divided and controlled between the leaders or their designees, and the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

PROTECTING CHILDREN IN THE 21ST CENTURY ACT

Mr. REID. I ask unanimous consent that we now proceed to Calendar No. 538, S. 1965.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1965) to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation with amendments, as follows:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.]

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Children in the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.
Sec. 102. Public awareness campaign.
Sec. 103. Annual reports.
Sec. 104. Authorization of appropriations.
Sec. 105. Online safety and technology working group.
Sec. 106. Promoting online safety in schools.
Sec. 107. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.
Sec. 202. Additional child pornography amendments.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 101. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public

awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 102 by the Commission during the preceding calendar year.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

For carrying out the public awareness campaign under section 102, there are authorized to be appropriated to the Commission $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including amendments made by this Act with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking ''and'' after the semicolon in clause (i);

(2) by striking ''minors.'' in clause (ii) and inserting ''minors; and''; and

(3) by adding at the end the following:

''(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.''.

SEC. 107. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by striking ''or 1464'' in subparagraph (D) and inserting ''1464, or 2252'';

(3) by inserting ''or'' after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

''(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);''.

SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMENDMENTS.

(a) INCREASE IN FINE FOR FAILURE TO REPORT.—Section 227(b)(4) of the Crime Control Act of 1990 (42 U.S.C. 13032(b)(4)) is amended—

(1) by striking ''$50,000;'' in subparagraph (A) and inserting ''$150,000;''; and

(2) by striking ''$100,000.'' in subparagraph (B) and inserting ''$300,000.''.

(b) INTERNATIONAL INFORMATION SHARING.—Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) by striking ''a law enforcement agency or'' in subsection (b)(1) and inserting ''appropriate Federal, State, or foreign law enforcement agencies'';

(2) by inserting ''Federal, State, or foreign'' after ''designate the'' in subsection (b)(2);

(3) by striking ''law.'' in subsection (b)(3) and inserting ''law, or appropriate officials of foreign law enforcement agencies designated by the Attorney General for the purpose of enforcing State or Federal laws of the United States.'';

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

''(3) CONTENTS OF REPORT.—To the extent this information is reasonably available to an electronic communication service provider or a remote computing service provider, each report under paragraph (1) shall include—

''(A) information relating to the Internet identity of any individual who appears to have violated any section of title 18, United States Code, referenced in paragraph (1), including any relevant user ID or other online identifier, electronic mail addresses, website address, uniform resource locator, or other identifying information;

''(B) information relating to when any apparent child pornography was uploaded, transmitted, reported to, or discovered by the electronic communication service provider or a remote computing service provider, as the case may be, including a date and time stamp and time zone;

''(C) information relating to geographic location of the involved individual or reported content, including the hosting website, uniform resource locator, street address, zip code, area code, telephone number, or Internet Protocol address;

''(D) any image of any apparent child pornography relating to the [incident] *incident, and any images commingled with images of apparent child pornography,* such report is regarding; and

''(E) accurate contact information for the electronic communication service provider or remote computing service provider making the report, including the address, telephone number, facsimile number, electronic mail address of, and individual point of contact for such electronic communication service provider or remote computing service provider.'';

(5) by inserting ''section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773),'' after ''section,'' in subsection (g)(1); and

(6) by adding at the end thereof the following:

''(h) USE OF INFORMATION TO COMBAT CHILD PORNOGRAPHY.—The National Center for Missing and Exploited Children is authorized to provide elements relating to any [image, including the image itself,] *image* or other relevant information reported to its Cyber Tip Line to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images and develop anti-child pornography technologies and related industry best practices. Any electronic communication service provider or remote computing service provider that receives information from the National Center for Missing and Exploited Children under this subsection may use such information only for the purposes described in this subsection.''.

Mr. REID. I ask unanimous consent that the Stevens amendment at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4819) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations and the additional child pornography amendments)

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 as relating to sections 104, 105, and 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, strike lines 7 through 11.

On page 4, line 12, strike ''**SEC. 105.**'' and insert ''**SEC. 104.**''.

On page 6, line 10, strike ''**SEC. 106.**'' and insert ''**SEC. 105.**''.

On page 6, line 24, strike ''**SEC. 107.**'' and insert ''**SEC. 106.**''.

On page 8, beginning with line 6, strike through the end of the bill.

The bill (S. 1965), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Children in the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.
Sec. 102. Public awareness campaign.
Sec. 103. Annual reports.
Sec. 104. Online safety and technology working group.
Sec. 105. Promoting online safety in schools.
Sec. 106. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 101. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 102 by the Commission during the preceding calendar year.

SEC. 104. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including amendments made by this Act with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 105. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking ''and'' after the semicolon in clause (i);

(2) by striking ''minors.'' in clause (ii) and inserting ''minors; and''; and

(3) by adding at the end the following:

''(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.''.

SEC. 106. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by striking ''or 1464'' in subparagraph (D) and inserting ''1464, or 2252'';

(3) by inserting ''or'' after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

''(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);''.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, S. 2062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brakets and the parts of the bill intended to be inserted are shown in italics.)

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.

Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Treatment of funds.
Sec. 206. Availability of records.
Sec. 207. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 701. Training and technical assistance.

TITLE VIII—FUNDING

Sec. 801. Authorization of appropriations.
Sec. 802. Funding conforming amendments.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

''(i) is owned by an Indian tribe or a tribally designated housing entity;

''(ii) is necessary to the provision of housing in an Indian area; and

''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

''(II) would make housing more affordable, accessible, or practicable in an Indian area; or

''(III) would otherwise advance the purposes of this Act.

''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''For each'' and inserting the following:

''(1) IN GENERAL.—For each'';

(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—

''(A) to carry out affordable housing activities under subtitle A of title II; and''; and

(iii) by adding at the end the following:

''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and

(B) in the second sentence, by striking ''Under'' and inserting the following:

''(2) PROVISION OF AMOUNTS.—Under'';

(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and

(3) by adding at the end the following:

''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:

''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and

(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) 1-YEAR PLAN REQUIREMENT.—

''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

''(A) be in such form as the Secretary may prescribe; and

''(B) contain the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

''(i) the types of household to receive assistance;

''(ii) the types and levels of assistance to be provided;

''(iii) the number of units planned to be produced;

''(iv)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for the demolition or disposition; and

''(III) any other information required by the Secretary with respect to the demolition or disposition;

''(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

''(vi) outcomes anticipated to be achieved by the recipient.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

''(vi) a certification that the recipient will comply with section 104(b).'';

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and

(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary''; and

(2) by adding at the end the following:

''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under title VI,'' after ''paragraphs (2) and (4),'';

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(B) LIMITS.—The Secretary'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and

(B) by striking ''non-Indian family'' and inserting ''family''; and

(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';

(2) in paragraph (2)—

(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and

(B) by inserting ''mold remediation,'' after ''energy efficiency,'';

(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and

(4) by adding at the end the following:

''(9) RESERVE ACCOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

''(c) APPLICABILITY.—[This section] *Paragraph (2) of subsection (a)* applies only to rental and homeownership units that are owned or operated by a recipient.''.

SEC. 205. TREATMENT OF FUNDS.

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by inserting after section 205 (25 U.S.C. 4135) the following:

''SEC. 206. TREATMENT OF FUNDS.

''Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.''.

SEC. 206. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.

SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

''Subtitle A—General Block Grant Program'';

and

(2) by adding at the end the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''SEC. 231. PURPOSE.

''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

''SEC. 232. PROGRAM AUTHORITY.

''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

''(1) *to or* on behalf of which a grant is made under section 101;

''(2) that has complied with the requirements of section 102(b)(6); and

''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

''(2) $2,000,000.

''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

''(1) the program under this subtitle; or

''(2) amounts made available in accordance with this subtitle.

''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

''(1) Section 101(c) (relating to local cooperation agreements).

''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

''(3) Section 101(j) (relating to Federal supply sources).

''(4) Section 101(k) (relating to tribal preference in employment and contracting).

''(5) Section 102(b)(4) (relating to certification of compliance).

''(6) Section 104 (relating to treatment of program income and labor standards).

''(7) Section 105 (relating to environmental review).

''(8) Section 201(b) (relating to eligible families).

''(9) Section 203(c) (relating to insurance coverage).

''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

''(11) Section 206 (relating to treatment of funds).

''(12) Section 209 (relating to noncompliance with affordable housing requirement).

''(13) Section 401 (relating to remedies for noncompliance).

''(14) Section 408 (relating to public availability of information).

''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

''SEC. 235. REVIEW AND REPORT.

''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

''(1) the housing constructed, acquired, or rehabilitated under the program;

''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

''(2) recommendations for—

''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

''(ii) the period for which such a prohibition should remain in effect; or

''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

''Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

''Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''Sec. 231. Purposes.
''Sec. 232. Program authority.
''Sec. 233. Use of amounts for housing activities.
''Sec. 234. Inapplicability of other provisions.
''Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STUDY OF NEED DATA.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.''.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

''SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

''SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

''(a) AUTHORITY.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section such sums as are necessary for each of fiscal years 2008 through 2012.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended to read as follows:

''SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.

''(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term 'Indian organization' means—

''(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

''(2) an organization registered as a nonprofit entity that is—

''(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under section 501(a) of that Code;

''(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

''(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for transfer to an Indian organization selected by the Secretary, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally designated housing entities for each of fiscal years 2008 through 2012.''.

[(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term ''Indian organization'' means—

[(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

[(2) an organization registered as a nonprofit entity that is—

[(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

[(B) exempt from taxation under section 501(a) of that Code;

[(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

[(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Housing and Urban Development, for transfer to an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.]

TITLE VIII—FUNDING

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2008 through 2012''.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2008 through 2012''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2008 through 2012''.

SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesignating the first section 9703 (relating to managerial accountability and flexibility) as section 9703A;

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (I)—

(i) by striking ''payment'' and inserting ''Payment''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (J), by striking ''payment'' the first place it appears and inserting ''Payment''; and

(C) by adding at the end the following:

''(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

''(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is located on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

''(I) did not have knowledge of the existence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

''(II) notified law enforcement not later than 24 hours after discovering the existence of the laboratory.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4820) was agreed to, as follows:

(Purpose: To modify provisions relating to use of treatment of funds, amounts, an allocation formula, and a demonstration program)

On page 19, strike lines 1 through 13 and insert the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

On page 22, line 9, insert ''in accordance with section 202'' after ''infrastructure''.

On page 29, strike line 18 and insert the following:

''(iv) any other legal impediment.

''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

The bill (S. 2062), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

FEDERAL FOOD DONATION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 748, S. 2420.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

(Strike all after the enacting clause and insert in lieu thereof the part printed in italic.)

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Federal Food Donation Act of 2007''.

[SEC. 2. PURPOSE.

[The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) APPARENTLY WHOLESOME FOOD.—The term ''apparently wholesome food'' has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

[(2) EXCESS.—The term ''excess'', when applied to food, means food that—

[(A) is not required to meet the needs of executive agencies; and

[(B) would otherwise be discarded.

[(3) FOOD-INSECURE.—The term ''food-insecure'' means inconsistent access to sufficient, safe, and nutritious food.

[(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that is—

[(A) described in section 501(c) of the Internal Revenue Code of 1986; and

[(B) exempt from tax under section 501(a) of that Code.

[SEC. 4. PROMOTING FEDERAL FOOD DONATION.

[Not later than 180 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) to provide that all contracts above $25,000 for the provision, service, or sale of food, or for the lease or rental of Federal property to a private entity for events at which food is provided, shall include a clause that—

[(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States;

[(2) provides that the head of an executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States; and

[(3) provides that executive agencies and contractors making donations pursuant to this Act are protected from civil or criminal liability under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

[SEC. 5. COORDINATOR OF COMMUNITY FOOD SECURITY AND GLEANING.

[(a) IN GENERAL.—The Secretary of Agriculture shall establish in the Department of Agriculture a Coordinator of Community Food Security and Gleaning.

[(b) DUTIES.—The Coordinator of Community Food Security and Gleaning shall provide technical assistance relating to the activities described in section 4 to—

[(1) agencies of Federal, State, and local government;

[(2) nonprofit organizations;

[(3) agricultural producers; and

[(4) private entities.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Food Donation Act of 2008''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPARENTLY WHOLESOME FOOD.—The term ''apparently wholesome food'' has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

(2) EXCESS.—The term ''excess'', when applied to food, means food that—

(A) is not required to meet the needs of executive agencies; and

(B) would otherwise be discarded.

(3) FOOD-INSECURE.—The term ''food-insecure'' means inconsistent access to sufficient, safe, and nutritious food.

(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that all contracts above $25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and

(2) states the terms and conditions described in subsection (b).

(b) TERMS AND CONDITIONS.—

(1) COSTS.—In any case in which a contractor enters into a contract with an executive agency under which apparently wholesome food is donated to food-insecure people in the United States, the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States under this Act.

(2) LIABILITY.—An executive agency (including an executive agency that enters into a contract with a contractor) and any contractor making donations pursuant to this Act shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

Mr. SCHUMER. Mr. President, I want to thank my colleagues for their support of S. 2420, the Federal Food Donation Act of 2007, which is being passed through the Senate today. I introduced this bill, which will encourage the donation of excess food from Federal agencies and their qontractors to emergency food providers, on December 6, 2007.

In a country as wealthy as ours it is unacceptable that anyone person should go hungry, yet approximately 35.5 million Americans have difficulty affording food. An estimated 732,000 households in my home State of New York live with hunger or the threat of hunger.

Food banks and pantries all across the United States are facing a perfect storm where as the economy suffers and food prices rise, more and more families are relying on their services; yet the pantries are straining to keep their shelves stocked due to the increase in food requests and food costs. According to America's Second Harvest, food banks around the country lare reporting that an estimated 20 percent more people are visiting soup kitchens and food pantries for help this year than last year, and too many people are being turned away. We need to do everything we can to make sure that all families in all communities have enough to eat during these difficult times.

This bill will help make fighting hunger a national priority. In the 1990s, the United States Department of Agriculture created an initiative through which it encouraged the practice of food recovery. During just 1 year of the program, 1998, the Federal Government recovered over 3 million pounds nationwide from cafeterias, farms, research centers, and military bases. For the past decade the Federal Government has strayed away from this important anti-hunger initiative, but this bill would take an important step towards reengaging the Federal Government's involvement in food recovery.

Nonprofits in the business of food rescue serve millions of people, and I would like to thank one such nonprofit, Rock and Wrap it Up!, a national food rescue organization headquartered in New York, for their help in conceiving of and promoting this bill. I commend them for their great work. It is now time for the Federal Government to join the nonprofit and private sectors in doing all it can to feed our Nation's hungry—the need for help is greater now than it has been in a very long time.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2420), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL CHILDHOOD CANCER AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. Res. 563.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 563) designating September 13, 2008, as ''National Childhood Cancer Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 563) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 563

Whereas more than 10,000 children under the age of 15 in the United States are diagnosed with cancer annually;

Whereas every year more than 1,400 children under the age of 15 in the United States lose their lives to cancer;

Whereas childhood cancer is the number one disease killer and the second overall leading cause of death of children in the United States;

Whereas 1 in every 330 children under the age of 20 will develop cancer, and 1 in every 640 adults aged 20 to 39 has a history of cancer;

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That Congress—

(1) designates September 13, 2008, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer; and

(3) recognizes the human toll of cancer and pledges to make its prevention and cure a public health priority.

NATIONAL INTERNET SAFETY MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 746, S. Res. 567.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 567) designating June 2008 as National Internet Safety Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 567) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 567

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 86 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 67 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 30 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 12 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 42 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2008 as ''National Internet Safety Month'';

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 577.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 577) to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I rise today to discuss an issue that hits deep at the heart—and pocketbooks—of Americans nationwide: rising gasoline prices.

Each and every day, Americans contend with a rapid and inexplicable increase in gasoline prices. Over the last month, the average price of gasoline has increased a penny a day.

A barrel of oil is at $133.17.

The impacts of these increases are staggering.

I have heard stories of how individual Americans are coping with the problem of increased gas prices as they conduct their daily lives with their families and in their work environments.

They are finding ways to reduce their consumption of gasoline by driving less, altering daily routines, and even changing family vacation plans.

To me, this example of changing family vacation plans is all the more poignant on the eve of what is usually a busy holiday weekend, a holiday that usually sees many Americans traveling by car out of town.

In fact, travel over this holiday weekend is expected to be down for the first time since September 11, 2001.

The bottom line, Mr. President, is Americans are tightening their belts in ways that bring hardships, but save dollars that are necessary to meet essential family needs. And while small in comparison to the overall problem of supply and demand of gasoline, these efforts do add up. I never dismiss the American ''can do'' spirit.

In one word, it is individual conservation. And in cases such as this, when individuals are leading the way, the government should join.

The purpose of the Sense of the Senate Resolution that I am pleased to offer is to urge the federal government to likewise take initiatives to cut back—even in a small measure—its daily consumption of gasoline and other fuels.

I believe such a move would signal to Americans that their government is sharing the daily hardships occasioned by this turbulent, uncertain energy crisis.

Mr. BINGAMAN. Mr. Presdient, I am pleased to cosponsor Senator WARNER's legislation that calls on the President to reduce the gasoline consumption of the departments and agencies that he oversees.

We are seeing American consumers begin to use less gasoline, as prices reach new historic highs almost daily. Many Americans simply cannot afford to maintain their regular driving habits at the moment. This is a situation that we have not experienced in this country in over 30 years.

It is important that the Federal Government show its solidarity with the American people in this time of economic hardship. Just as individual citizens are finding ways to use less gasoline, the U.S. Government should also be finding ways to reduce consumption.

Because the Executive Branch is by far the largest branch of Government, it is important that the President take the lead on this issue. As the Federal Government spends less money on fuel, we send fewer American taxpayers' hard earned dollars to oil-exporting countries. That is a goal I know we can all agree is laudable under any circumstance, but even more so now, as fuel costs continue to soar.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 577) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

Mr. REID. Mr. President, I wish to express on the record my appreciation to Senators WARNER and BINGAMAN for this most important resolution that just passed. It expresses the sense of the Senate that Americans are contending with rising gasoline prices. Their personal stories reflect the ways in which family budgets are suffering.

The cost of gas is impacting the way Americans cope with problems within the family and, therefore, we need to find ways to reduce consumption of gasoline. This is directed toward the President. I hope he will review this. We have a lot of problems with our economy, many of which are a direct result of the cost of a barrel of oil being $130.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 578.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 578) recognizing the 100th anniversary of the founding of the Congressional Club.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 578) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 578

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled ''An Act to incorporate the Congressional Club'' (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, ''upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were'';

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 579.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 579) designating the week beginning May 26, 2008, as ''National Hurricane Preparedness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 579

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a family disaster plan, create a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'' will help raise the awareness of the people of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'';

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

AUTHORIZING THE USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 85.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 85) was agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION—Physcial preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 355.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 355) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 355) was agreed to, as follows:

H. CON. RES. 355

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, through Friday, May 30, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDER FOR SIGNING AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. REID. Mr. President, one reason we waited until 20 till 8 tonight to try to complete the work of the Senate is that I had a number of conversations today with my staff trying to work out nominations, and we worked something out. I spoke with the President's Chief of Staff, Josh Bolten. I have always found him to be a very pleasant man to work with.

We arrived at an agreement we would approve, for example, ambassadors to 18 different countries; we would approve a man to be Secretary of Housing and Urban Development. Senator DODD went to a great deal of trouble to clear this nomination. In fact, he held a special meeting to get this nomination done. We were going to agree to a number of people, Republicans in nature: Stephen Krasner for the Institute of Peace; J. Robinson West for the Corporation for National Community Service—I am reading the Republicans because there are so few Democrats it is hardly worth mentioning—Eric Tannenblatt, Corporation for National and Community Service; Layshae Ward; Hyepin Christine Im. We have a number of military officers we agreed to, some 50 in number. In exchange for this, the Democrats were going to get three or four people.

I have always thought, in my dealings around here, when we work something out, that is the agreement. But at the last minute, somebody steps in and says that isn't quite good enough. That is unfortunate because the arrangement was negotiated with staff and Mr. Bolten in good faith.

Everyone should understand that people complain about the White House not having sufficient staff. Why don't you approve some of these nominations? Tonight, we had about 80 we were going to approve—military, ambassadors, a Cabinet Secretary. We got an objection about some inconsequential appointment in comparison to all these, important to the person involved, I am sure. That is not the way we should be doing business.

So here we are going into a recess. These people are not going to have their jobs. There is no fault on behalf of the Democrats. This was all done. So I want the President's Chief of Staff and the President to understand they are missing one Cabinet Secretary that Chairman DODD went through great trouble to approve.

The sad part about this is we rushed through this because we wanted one Democrat approved. It was personally important to one of our Senators. That is the way it is. But let this RECORD reflect there are military commissions that will not be granted and advanced. There will be a Cabinet Secretary not approved, there will be 18 ambassador positions which would not be filled, all because of the Republican minority.

Is it any wonder they have lost three special elections—congressional seats—in heavily Republican districts? Even the Republicans out there are understanding that this is the wrong way to run a country. Seven and a half years of division, not unification.

I am going to do my very best in the next 7 months in my position to do everything I can to work with the White House to try to get things done, but this is an example of what we get—no cooperation, no ability to try to unify us.

ORDERS OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Friday, May 23, for a pro forma session only, with no action or debate; that following the pro forma session, the Senate recess until 9:15 a.m., Tuesday, May 27, for a pro forma session with no intervening action or debate, and that following the pro forma session the Senate recess until 9 a.m., Thursday, May 29, for a pro forma session only, with no intervening action or debate; that following the pro forma session, the Senate adjourn until 2 p.m., Monday, June 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, and that following morning business, the Senate resume the motion to proceed to calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at about 5:30 p.m. on Monday, June 2, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the climate security legislation. Under a previous order, the time from 4:30 until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

I failed to remind everyone that on Tuesday, the week we get back, all Senators should be dressed in their finest. We are going to have our Senate picture taken. So I would hope everyone will remember that and make sure they wear the right clothes for posterity when we have our picture taken. That will be Tuesday. It is scheduled for a time if somebody wears the wrong clothes, we can send them home and have them dress properly.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m., recessed until Friday, May 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

MICHAEL B. BEMIS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013, VICE SKILA HARRIS, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PATRICK J. DURKIN, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2009, VICE NED L. SIEGEL, TERM EXPIRED.

DEPARTMENT OF STATE

DAVID F. GIRARD-DICARLO, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JOHN J. FASO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013, VICE DAVID WESLEY FLEMING, TERM EXPIRED.

JOE MANCHIN III, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2012, VICE GEORGE PERDUE, TERM EXPIRED.

HARVEY M. TETTLEBAUM, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2012, VICE MARC R. PACHECO, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MATTHEW KAZUAKI ASADA, OF NEW JERSEY
TAMMY MCQUILKIN BAKER, OF FLORIDA
JAMES L. BANGERT, OF KANSAS
KEITH B. BEAN, OF NEW JERSEY
PHILIP MARTIN BEEKMAN, OF MICHIGAN
WYLITA L. BELL, OF VIRGINIA
TASHAWNA S. BETHEA, OF NEW JERSEY
MIECZYSLAW PAWEL BODUSZYNSKI, OF CALIFORNIA
RYAN THOMAS CAMPBELL, OF CALIFORNIA
VINCENT MAX CAMPOS, OF CALIFORNIA
JARED S. CAPLAN, OF FLORIDA
JOHN Y. CHOI, OF CALIFORNIA
ROBERT J. DAHLKE, OF ILLINOIS
DANIEL K. DELK, JR., OF GEORGIA
DAVID S. FELDMANN, OF MARYLAND
RODRIGO GARZA, OF TEXAS
DANIEL CHARLES GEDACHT, OF CONNECTICUT
LEON W. GENDIN, OF FLORIDA
TONYA W. GENDIN, OF FLORIDA
SIMONE LYNNETTE GRAVES, OF FLORIDA
STEPHANIE LYNNE HALLETT, OF FLORIDA
THOMAS EDWARD HAMMANG, JR., OF TEXAS
BRIAN BENJAMIN HIMMELSTEIB, OF NEW JERSEY
ARIEL NICOLE HOWARD, OF LOUISIANA
DOUGLAS M. HOYT, OF VIRGINIA
MARGARET HSIANG, OF NEW JERSEY
ANTOINETTE C. HURTADO, OF CALIFORNIA
ANNA SUNSHINE ISON, OF KENTUCKY
DONALD F. KILBURG III, OF TEXAS
HOLLY ANN KIRKING, OF WISCONSIN
JEREMIAH A. KNIGHT, OF CONNECTICUT
TOMIKA L. KONDITI, OF ILLINOIS
RACHNA SACHDEVA KORHONEN, OF NEW JERSEY
MOLLY RUTLEDGE KOSCINA, OF WASHINGTON
ELIZABETH MARIE LAWRENCE, OF ILLINOIS
ANITA LYSSIKATOS, OF VIRGINIA
LOREN G. MEALEY, OF NEW JERSEY
LIOUDMILA MILLMAN, OF VIRGINIA
ANJANA J. MODI, OF PENNSYLVANIA
MOLLY C. MONTGOMERY, OF OREGON
JESSICA N. MUNSON, OF MINNESOTA
REBECCA PIERCE OWEN, OF OREGON
JENNIFER DAVIS PAGUADA, OF GEORGIA
ANGELA P. PAN, OF CALIFORNIA
SETH LEE PROVVEDI PATCH, OF MASSACHUSETTS
JOSHUA WILEY POLACHECK, OF ARIZONA
ANUPAMA PRATTIPATI, OF PENNSYLVANIA
T. CLIFFORD REED, OF TEXAS
KYLE ANDREW RICHARDSON, OF VIRGINIA
SUSAN JEAN RIGGS, OF TEXAS
STETSON SANDERS, OF CALIFORNIA
CAROLINE J. SAVAGE, OF WISCONSIN
VERONICA SCARBOROUGH, OF VIRGINIA
ADDIE B. SCHROEDER, OF KANSAS
DANIEL E. SLUSHER, OF KANSAS
DEBORAH B. SMITH, OF CONNECTICUT
ALYS LOUISE SPENSLEY, OF MINNESOTA
DAVID STEPHENSON, OF TEXAS
MICHAEL STEWART, OF OREGON
NANCY ELIZABETH TALBOT, OF FLORIDA
LAURA TAYLOR-KALE, OF CALIFORNIA
MARK HAMILTON THORNBURG, OF THE DISTRICT OF COLUMBIA
DENNIS DEAN TIDWELL, OF TENNESSEE
MICHAEL J. TRAN, OF KANSAS
TINA C. TRAN, OF OKLAHOMA
IAN A. TURNER, OF MARYLAND
LINNISA JOYA WAHID, OF MARYLAND
SUSAN FISHER WALKE, OF VIRGINIA
TONIA N. WEIK, OF TEXAS
APRIL SHAVONNE WELLS, OF ALABAMA
RUSSELL JAY WESTERGARD, OF VIRGINIA
JESSICA A. WOLF-HUDSON, OF NEW YORK
SUSAN W. WONG, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MATTHEW HILGENDORF, OF NEW HAMPSHIRE

DEPARTMENT OF STATE

CASSANDRA ALLEN, OF ARIZONA
HAYWARD M.G. ALTO, OF CALIFORNIA
ANDREW L. ARMSTRONG, OF FLORIDA
DONALD J. ASQUITH, OF MARYLAND
DEVIN K. AUBRY, OF VIRGINIA
JOSEPH F. BIEDLINGMAIER, JR., OF THE DISTRICT OF COLUMBIA
ALFREDA FRANCES BIKOWSKY, OF VIRGINIA
MARIE BLANCHARD, OF MASSACHUSETTS
SETH G. BLAYLOCK, OF VIRGINIA
MATTHEW A. BOCKNER, OF THE DISTRICT OF COLUMBIA
CHRIS BREDING, OF TEXAS
MATTHEW J. BRITTON, OF CALIFORNIA
CHARLES L. BROWN II, OF TEXAS
CHERIE L. BROWN, OF VIRGINIA
REBECCA ELLEN BYERS, OF MARYLAND
ROBERT CARNEY, OF THE DISTRICT OF COLUMBIA
WILLIAM RUSSELL CAULFIELD III, OF VIRGINIA
MICHAEL A. CICERE, OF VIRGINIA
JACLYN ANNE COLE ADKINS, OF MARYLAND
MELISSA ELMORE COTTON, OF NEW YORK
ANDREW TAYLOR COWDERY, OF VIRGINIA
JUSTIN D. CUNHA, OF MARYLAND
HADI KAMIL DEEB, OF VIRGINIA
YVETTE M. DENNE, OF FLORIDA
JANE M. DITTMAR, OF THE DISTRICT OF COLUMBIA
JACOB DOTY, OF OREGON
JONATHAN EDWARD EARLE, OF VIRGINIA
CHRISTOPHER MICHAEL ELMS, OF NEW YORK
CHRISTOPHER S. ENLOE, OF GEORGIA
RACHEL L. ERICKSON, OF CALIFORNIA
CONCEPCIN ESCOBAR, OF MASSACHUSETTS
JASON E. FARKAS, OF VIRGINIA
RUPERT FINKE, OF VIRGINIA
SEAN PATRICK FITZGERALD, OF VIRGINIA
NIKOLAI FLEXNER, OF THE DISTRICT OF COLUMBIA
TRESIA M. GALE, OF VIRGINIA
DENNIS J. GARCIA, OF VIRGINIA
REBECCA GARDNER, OF OHIO
ROBERT RICHARD GATEHOUSE, JR., OF THE DISTRICT OF COLUMBIA
DAN S. GELMAN, OF VIRGINIA
PAUL ANTHONY GHIOTTO, JR., OF FLORIDA
CATHERINE GIAQUINTA, OF MARYLAND
SHAUN V. GONZALES, OF THE DISTRICT OF COLUMBIA
MICHAEL GORMAN, OF THE DISTRICT OF COLUMBIA
SILJE M. GRIMSTAD, OF VIRGINIA
CATHERINE A. HALLOCK, OF NEW YORK
MEREDITH P. HAMILTON, OF VIRGINIA
DELLA R. HARELAND, OF NEVADA
JEFFREY M. HAY, OF VIRGINIA
MICHAEL LEE HICKS, JR., OF VIRGINIA
ARIN C. HOTZ, OF VIRGINIA
JONATHAN PAUL HOWARD, OF VIRGINIA
GEOFFREY HOWE, OF VIRGINIA
DAVID P. IREY, OF VIRGINIA
ERIC R. JACOBS, OF VIRGINIA
RYAN P. JENNINGS, OF MARYLAND
KIMBERLEE M. JOHNSON, OF VIRGINIA
RICHARD H. JOHNSON, OF VIRGINIA
LAURA M. KACZMAREK, OF VIRGINIA
THOMAS N. KATEN, OF VIRGINIA
SHAMIM KAZEMI, OF MARYLAND
JAY M. KIMMEL, OF KANSAS
KENNON W. KINCAID, OF VIRGINIA
STEVEN C. KISH, OF VIRGINIA
ALLEN L. KRAUSE, OF MICHIGAN
MATTHEW THOMAS LARSON, OF VIRGINIA
LISSETTE LASANTA, OF VIRGINIA
CHON JI RYONG LEE, OF VIRGINIA
IRENE S. LEE, OF THE DISTRICT OF COLUMBIA
LAI M. LEE, OF VIRGINIA
TRACIE K. LESTER, OF VIRGINIA
WALTER S. LUTES, OF VIRGINIA
WINI M. LYONS, OF VIRGINIA
AMY MARIE MALLEY, OF VIRGINIA
THERESA J. MANGIONE, OF FLORIDA
NATALIA MARIC, OF CALIFORNIA
KUNDAI MASHINGAIDZE, OF NEW JERSEY
MELISSA L. MCCARTHY, OF VIRGINIA
MEGAN L. MCCULLOCH, OF THE DISTRICT OF COLUMBIA
JULIE P. MCKAY, OF SOUTH CAROLINA
ROBERT L. MCKINNON, OF VIRGINIA

HERA ANDORA MCLEOD, OF MARYLAND
LORENZO DOW MCWILLIAMS, OF VIRGINIA
JEREMY M. MEARS, OF VIRGINIA
DANIEL LANG MEGES, OF VIRGINIA
ROBERTO MELENDEZ, OF VIRGINIA
DAVID BEAU MELLOR, OF VIRGINIA
CYNTHIA D. MILLER, OF ILLINOIS
BETHANY MILTON, OF NEW YORK
JAY BRYAN MITCHELL, OF VIRGINIA
BROOKE M. MONDERO, OF VIRGINIA
RUSSELL ALLEN MORALES, OF VIRGINIA
KEVIN P. MORAN, OF VIRGINIA
VICTOR M. MUNGEN, OF VIRGINIA
WALKER P. MURRAY, OF WASHINGTON
WILLIAM T. NIMMER, OF GEORGIA
LAREINA L. OCKERMAN, OF VIRGINIA
JUN H. OH, OF VIRGINIA
ANDREW JOSEPH PASTIRIK, OF VIRGINIA
LINDA J. PERCY, OF MICHIGAN
GAIL G. PERLEY, OF VIRGINIA
NEIL PHILLIPS, OF MARYLAND
JAY L. PORTER, OF UTAH
ANGELA JENELLE POZDOL, OF VIRGINIA
JEFFREY T. PUGH, OF VIRGINIA
DAVID P. RAGANO, OF VIRGINIA
MARGARET S. RAMSAY, OF NEW YORK
RYAN M. REID, OF VIRGINIA
ANDREW ETHAN REMSON, OF VIRGINIA
GEORGE RIVAS, JR., OF TEXAS
ANGELA LYNN RUTH, OF VIRGINIA
GABRIEL L. RUTH, OF VIRGINIA
WILBER N. SAENZ, OF VIRGINIA
PRINCESS J. SCHMIDT, OF VIRGINIA
LAUREN SCHOR, OF VIRGINIA
DAVID RYAN SECKINGER, OF PENNSYLVANIA
TRAVIS MARK SEVY, OF UTAH
KATHRYN L. SHAFFNER, OF VIRGINIA
MICHAEL AARON SHULMAN, OF THE DISTRICT OF COLUMBIA
HOWARD A. SIMMONDS, OF VIRGINIA
NICHOLAS ANDREW SLEDER, OF VIRGINIA
ALAN J. SMITH, OF THE DISTRICT OF COLUMBIA
ROBERT E. STACY, OF THE DISTRICT OF COLUMBIA
G. BART STOKES, OF FLORIDA
ELIZABETH E. STROBEL, OF VIRGINIA
TRENT MATTHEW SUKO, OF VIRGINIA
ALEXANDER TATSIS, OF NEW HAMPSHIRE
SCOTT A. THOMAS, OF MARYLAND
HEATHER JOY THOMPSON, OF NEW YORK
JOACHIM VAN BRANDT, OF THE DISTRICT OF COLUMBIA
TAMMY L. VITATOE, OF GEORGIA
JENNIFER HOPE WALKER, OF VIRGINIA
TODD JAMES WATKINS, OF VIRGINIA
CLINT ALLAN WATTS, OF TEXAS
TIMOTHY C. WATTS, OF TEXAS
ROSALYN NUNEZ WIESE, OF FLORIDA
JOSEPH M. WILLIS, OF VIRGINIA
NELSON HUA-YEE WU, OF VIRGINIA
CORINNA ELIZABETH YBARRA ARNOLD, OF TEXAS
DARYN L. YODER, OF PENNSYLVANIA
MICHAEL JOSEPH YOUNG, OF COLORADO
SAMANTHA G. YURKUS, OF VIRGINIA
ADAM ZERBINOPOULOS, OF TEXAS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

MARK H. PICKETT
JAMES S. VERLAQUE
CHRISTOPHER A. BEAVERSON
DAVID O. NEANDER
MICHAEL S. DEVANY
DONALD W. HAINES
MICHELE A. FINN
HARRIS B. HALVERSON II
BARRY K. CHOY
DOUGLAS D. BAIRD, JR

To be commander

MICHAEL L. HOPKINS
GREGORY G. GLOVER
PHILIP G. HALL
WILLIAM R. ODELL
JOHN T. CASKEY
CECILE R. DANIELS
LAWRENCE T. KREPP
JAMES M. CROCKER
CARL E. NEWMAN
SHEPARD M. SMITH
ALBERT M. GIRIMONTE
TODD A. BRIDGEMAN
EDWARD J. VAN DEN AMEELE
ALEXANDRA R. VON SAUNDER

To be lieutenant commander

WILLIAM P. MOWITT
JONATHAN B. NEUHAUS
NICHOLAS J. TOTH
ANDREW A. HALL
CATHERINE A. MARTIN
MATTHEW J. WINGATE
STEPHANIE A. KOES
DANIEL M. SIMON

To be lieutenant

BRENT J. POUNDS
AMANDA L. GOELLER
BENJAMIN S. SNIFFEN
MARK A. BLANKENSHIP
FIONNA J. MATHESON
JONATHAN E. TAYLOR
ANDREW P. HALBACH

To be lieutenant (junior grade)

JUSTIN T. KEESEE
MATTHEW T. BURTON
CARL G. RHODES
TIMOTHY M. SMITH
JAMES T. FALKNER
CHRISTOPHER S. SKAPIN
JENNIFER L. KING
CHAD M. MECKLEY
CARYN M. ARNOLD
MEGAN A. NADEAU
MARC E. WEEKLEY
PATRICK M. SWEENEY III

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ERROL R. SCHWARTZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. DIRK J. DEBBINK

EXTENSIONS OF REMARKS

EARMARK DECLARATION FOR H.R. 5658, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009:

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Army, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Chang Industry.

Address of Requesting Entity: 1925 McKinley Avenue, Suite F, La Verne, California 91750.

Description of Request: Provide an earmark of $6,000,000 to develop Fire Shield, an Active Protection System (APS) with the guidance of the U.S. Army Tank Automotive Research, Development and Engineering Center in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades (RPG) by detecting and destroying incoming projectiles. Approximately $200,000 is for identifying and refining the operational requirement; $4,000,000 is for system development; $600,000 is for materials and equipment; $1,200,000 is for testing and evaluation. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Army, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Tanner Research.

Address of Requesting Entity: 825 South Myrtle Avenue, Monrovia, California 91016.

Description of Request: Provide an earmark of $5,000,000 to complete development of a Dual-Mode Micro Seeker (radio frequency/electro-optical (RF/EO)) being developed with the U.S. Army Armament Research, Development and Engineering Center at Picatinny Arsenal, New Jersey. This funding seeks to improve the accuracy of gun-launched and small missile interceptors used on current and emerging defensive weapons systems by increasing the accuracy needed to counter incoming rocket, artillery and mortar threats. Approximately $600,000 will be used for RF signal processing development; $1,700,000 for monolithic microwave integrated circuits and complementary metal-oxide-semiconductor integrated circuit development; $1,200,000 for EO avalanche photodiode (APD) circuit development; $900,000 for RF seeker integration; and $600,000 for EO seeker integration. In each example, system development cost is approximately 64 percent; materials and equipment costs are approximately 28 percent; and testing and evaluation are approximately 8 percent. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Air Force, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Advanced Projects Research, Incorporated.

Address of Requesting Entity: 1925 McKinley Avenue, Suite B, La Verne, California 91750.

Description of Request: Provide an earmark of $5,200,000 to continue testing and development of the Wavelength Agile Spectral (WASH) Oxygen Sensor with the guidance of the U.S. Air Force Research Laboratory in Wright-Paterson Air Force Base, Ohio. The WASH Oxygen Sensor intends to measure oxygen concentration in military high-performance fuel tanks. This funding will also be used for the Cell Level Battery Controller, which intends to monitor and control charge and temperature at the cell level of military battery energy storage systems. Approximately $477,000 will be used for project management; $763,000 for engineering analysis; $1,430,000 for engineering design; $954,000 for hardware fabrication and assembly; $1,144,000 for test engineering; $62,000 for material and hardware; $348,000 for subcontracts; and $22,000 for travel. This request is consistent with the intended and authorized purpose of the Air Force RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Air National Guard, Operation and Maintenance account.

Legal Name of Requesting Entity: Gentex Corporation.

Address of Requesting Entity: 11525 Sixth Street, Rancho Cucamonga, California 91730.

Description of Request: Provide an earmark of $2,000,000 to supply Air National Guard aircrews with approximately 2,200 MBU-20A/P Oxygen Masks with Mask Lights. The oxygen mask's unit price is approximately $900 per unit. The MBU-20A/P was approved for fleet wide implementation in an effort to standardize to a common enhanced oxygen mask. Approximately, 34 percent of the funding is for manufacturing labor; 4 percent is for sustainment and systems engineering support; 6 percent is for inspections and tests; 20 percent is for general and administrative costs; 35 percent is for material; 1 percent is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard, Operation and Maintenance account.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I submit the following:

Requesting Member: Congressman TIM MURPHY.

Bill Number: H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Account: Title XXVI, Guard and Reserve Forces Facilities.

Legal Name of Requesting Entity: Pennsylvania National Guard.

Address of Requesting Entity: Coraopolis, Pennsylvania, USA.

Description of Request: Authorization of $3,250,000 for planning and design of the Combined Support Maintenance Shop in Coraopolis, Pennsylvania, is included in the bill. This new complex will consist of approximately 130,000 square feet of administrative and supply areas, and nine general purpose and 12 specialty maintenance work bays to regionally maintain Army National Guard ground vehicles located in Western Pennsylvania. The project will allow consolidation and closing of four inadequate maintenance facilities in the Pittsburgh area. The Army National Guard and the Commonwealth will benefit by reduced operating and maintenance costs associated with the closure of four inefficient facilities as well as utilizing an Energy Management control system. Soldiers will benefit by being provided a state-of-the-art, efficiently functioning work space to maintain combat vehicles.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KING. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman STEVE KING.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MilCon, Air National Guard.

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa 50131.

Description of Request: Authorizes appropriation of $5.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National Guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit's mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

COST ESTIMATE

Item	U/M	Quantity	Unit cost	Cost ($000)
VEHICLE MAINTENANCE/COMM TRAINING FACILITY	SF	32,369		4,171
VEHICLE MAINTENANCE AREA	SF	7,000	210	(1,470)
AGE ADDITION TO COMM AREA	SF	2,600	186	(484)
UPGRADE COMMUNICATIONS AREA	SF	22,769	91	(2,072)
ANTI-TERRORISM/FORCE PROTECTION MEASURES	SF	32,369	2	(65)
LEED CERTIFICATION	LS			(80)
SUPPORTING FACILITIES				864
PAVEMENTS	LS			(115)
UTILITIES	LS			(150)
SITE IMPROVEMENTS/PARKING	LS			(100)
COMMUNICATIONS SUPPORT	LS			(100)
PRE-WIRED WORK STATIONS	LS			(130)
TEMPORARY TRAILERS	LS			(220)
DEMOLITION/ASBESTOS REMOVAL	SF	3,270	15	(49)
SUBTOTAL				5,035
CONTINGENCY (5%)				252
TOTAL CONTRACT COST				5,287
SUPERVISION, INSPECTION AND OVERHEAD (6%)				317
TOTAL REQUEST				5,604
TOTAL REQUEST (ROUNDED)				5,600

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed masonry walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior wall, ceilings, interior finishes and pre-wired work stations. Alteration: Rearrange and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air Conditioning: 60 Tons.

11. REQUIREMENT: 32,369 SF ADEQUATE: 0 SF SUBSTANDARD: 22,769 SF.

PROJECT: Vehicle Maintenance and Communications Training Facility (Current Mission).

REQUIREMENT: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132-personnel combat communications squadron responsible for tactical communications-electronics systems. Functional areas include the command section, communication systems (i.e. satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

CURRENT SITUATION: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit's manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within response time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport driveway. This requires them to take valuable time and manpower to get to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally set up to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil-water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

IMPACT IF NOT PROVIDED: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit's capability to maintain a safe, operationally ready fleet, and severely limits the unit's ability to train. Continued safety and environmental problems with possible violations of federal and state environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

ADDITIONAL: This project meets the criteria/scope specified in Air National Guard Handbook 32–1084, ''Facility Requirements'' and is in compliance with the base master plan. These facilities are ''inhabited'' buildings and meet the standoff distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternative options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings will be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM.

VEHICLE MAINTENANCE AREA—7,000 SF = 650 SM.

AGE ADDITION TO COMM AREA—2,600 SF = 242 SM.

UPGRADE COMMUNICATIONS AREA—22,769 SF = 2,115 SM.

DEMOLITION/ASBESTOS REMOVAL—3,270 SF = 304 SM.

HONORING CAROL A. WARREN'S SERVICE WITH THE CORPS OF ENGINEERS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Carol A. Warren on the occasion of her retirement from the U.S. Army Corps of Engineers and for her many years of outstanding federal service.

Carol has been a tremendous help to me as a liaison with the Nashville District. Her knowledge of how local, state and federal government work together has proven to be a valuable asset to the Corps and its many projects. She has served with distinction and the highest degree of professionalism. Through her many contributions to the Corps of Engineers, she has consistently demonstrated the highest qualities of leadership and dedication.

In 1990, Carol started her work with the Corps as the Nashville District Commander's Secretary, supporting nine District Engineers, before eventually being promoted to Executive Liaison Officer.

While Carol is officially retiring, she will not leave the Corps entirely and has agreed to return part-time to train someone for her position. It has been a real pleasure working with Carol over the years. I congratulate her on a great career and wish her the best in her retirement. Thank you, Carol, for a job well done.

HONORING THE REVEREND DR. ALBERT F. CAMPBELL

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FATTAH. Madam Speaker, a distinguished preacher and spiritual leader in Philadelphia, the Reverend Doctor Albert F. Campbell, the pastor of Mount Carmel Baptist Church, is observing a milestone that provides his congregants, his many followers and admirers along with friends and family, an opportunity to celebrate his long and productive ministry.

Pastor Campbell has been a rock in West Philadelphia, as a man of God, a man of the people, a leader of the community and a role model for all of those in his sphere.

He has presided over Mount Carmel Baptist—''a revolutionary church engaged in revolutionary services''—for 42 years, succeeding the Reverend Doctor Dennie W. Hoggard. A passionate and inspiring young preacher from Beulah Baptist Church of New York City, Reverend Campbell arrived in Philadelphia with his wife, Ruth Price Campbell, and their sons, Albert Jr. and Milton K., to step into the pulpit at Mount Carmel on May 22, 1966. Each year, a Sunday in late May is celebrated as the anniversary of his installation, and this year is no exception—with Pastor Appreciation Day May 25, 2008.

The measure of Reverend Campbell's greatness is evident upon a visit to the church, at 5732 Race Street, to the surrounding community and even to its Web site, which lists no fewer than 61 separate ministries. While the church dates back 126 years, it has grown immensely in the four decades plus of Reverend Campbell's pastorate.

The Reverend Campbell had directed and managed Mount Carmel in an inspirational manner while preaching the word of God to a ''People in Pilgrimage,'' bound for the destination of which God said, ''I will give it to you''.

With a keen eye for management as well as a heart filled with the word of the Lord, Reverend Campbell has guided the Church to prominence in the faith and civic life of the City of Brotherly Love. His vision for Mount Carmel has encompassed all facets of the Church and its work. He has expanded Mount Carmel's ministries, its outstanding youth and educational programs, and its civic and community development outreach across West Philadelphia, impacting its neighbors, reaching out to those in need and to those searching for spiritual fulfillment. Musical programs have been a specialty, and in an especially proud moment, the Mount Carmel orchestra was once invited to perform at the White House.

And so upon this joyous occasion of the 42nd anniversary of his installation, I invite my colleagues to join me in extending congratulations, best wishes and continued success in the Lord's work to the Reverend Doctor Albert F. Campbell, my pastor and a pastor who has served tirelessly for the betterment of all Philadelphians.

IN REMEMBRANCE OF DAN J. SMITH

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ROHRABACHER. Madam Speaker, I rise in this chamber to mark the passing of a great American, Dan J. Smith. A resident of Los Angeles, Dan passed away on May 6, 2008, at the age of 57, leaving a legacy of service to this country. During the first term of President Ronald Reagan, Dan served as a Senior Advisor in the White House Office of Policy Development, where he worked on issues ranging from international trade to NATO defense. The principal achievement he should be remembered for is Executive Order 12320, which established the White House Initiative on Historically Black Colleges and Universities. Dan was the principal architect of the Reagan Administration's program to coordinate the activities of Federal agencies in supporting HBCUs.

A 1972 graduate of the University of Southern California, Dan was instrumental while still an undergraduate in founding the Norman Topping scholarship fund, a voluntary, student-financed program of financial support that still stands as a model for private community service. After receiving a masters degree from Occidental College in 1973, Dan spent his early career in banking and non-profit management. Still in his twenties, he was appointed by the Governor of California in 1976 to the State Economic Development Commission.

After leaving the White House staff, Dan founded his own higher education consulting firm, the Corporation for American Education, which he headed for 26 years. In the mid-1980s, he was instrumental in assisting Fisk University, one of this country's most-cherished HBCUs, in recovering from near insolvency. In 1997, at the request of California's Governor, he helped revise California's statutes overseeing private postsecondary and vocational education.

Dan was a writer, a deep thinker, a servant-leader, a devoted husband and father, and a friend. He was called early by his Maker, but his legacy lives on. America owes a debt to Dan J. Smith and countless other unsung heroes whose life's work represent the fabric of our Nation.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

SPEECH OF

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. MCGOVERN. Mr. Speaker, I rise today in strong support of H. Res. 1026, recognizing the 100th anniversary of the founding of the Congressional Club. I congratulate and thank the Club for its century of service to Members and their families.

When a Member is first elected, one of the first events his or her spouse will be invited to is a welcome at the Congressional Club, bringing together both Republican and Democratic spouses in friendship as they adjust to their new lives in public service.

Throughout the year, there are social opportunities to get to know women and men from around the country and even around the world as the Club sometimes hosts events with the international community, such as the recent Diplomatic Parade of Nations. The Club also draws on its members' talents and energies for designated non-political, non-partisan service projects.

In a city that can sometimes be known for its political tensions, the Congressional Club offers a longstanding oasis of good will and friendship for Congressional couples and families which share a great deal in common. It is a tradition that has helped build a community for 100 years and I hope will continue to do so for centuries to come.

RECOGNIZING NATIONAL FOSTER CARE MONTH

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today both in recognition of May as National Foster Care Month and to acknowledge our shared obligation to do everything that we can to help the more than half a million children currently in our Nation's foster care system. I applaud the thousands of devoted adoptive parents in Ohio and across the country who provide children and youth in foster care with permanent, loving families.

Twenty-one-year-old Ashley Flucsa entered Ohio's foster care system at age 10. She spent the next 8½ years in foster care, longing for a family to call her own. ''I wanted to have the same sense of security that children in non-foster families have,'' she recalls. ''I wanted to have a place to go during college break and I wanted to be able to fully trust that I would always have a place to call home. I wanted a mom to shop with and a dad to someday walk me down the aisle. I wanted stability.''

Today, Ashley is a nursing student at Lakeland Community College. Her foster parents, Yvette and Jim Goldurs of Cleveland Heights, are in the process of adopting Ashley. She hopes to someday become a nurse practitioner or a doctor, and she is very involved with the Ohio Youth Advisory Board, which allows her to share her experiences and advocate for reform on behalf of Ohio's children and youth who are still in foster care. Most importantly, she has found the permanent family that she longed for.

Currently, Ohio has more than 17,000 children living in foster care. In 2005, a quarter of these foster children were waiting to join adoptive families. They had to wait an average of nearly 4 years to do so. More worrisome still, many of Ohio's foster youth will never find the permanent family they need. More than 1,200 youth ''aged out'' of Ohio's foster care system in 2005 completely on their own, with no family to rely upon.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, encourages States to find foster children like Ashley permanent homes through adoption. The Adoption Incentive Program is due to expire this

year, on September 30, and should be reauthorized so that it can continue to serve as a vitally important incentive to States for finalizing adoptions for children in foster care, with an emphasis on finding adoptive homes for special needs children and foster children over age 9. I am proud of Ohio's success in finalizing more than 10,400 adoptions of children from foster care between 2000 and 2006, earning $5.4 million in Federal adoption incentive payments, which are invested back into the child welfare program.

We need to help more foster children in Ohio and across the Nation join loving, permanent adoptive families. The Adoption Incentive Program is effective in encouraging more adoptions from foster care, and I look forward to seeing that it is reauthorized this year.

DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the following are detailed fInance plans for each of my requested projects in the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, H.R. 5658.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Military Construction, Navy.

Legal Name of Requesting Entity: Norfolk Naval Shipyard.

Address of Requesting Entity: Norfolk Naval Shipyard, Portsmouth, VA, USA.

Description of Request: Provide $10,590,000 to make Industrial Access Improvements at Main Gate 15 at the Norfolk Naval Shipyard. Mandatory vehicle access control at military installations is a Department of Defense (DoD) requirement per DoD Directives 5200.8 and 5200.8R. Based on a Staff Integrated Vulnerability Assessment conducted in October 2006, the entrance and guardhouse confIguration at Gate 15 are inadequate for both industrial access and from a security/safety standpoint and require upgrading. This project provides for industrial access improvements of Gate 15 including the truck and private automobile inspection area, Pass OffIce Renovations and counter terrorism measures at Gate 15.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Defense-Wide.

Legal Name of Requesting Entity: Virginia Modeling, Analysis and Simulation Center Address of Requesting Entity: Virginia Modeling, Analysis and Simulation Center, 1030 University Blvd, Suffolk, VA 23435, USA.

Description of Request: Provide $800,000 for research and development effort that will bring together the Modeling and Simulation community to defIne, implement, and utilize a set of standards that will guide the development of M&S capability for the foreseeable future. Standards will provide a more cost effective way to ensure simulation compatibility and reuse among the Services and the many types of simulations being developed to address their problems. This action provides funding for the Virginia Modeling, Analysis and Simulation Center at Old Dominion University to develop a set of modeling and simulation standards that will guide all aspects of DoD modeling and simulation design and development.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Shipbuilding and Conversion, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Various.

Description of Request: To increase the President's Budget by $722,000,000 for Virginia Class Submarine Advance Procurement/Advanced Construction. This funding will provide advanced procurement for the Block III procurement of the Virginia Class Submarine fleet. The funding can be used to accelerate the delivery at a rate of 2 per year beginning in FY10 rather than FY11.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Various.

Description of Request: To increase the President's Budget by $10,000,000 for Advanced Submarine System Development (ULMS). The requested funding addition will allow the Navy to proceed with Sea Based Strategic Deterrent (SBSD) development in a timely fashion. This submarine class will serve as the replacement for the OHIO submarine class.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Shipbuilding and Conversion, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Various.

Description of Request: To increase the President's Budget for the LPD by $1,800,000,000. In 2007 Congressional testimony, USMC leaders testIfled that a force structure less than 10 LPD class ships would put the USMC at signiflcant risk in meeting commitments for global presence and to the Global War on Terrorism (GWOT). The $1.8 billion in FY 2009 funding is for LPD 26 as requested on the Navy's and marine Corps' FY 2009 Unfunded Priority Lists.

CONGRATULATIONS TO THE UNIVERSITY OF HOUSTON-VICTORIA JAGUARS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PAUL. Madam Speaker, I am pleased to congratulate The University of Houston—Victoria (UHV) Jaguars softball team on an amazing inaugural season. The Jaguars completed the season with a 32–18 record and finished fourth in Region VI of the National Association of Intercollegiate Athletics, missing the national tournament by one slot.

The Jaguars faced a strong slate of contenders in the regular season, including 14 nationally recognized opponents, nine of which fell to the Jaguars. The team also defeated NCAA teams Houston Baptist University and the University of Mary Hardin-Baylor.

''You've got to beat the best to be the best,'' head coach Keri Lambeth always tells her players, and the Jaguars showed they are more than capable of competing with the best. On March 17, the softball team ranked No.4 in 18–team Region VI in the first season poll based on play, marking the first rating of a UHV sporting team. On March 19, the National Association of Intercollegiate Athletics (NAIA) ranked the softball team No. 15 in the Nation. The team ended the season in the same impressive position.

The players didn't just work hard on the field. Coach Lambeth demanded academic and civic excellence. The players were required to attend a number of study hall hours every week based on their grade-point averages. A perfect 4.0 required 10 hours, while anything less required increasingly more. The players also met with Coach Lambeth each week to discuss how their classes were going and what kind of grades they were earning. As a result, a third of the team is expected to hold a 4.0 GPA this semester, and most of the team members are expected to appear on the UHV Dean's List for the spring semester.

As Coach Lambeth always tells her players, ''We're not just here to play sports. We are here for an education first and foremost.''

As part of their civic activities, the players participated in a mentoring program in which they tutored at-risk elementary school students in reading, and middle and high school students in remedial math. The players also served as role models and life coaches to these students. Many players put in hours above and beyond what was required by the mentoring program.

Madam Speaker, it is my pleasure to fom1ally congratulate the women of the Jaguars on their accomplishments, both on and off the softball field, in their historic first season. I would also like to insert the Jaguars roster into the of the team into the CONGRESSIONAL RECORD: Jessica Salas, Erin Litvik, Samantha Campagna, Kristen Lindley, Curby Ryan, Lindsey Ferguson, Lauren Garza, Chelsi Fitzgerald, Kasey Voyles, Cayla Dluhos, Ashley Falco, Stephanie Lavey, Amber Scott, Whitney Damborsky, Brittany Faas.

RECOGNIZING DENISE JORGENSEN, FOUNDER OF OPERATION MINNESOTA NICE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise to recognize Denise Jorgensen, founder of Operation Minnesota Nice, which provides comfort and support to the American soldier fighting for freedom abroad. It is vital that we not forget those defending our liberty, and Operation Minnesota Nice does its part by sending care packages to troops from Minnesota serving in Iraq, Afghanistan, and Kuwait.

Two months into its mission, Operation Minnesota Nice built its ranks up to ten volunteers

and assisted 17 soldiers spread throughout Iraq and Afghanistan. Today, they have 1,100 volunteers.

Perhaps the greatest contribution Operation Minnesota Nice has made to American soldiers is the inspiration they provide for others to start similar organizations. Floyd Olesen is one such individual. He and his wife started a local chapter of Operation Minnesota Nice in Becker, Minnesota, followed by another organization, Support Our Troops, headquartered in Elk River, Minnesota. Mr. Olesen clearly speaks with admiration for the work Denise Jorgensen has done.

Madam Speaker, we're able to enjoy the freedoms we have today because of the selfless sacrifices so many brave Americans made to secure them, and veterans in America today deserve our utmost respect. The acts of generosity of men and women like Denise and her army of citizen-volunteers are just a sampling of the generous acts of kindness taking place across America to honor the bravest among us. Thank you for your dedication and sacrifice.

TRIBUTE TO DETECTIVE SERGEANT JAY POUPARD

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize Detective Sergeant Jay Poupard on receiving the 2008 Attorney General Special Commendation Award. It is with great admiration and pride that I congratulate Detective Sergeant Poupard on behalf of all of those who have benefited from his dedicated service to Charlotte, Michigan and his proven ability to protect the lives of its citizens.

Detective Sergeant Poupard is a member of the Michigan Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force is a nationwide program designed to assist state and local law enforcement agencies increase their capability to investigate offenders who use the Internet or other computer technology to sexually exploit children. The program is made up of 59 regional Task Force agencies and is funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

The fast, shrewd action of Detective Sergeant Poupard and Detective Spence of Florida and the effective information exchange-between the ICAC Task Forces directly saved the life of an 8-year-old child. Detective Sergeant Poupard's skillful work and sharp sense of awareness also prevented further manufacture and distribution of child pornographic images. As a model to officers across the country, Detective Sergeant Poupard continues to carry out his duty to protect Michigan and the United States.

The 2008 Attorney General Special Commendation Award was presented to Detective Sergeant Jay Poupard of Charlotte, Michigan for his extraordinary work which saved the life of a young child. His superior performance is worthy of this honor and indicative of his continued commitment to high standards and thorough investigative work.

Madam Speaker, today I honor Detective Sergeant Jay Poupard for his esteemed service to the Charlotte community. May others know of my high regard for his outstanding performance and dedication to protecting our children, as well as my best wishes for Detective Sergeant Poupard in the future.

THE STRATEGIC PARTNERSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF MACEDONIA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SOUDER. Madam Speaker, I would like to submit into the CONGRESSIONAL RECORD the text of the U.S. State Department announcement this month regarding the strategic partnership between the United States and the Republic of Macedonia.

I urge my colleagues to review this document closely, and to remember the geostrategic importance of the United States' continued support for the Republic of Macedonia's membership in the North Atlantic Treaty Organization (NATO).

We in Congress should also fully appreciate the great distance this young country has traveled—reforming itself politically, economically, and militarily—since the dissolution of the Socialist Federal Republic of Yugoslavia.

DECLARATION OF STRATEGIC PARTNERSHIP AND COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF MACEDONIA, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, WASHINGTON, D.C., MAY 7, 2008

The United States of America and the Republic of Macedonia are determined to expand and deepen the close partnership between the two countries based upon common goals, interests, and values. The two countries wish to enhance their strategic relationship through intensified consultation and cooperation in the areas of security, people-to-people ties, and commerce. The United States and Macedonia reaffirm their support for the principles of sovereignty and territorial integrity of states, the purposes and principles of the U.N. charter, and a unitary, multiethnic Macedonia within its existing borders.

Macedonia and the United States note that a democratic, secure and prosperous Macedonia, with friendly and constructive relations with its neighbors and as an active participant in regional and international economic, political and security fora, is vital to peace and stability in Southeast Europe.

In this regard, the United States continues to support Macedonia's security, stability and economic development.

In the interest of an intensified partnership, the United States intends to immediately provide additional assistance to Macedonia to help build prosperity, strengthen security, and foster deeper ties between our two countries.

Macedonia expresses deep appreciation to the U.S. for its assistance to date in helping the Macedonian people as they work to institutionalize and make permanent a democratic process that realizes our shared values of peace, freedom, the rule of law, and a free market economy. Macedonia also recognizes and reaffirms the support from the U.S. in reforming and strengthening its armed forces.

Building on our existing strong partnership in the fight against global terrorism and promoting international stability, demonstrated by our troops serving together in Iraq and Afghanistan, our civilian and military officials plan to intensify their bilateral high-level contacts and seek increased joint training and exercise opportunities to enhance the interoperability of our forces, and strengthen our partnership in promoting international security and non-proliferation.

Sharing a desire to expand trade and investment, the United States and Macedonia will seek to enhance their economic ties and undertake additional measures to strengthen the competitiveness of Macedonia's economy and expand opportunities for United States and Macedonian businesses. The United States supports Macedonia's ongoing efforts to build a business-friendly environment attractive to United States and other foreign investment. Macedonia expresses its appreciation for the opportunity to utilize GSP to strengthen bilateral trade. Both countries encourage the further expansion of their trade relations.

Macedonia expresses satisfaction with the successful implementation of the USAID technical assistance programs in the areas of democracy, economic growth and education and reaffirms its desire for cooperation in these areas to continue.

The two countries also seek to build closer and more robust bonds between their citizens and will undertake practical measures to promote educational and cultural exchange.

The NATO Summit Declaration in Bucharest made clear that the Republic of Macedonia has met NATO's democratic, economic, and defense standards through its rigorous participation in the Membership Action Plan. The United States continues to work with our NATO Allies to maintain Macedonia's robust cooperation with NATO under existing mechanisms, while it awaits a membership invitation.

Both countries look forward to Macedonia joining NATO as soon as possible. Our intensified cooperation at this time will further strengthen Macedonia's readiness to take on Alliance obligations and responsibilities in the near future.

CONGRATULATING OUTSTANDING HIGH SCHOOL ARTISTS OF NEW JERSEY'S 11TH DISTRICT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers. I rise today to congratulate and honor a number of outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2008 Congressional Arts competition, "An Artistic Discovery." Their works of art are exceptional!

We have 46 students participating. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First Place was awarded to Jessica Pester of Millburn High School for her work "Waiting." Second Place was awarded to Rebecca Bailey from West Morris Mendham High School for her work "Mark." Third Place was awarded to Kristen Capote from Parsippany Christian School for her work "Digital Camera."

I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official record.

Boonton High School: Cathy Yang's ''Self Portrait'' (Honorable Mention); Elyssa Hunziker's ''When I Was Seventeen;'' Jennifer Vasta's ''The Gift;'' Steve McKeown's ''Self Portrait''.

Chatham High School: Anna Zamecka's ''Charcoal Still Life;'' Grace Oakley's ''Global Fabric;'' Michelle Mruk's ''Miniature Eggplants and Egg''.

Livingston High School: Jordana Geller's ''Timelessness;'' Kelly Keltos' ''Carnival;'' Victor Xia's ''Steel;'' Wei Li Cheng's ''Vanilla''.

Madison High School: Alexandra Coultas' ''The Luke Miller House;'' Frank Wulff, III's ''Valor;'' Frederick Greis' ''Elaine;'' Kimberly Smith's ''He loves me, He loves me not''.

Millburn High School: Kelly Blumenthal's ''Venetian Landscape;'' Jessica Pester's ''Waiting'' (First Place); Jacqueline San Fillipo's ''Riding Shadows''.

Montville High School: Christine Riccio's ''Summer;'' Grace Lee's ''Spring Flowers;'' Jennifer Eishingrelo's ''Montville Farmer;'' Michael Johnston's ''Book Smart''.

Morris Knolls High School: Elizabeth Westerman's Toy Trains;'' Liana Kelly's ''A Brighter Life;'' Jennifer Engleson's ''Sunburnt Lawn''.

Mount Olive High School: Kristen Cignavitch's ''Puzzle Portrait;'' Laura Smith's ''The Approach;'' Olga Kazakova's ''Belarus in America;'' Rachel Tenenbaum's ''Photography''.

Parsippany Christian School: Austin Dimare's ''Austin Splender;'' Kristen Capote's ''Digital Camera'' (Third Place); Samantha Dahl's ''Go Fish''.

Ridge High School: Christina Stillwaggon's ''P.M.S.;'' Frankie Cocuzza's ''Untitled #3;'' Lara Charavantes' ''Purificacao'' (Honorable Mention); Sojin Ouh's ''Leftovers''.

Roxbury High School: Christian Peslak's ''Conscious Man;'' Sam Knopka's ''Self Portrait;'' Bret Koblyka's ''Self Portrait'' (Honorable Mention); Jacob Mandel's ''The Artist's Mindset''.

Watchung Hills High School: Kim Delli Paoli's ''My Vacation''.

West Morris Mendham High School: Caitlin Aromando's ''Intensity;'' Elisa Cecere's ''Elephant Eye;'' Olivia Sebesky's ''Jon;'' Rebecca Bailey's ''Mark'' (Second Place).

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Thousands of fellow Americans walk through that corridor and are reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

CONGRATULATING THE CITY OF BAXTER SPRINGS, KANSAS ON THEIR 150TH ANNIVERSARY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to congratulate the city of Baxter Springs, Kansas on their 150th anniversary. During the past century and a half, Baxter Springs and the state of Kansas have seen its share of ups and downs. Baxter Springs has lived through a handful of wars, including one that happened right on its own turf when the city was still just an infant. It has persisted through the Great Depression, the Dust Bowl, drought, floods, feast and famine. With all of these challenges, some Kansas towns throughout the decades have not survived a century, much less 150 years.

A sesquicentennial is not an easy day to reach for any town and its citizens should be proud for their part in building and preserving such a wonderful community. I have been to Baxter Springs and seen firsthand the wonderful culture and the pride that has blossomed just off of historic Route 66.

Baxter Springs can be looked at by other Kansas communities as a benchmark for morality, patriotism and the spirit of hard work. While I wish I could be there in person to celebrate with them, I ask that my colleagues join me in congratulating the city of Baxter Springs on a great 150 years. Here's to another great 150 years!

HONORING MS. CHERYL MOSIER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. TANCREDO. Madam Speaker, I rise today to congratulate an outstanding teacher from my district, Ms. Cheryl Mosier of Columbine High School in Littleton. Ms. Mosier has been awarded the 2007 Presidential Award for Excellence in Mathematics and Science Teaching, an award given by the National Science Foundation to remarkable educators committed to enhancing the learning of their students.

Established by Congress in 1983, the Presidential award program recognizes extraordinary mathematics and science teachers in all 50 States, the District of Columbia, Puerto Rico, the U.S. Territories, and the U.S. Department of Defense Schools. This year Ms. Mosier was the Colorado recipient for this prestigious award.

An Earth Science teacher at Columbine High School, Ms. Mosier has over 15 years teaching experience. A Colorado native, Cheryl graduated from the University of Northern Colorado, and went on to complete a master's degree in teaching from Grand Canyon University.

Cheryl inspires her students in the Earth Sciences by teaching them lessons they can relate to everyday life. Cheryl won the PAEMST award for a lesson she taught on Spectroscopy. This was the same lesson Cheryl was teaching on April 20, 1999 when tragedy struck Columbine High School after two gunmen opened fire inside the school, killing 12 students, and one teacher.

Madam Speaker, I would like to extend my sincerest congratulations to Cheryl, and wish her the best in all her future endeavors.

HONORING THE MEMORY OF ARMY SPECIALIST BRADEN J. LONG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to celebrate the life and service of a young man who made the ultimate sacrifice for his country. Army Specialist Braden J. Long, 19, of Sherman, Texas, died in service to his country last year in Baghdad of injuries sustained when his Humveee came under grenade attack. Specialist Long was assigned to the 1st Squadron, 4th Cavalry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division; Fort Riley, Kansas.

Braden's mother, Melanie Thrasher, said that her son wanted to be in the military since grade school and reported for basic training just a month after graduating from Sherman High School in 2005. His family and many friends, as well as his fellow soldiers in the United States Army, can attest to the dedication of this young man who chose to live his life in service to his country.

Specialist Long's wife, Theresa, recalled that he was respectful to all and always kept his word. If he said he could do something, he did it. Long met his future wife while both were students at Sherman High School. They were married Nov. 4, 2005, and were living in Fort Riley, Kansas, at the time of his deployment to Iraq.

In addition to his wife, Specialist Long is survived by his parents, Melanie Thrasher of Sherman and William ''Bill'' Long III of Arlington; one brother, William Long IV of Sherman; one sister, Michaela Thrasher of Sherman; grandparents, William Long Jr. of Florida, and William Euans, Susan Long, and Shirley Dickinson, all of Ohio; and one great-grandparent, William G. Long Sr.

Madam Speaker, words cannot express the gratitude we owe to those who have made the ultimate sacrifice for our freedom; it is a debt that can never be repaid. I pray that his family will find comfort in knowing that America will never forget the tremendous sacrifice he made while defending our country. As we honor America's fallen heroes on Memorial Day, let us pay tribute to the life of this dedicated young patriot, Army Specialist Braden Long.

CONGRATULATING MIKE GOTTFRIED ON HIS INDUCTION INTO THE MOBILE SPORTS HALL OF FAME

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Coach Mike Gottfried on the occasion of his

induction into the Mobile Sports Hall of Fame (MSHOF). Begun in 1987, the Mobile Sports Hall of Fame was created by the Mobile Chamber of Commerce to recognize those sports figures whose accomplishments and service have greatly benefited—and reflected credit on—the city of Mobile.

Coach Gottfried, an Ohio native, was a successful head football coach at Murray State, Cincinnati, and Kansas, before going to Pittsburgh, where he had wins over Notre Dame, Penn State, and West Virginia. In 1990, he moved to Mobile at the urging of his brother, University of South Alabama athletics director Joe Gottfried, for what he thought would be a temporary stay on the way to another college football coaching job. Eighteen years later, Coach Gottfried is still a resident of Mobile and is considered by many, including Mobile's Press-Register, as ''one of the city's leading citizens.''

In the late 1990s, Coach Gottfried was approached by then Mobile Mayor Mike Dow and then Press-Register Executive Editor Stan Tiner to gauge whether a postseason bowl game in Mobile could be successful. Using his contacts as a former head coach and as a football analyst for ESPN, he began building support for creating a bowl game in Mobile. That bowl game became the GMAC bowl, a bowl that is repeatedly rated as one of the top 10 bowl games to watch each year. Due in large part to Coach Gottfried's efforts, Mobile, with the GMAC bowl and the Senior Bowl, joined Miami as the only cities in the country to host two major college bowl games every year.

Shortly after the founding of the GMAC bowl, Coach Gottfried and his wife, Mickey, founded Team Focus, a Mobile-based community outreach program that provides fatherless boys with role models and positive influences in order to build character and foster self-esteem, self-worth and self-confidence. The program has grown rapidly, and today, there are camps in seven states and the District of Columbia. Last year, First Lady Laura Bush traveled to Mobile to commend Team Focus. She thanked all of the mentors for ''trying to fill that void in the lives of these boys and being so successful at it.''

Madam Speaker, throughout his life, Coach Mike Gottfried has been an outstanding role model for both children and adults alike. I know his family; his wife, Mickey; and his many friends join me in congratulating him on this remarkable achievement and extending thanks for his service over the years on behalf of the city of Mobile and the state of Alabama.

IN HONOR OF THE CLEVELAND STEEL TOOL COMPANY ON THEIR 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Cleveland Steel Tool Company and in recognition of 100 years of service and business in the city of Cleveland.

Founded in 1908, the Cleveland Steel Tool Company began as a producer of patented punches for the automotive leaf spring industry, the same year that Henry Ford introduced his Model T automobile. For the past 100 years CST's products have been used in bridge, automotive, aircraft and shipbuilding industries and the company incorporated under President J.E. Doolittle, in downtown Cleveland on West 3rd Street. CST has been there since the beginning of the Industrial Revolution and is now one of the leading manufacturers in the world of punches, dies, tools and specialties. CST has been able to stay true to its roots despite the demands of the new technological era. With an inventory of over 12,000 products, its equipment and staff provide the best service and technological expertise to its customers worldwide. Over 50 of its 100 years of service and business has been from the same plant location in Cleveland.

The community of employees at CST is comprised of engineers and a technical team who contribute their talent, trade and expertise within an array of roles, ensuring the collective success of the company and its clients. CST's team of engineers works tirelessly to create innovative solutions to the Metalworking industry and their ingenuity is the driving success behind CST's equipment design. The technical team works directly with CST's customers by providing support for their tooling application problems.

Madam Speaker and colleagues, please join me in honor and gratitude of all members of the Cleveland Steel Tool Company and the individuals who live and work within our Cleveland community. May their individual and collective commitment to their work bring another 100 years of success for the Cleveland Steel Tool Company.

EARMARK DECLARATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, H.R. 5658 contains an authorization of $3 million for electromagnetic inflight propeller balancing. The entity to receive funding for this project is the LORD Corporation, located at 2000 W. Grandview Blvd., Erie, PA 16509. The funding would be used for technology to electronically balance C–130 propeller blades. This project will benefit the U.S. Air Force C–130E/H fleet by reducing maintenance workload, improving aircraft readiness and availability, and improving the reliability of engine mounted components on C–130 aircraft. Initial estimates by the Air Force indicate a potential savings of $169 million over 10 years.

H.R. 5658 contains an authorization of $4 million for Next Generation Intelligent 8 Portble Radinuclide Detection and Identfication Systems. The entity to receive funding for this project is eV Products, a division of II–VI, Incorporated, located at 373 Saxonburg Rd., Saxonburg, PA 16056. The funding would be used for development of Next Generation Intelligent Portable Radionuclide Detection systems. This project will be beneficial because these materials and systems are used for the detection, monitoring, and fast efficient reporting of the illegal import and transport of nuclear devices, special nuclear materials, and radiological materials.

H.R. 5658 contains an authorization of $5 million in the aircraft procurement for the Army account for UH–60A utility helicopter upgrades. The entity to receive funding for this project is the United States Army, located at the Pentagon, Washington, DC 20310. The funding would be used for recapitalization and conversion of UH–60A to UH–60L helicopters as part of a UH–60A upgrade program. This project will be beneficial as it will result in significantly increased reliability, reduction in operating costs, and increased capability to Army National Guard helicopters.

EARMARK DECLARATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FRANKS of Arizona. Madam Speaker, in accordance with House Republican Conference standards, and clause 9 of rule XXI, I submit the following statement for the RECORD.

The first purpose of the Federal Government is to provide for the common defense. In accordance with this responsibility, which I swore to do when I signed my oath of office, I offered several amendments in the House Armed Services Committee to H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009. One of the amendments I offered passed and I understand that Mr. SKELTON, Chairman of the Committee, is now considering it an ''earmark'', which I believe is an inappropriate application of the definition and one which could subject all budget designations in the entire budget which differ from the President's submitted budget in any way to be considered ''earmarks.'' House rule XXI defines an earmark as something that is included 'primarily at the request of a Member,' and since the entire Committee considered and voted on my amendment, it was agreed to by the Committee, and not simply by one Member who by submitting an amendment, is merely offering it as a suggestion for the Committee's consideration. As such, the purpose of this statement is to describe what my amendment is and what it is not.

The American people are right when they say Congress has a serious problem abusing the legislative process to fund pet and pork projects with American taxpayers' dollars. As such, I opted to suspend my requests to authorization and appropriations Committees until the system is cleared up enough to restore confidence both to the taxpayer and to me. Until this year, I did submit requests to the authorization and appropriations Committees in order to receive funding for programs and projects that are worthy of Federal dollars. I have always supported transparency and have never shied away from detailing which requests I asked for and which requests were ultimately included in the bills.

Federal dollars should not be used simply to take from all taxpayers to pour into another person's coffers. In other words, Peter in New Mexico should not be robbed to pay Paul in Arizona, even if Paul lives in Congressional District Two, which I represent. Federal taxpayer dollars should be wisely used to ensure our entire Nation is served well. It was this principle that inspired me to offer three amendments in the Armed Services Committee.

One amendment, which passed in an en bloc amendment, restores $6 million to the Joint Tactical Ground System Pre-Planned Product Improvement effort. I included an offset for the money as well. The offset is the Army's High-Capacity Communications Capability radio, which has approximately $45 million more than the program can execute at this point in its acquisition life-cycle. This offset will not have a negative impact on the HC3 program.

For nearly fifteen years, the Army's Joint Tactical Ground System, or "J–TAGS," (Program Element: 0208053A) has stood watch over our forward-deployed forces by providing rapid warning of ballistic missile launches. JTAGS relies upon a direct downlink from Defense Support Program (or DSP) missile warning satellites. The Army intends to modernize JTAGS to process SBIRS data, but is underfunded to accomplish this upgrade for each of the JTAGS suites on a co-current timeline with satellite and sensor deployment. JTAGS is developed by multiple companies including Northrop Grumman in Azusa, California, Northrop Grumman in Boulder, Colorado, and Lockheed Martin in Sunnydale, California. The contract for the primary hardware is won competitively. The program offices are in Colorado Springs, Colorado and Huntsville, Alabama.

I have a letter from LTG Kevin Campbell, Commanding General of U.S. Army Space & Missile Defense Command/Army Forces Strategic Command that calls attention to the risks we assume by under-funding this important upgrade, which is also included with this statement.

This amendment is not parochial, wasteful, or frivolous. It is an example of the fruits of good government oversight and of prudent caretaking of the American taxpayer's hard earned money. This amendment is being conflated with Members' requests to fund pet projects to benefit private entities that have been squeezed into the bill without offsets, transparency, and frankly without regard to the true purpose of government.

I believe the Chairman's definition of an earmark is at best inadvertently overbroad, and at worse it is deceiving to the American taxpayer, who will be closely watching the authorization process to ensure their money is not being abused.

The annual defense policy bill has the potential to authorize around $515.4 billion of the American taxpayers' money to be spent to protect the Nation and U.S. interests worldwide. We must demonstrate to the American people that we are worthy of such responsibility. Since the Speaker pledged that this will be, "the most honest, ethical, and open Congress in history," I think the Armed Services Committee ought to provide the tables of the House Report to each HASC Member's office at least 2 days in advance to the Full Committee markup so that we and our staff can carefully consider the contents.

The Committee has traditionally provided directive report language 2 days in advance to each HASC Member's office because such report language has the effect of law. The accompanying report tables however, which are often secret until after the markup is complete also have the effect of law. Oftentimes the tables of the House Report are altered in en bloc amendments during the Committee markup, rather than the actual text of the bill. These changes are made to language we have not seen and can add or take away funding for various projects, essentially circumventing the open and public means of amending the text of the bill. I would submit that if this Democratic controlled Congress is interested in truly reforming the earmark process, and since it is claiming to do so by calling my amendment an earmark, we should reassess what the problem actually is. The problem is wasteful spending in a secret, dishonest way without oversight. Truly restoring confidence in the taxpayers begins by shedding light on the report tables. This would be a step in the right direction.

DEPARTMENT OF THE ARMY, U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATEGIC COMMAND,
Huntsville, AL, May 5, 2008.

Hon. TRENT FRANKS,
House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRANKS: I would like to thank you and the members of the Subcommittee on Strategic Forces for inquiring on the needs of our Nation's requirements for assured theater ballistic missile warning. I also view early theater missile warning as a critical need for our forward deployed forces.

As you state in your 1 May 2008 letter, the capabilities provided by the Joint Tactical Ground Station (JTAGS) are essential to meet the Warfighters needs. It is important that we ensure unhindered execution of the JTAGS block upgrades and modernization, so that we can take advantage of the new Space Based Infrared System (SBIRS).

The Department's Fiscal Year 2009 JTAGS funding reduction of $6 million has resulted in an increase of technical and schedule risk and caused the reprioritization of program scope. Specifically, this reduction will cause an approximately nine month delay of essential block upgrades impacting JTAGS integration into the SBIRS architecture.

Assured missile warning for our deployed forces remains an essential warfighting requirement. We appreciate your support in ensuring our men and women are provided every advantage for their protection.

Sincerely,

KEVIN T. CAMPBELL,
Lieutenant General, USA,
Commanding.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following for the RECORD:

Name of Earmark and Amount: Advanced Drivetrains for Enhanced Mobility and Safety—$2.5 million.

Bill Number: H.R. 5658.

Account Information: Army, RDTE, PE 0603005A, Line 33.

Legal Name and Address of Receiving Entity: Eaton Automotive, 19218 B Drive South, Marshall, MI 49068.

Earmark Description: This request is for funding for the final phase of an on-going three phase program between Eaton and the US Army. Eaton has successfully worked with the Army for the past two years to develop specialized torque-modifying differentials for the HMMWV to improve the vehicle safety. The Phase I and II work was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HMMWVs. These programs have proven very successful in quantitatively demonstrating improved vehicle safety. Prototype systems will be delivered to the Army for additional testing in May 2008. Military-hardened side-to-side systems will be subsequently developed and delivered in 2009. This Phase III funding request is for a center coupler to provide full active 4x4 torque management to military vehicles.

Earmark Budget

Model hardware function and vehicle maneuvers—15%—$375,000.

Materials—modifications to transfer case and addition of differential—25%—$625,000.

Preliminary Bench test and vehicle functional tests—10%—$250,000.

Labor—Design/procure hardware, develop preliminary controls software—50%—$1,250,000.

Total—$2,500,000.

Total Phase III project cost: $3,500,000.

Federal funds: $2,500,000.

Eaton internal funds: $1,000,000.

Percent matching funds = $1,000,000/$3,500,000 x 100% = 29%.

EARMARK DECLARATION

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. REHBERG. Madam Speaker, per House Republican earmark disclosure rules, I submit the following to be entered into the CONGRESSIONAL RECORD:

Requesting Member: Congressman DENNY REHBERG.

Bill Number: H.R. 5658.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Montana Army National Guard.

Address of Requesting Entity: 1900 Williams St., Fort Harrison, Montana 59636.

Description of Request: I received an earmark of $621,000 for the construction of the Miles City Readiness Center. This is the first year authorization of a multi-year construction project. Specifically, funding for this project includes:

Item	Cost (in $1,000s)
Primary Facility	10,134
Readiness Center	6,326
Flammable Materials Facility	20
Controlled Waste Facility	60
Unheated Metal Storage Bldg	551
Unheated Enclosure/Vehicle Storage	1,977
Circulation and Access	75
Support Facilities	1,872
Electric Service	125
Water, Sewer, Gas	200
Steam/Chilled Water Distribution	10
Paving, Walks, Curbs, Gutters	568
Storm Drainage	50
Site Imp	836
Information Systems	54
Antiterrorism Measures	29
Est. Contract Cost	12,006
Contingency (5%)	600
Subtotal	12,606
Supervision, Inspection, Overhead (3%)	378
Design Contract Not Used	0
Contract Commission (1% Primary Fac)	101
Total Request	13,086

The existing Miles City Readiness Center was originally constructed for an Armored Cavalry Unit in 1957 and consists of 8,481 square feet of administrative, training, supply and arms vaults, locker rooms, classrooms

and drill floor. The facility is a concrete masonry structure constructed on a single floor. As a result of Force Structure Transformation, the current unit occupying this facility is the 260th Engineer Company, for which the facility is improperly designed and grossly undersized.

This request is consistent with the intended and authorized purpose of the MILCON, Army National Guard account. Matching funds are not required as the Montana Army National Guard is a unit of the Government of the State of Montana.

HONORING DENNIS AND MEGAN DOYLE, FOUNDERS OF THE HOPE FOR THE CITY RELIEF ORGANIZATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Dennis and Megan Doyle, founders of the Hope for the City relief organization, and recent recipients of an honorary Doctorate of Humanities from the University of St. Thomas in St. Paul, Minnesota.

Based in Edina, Minnesota, Dennis and Megan started Hope for the City in 2000 as a means to fight poverty, hunger, and disease by utilizing America's corporate surplus. Since its humble beginnings, Hope for the City has donated approximately $400 million in the wholesale value of goods, including products from top retailers, medical companies, and food distributors. Their impact not only touches those locally, but stretches across the Nation and around the world.

The Doyles' service and sacrifice to their fellow man exemplifies the finest of American character and provides inspiration to us all. Not only is their founding of Hope for the City a triumph in itself, but the tidal wave effect their efforts have had on increased charity and service throughout the Nation is also to be commended. Hope for the City has developed an extensive national network of partner agencies that provide services to those who need it the most in their local communities.

Madam Speaker, it is a privilege to honor the selfless service of Dennis and Megan Doyle to the most vulnerable among us. Their efforts will continue to inspire others locally and throughout the world to do their best to assist their fellow man.

CONGRATULATING THE ROCHESTER DRUG COURT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. SLAUGHTER. Madam Speaker, I rise today to congratulate the Rochester Drug Court for 14 years of service to the community and to drug courts around the country during National Drug Court Month. Over 2,100 drug courts in the United States provide an alternative to incarceration for non-violent, drug-addicted offenders by combining intense judicial supervision, comprehensive substance abuse and mental health treatment, random and frequent drug testing, incentives and sanctions, clinical case management and ancillary life skills services. The tireless efforts of the judges, prosecutors, defense attorneys, treatment providers, rehabilitation experts, child advocates, researchers, educators, law enforcement representatives, correctional representatives, pre-trial officers and probation officers that are involved in drug courts provide substance abuse offenders with the much-needed chance at long-term recovery and productive lifestyles.

I have seen firsthand the impact of drug courts in my state, where drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives.

The first drug court in New York State was founded in my congressional district in Rochester, New York in 1995 and I have been a supporter ever since. In 1997, I was honored to be one of the drug court's first graduation speakers.

To date, New York State has opened an additional 200 drug courts. Rochester alone has had over 1500 graduates from its court and over 100 babies have been born drug free.

As we face a growing population of drug-addicted offenders in the American justice system, we must expand our efforts to bring treatment to a larger number of those in need. According to a recent study by the Urban Research Institute's Justice Policy Center, approximately 1.5 million drug-involved offenders should be diverted to drug court, which would generate $46 billion in savings to American taxpayers. Armed with this study as well as our existing research that drug courts work, reduce recidivism, and save lives, we must work on taking drug courts to scale.

If society is truly going to save the lives of the addicted, break the familial cycle of addiction for future generations, have a substantial impact on associated crime, child abuse and neglect, reduce poverty, alleviate the over-reliance on incarceration for the addicted, and reduce many of the public health consequences in the United States, drug courts must be taken to scale. There is no greater opportunity for systemic social change in the American justice system. There is no greater opportunity to heal families and communities.

Again, congratulations to the dedicated drug court professionals and graduates in Rochester and across the country on a job well done.

IN HONOR OF GOPAL RAJU

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Gopal Raju, a visionary who bridged the American and Indian communities through journalism and activism.

Mr. Raju arrived in America from India in 1950. He sought to connect the Indian-American community with India. Mr. Raju launched the news weekly, India Abroad in 1970. He served as publisher for 31 years. Mr. Raju's journalistic reach spread to other media endeavors including Desi Talk, Gujarat Times, and News India-Times.

Mr. Raju was active in philanthropic work for his home country. He started the Indian American Foundation to accelerate social and economic change in India. The foundation works to increase access to education, health care, and employment opportunities for Indians in India.

Throughout Mr. Raju's life he sought to empower the Indian-American community. He founded the Indian American Center for Political Awareness (IACPA) in 1993. Mr. Raju built this organization to encourage participation in the political process. The IACPA developed the Washington Leadership Program, which gave university students the opportunity to intern on Capitol Hill and develop a broader understanding of public policy.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Gopal Raju. His legacy will continue to enrich the lives of many.

IN RECOGNITION OF SACRAMENTO POLICE OFFICER DARIN MILLER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. MATSUI. Madam Speaker, I rise today in tribute to one of the Sacramento Police Department's finest and bravest officers. Sacramento Police Officer Darin Miller is being awarded the Silver Medal of Valor for his heroic actions during a robbery at a Rite Aid pharmacy in Sacramento. As his law enforcement colleagues, friends and family gather to honor Officer Miller's bravery, I ask all my colleagues in the U.S. House of Representatives to join me in recognizing this outstanding individual.

On Halloween evening last year, Officer Miller was dispatched to what was described as a robbery in progress at a local pharmacy. While enroute, Officer Miller was informed that the suspect had stabbed one store employee and taken another one hostage. As the first on the scene, he knew that he must take quick action to ensure the safety of all involved. What followed was a display of courage and heroism in the face of adversity.

Upon his arrival at the store, Officer Miller was confronted with a chaotic scene. Store personnel directed him to the pharmacy, where the robbery was unfolding. As he arrived in the pharmacy, Officer Miller saw a victim who was bleeding from his head. Knowing the severity of the situation, he quickly found the suspect who was holding a large knife to a woman's throat.

Having already seen a previous victim, Officer Miller knew that this woman's life was in imminent danger. He carefully maneuvered himself into the tight quarters of the pharmacy, within a few feet of the suspect. At this time, the suspect was using the woman as a shield, and did not respond when Officer Miller commanded that he drop the knife. Carefully waiting until the suspect moved his head slightly, which provided a clear sight, Officer Miller then fired a single round at the suspect who fell to the ground. He then provided immediate medical attention until medics arrived on the scene.

Officer Miller's sound judgment and quick actions helped bring an end to an extremely dangerous situation and likely saved the life of an innocent woman. As a 4-year veteran of

the Sacramento Police Department, Officer Miller leveraged his previous experience and training to resolve the situation, and as a result of his actions lives were saved and further injuries averted.

Madam Speaker, I am honored to recognize Sacramento Police Officer Darin Miller who is most deserving of the Silver Medal of Valor Award. His swift actions embody the courage and bravery we entrust in our law enforcement. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in acknowledging the lifesaving efforts of Sacramento Police Officer Darin Miller.

CONGRATULATING GIRL SCOUTS OF VERNON AND ROCKVILLE, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. COURTNEY. Madam Speaker, I rise today to congratulate the Girl Scouts of the towns of Vernon and Rockville, Connecticut. After years of hard work and dedication, young leaders from Troop 10141 and Troop 10735 have achieved the honor of the Bronze and Silver Girl Scout Awards.These young women have not only identified and investigated issues in their own communities, but they have taken the time to create, develop, and implement projects that address these areas of concern. These young women have selflessly given their time, knowledge and resources to their communities, and their work is truly deserving of this wonderful recognition.

These young women are truly the emerging community leaders of tomorrow. Andrea Notman, a Bronze Award recipient, orchestrated a winter clothing drive, while another recipient of the Bronze Award, Larissa Flynn, distributed paper grocery bags that were decorated in honor of Earth Day. Amy Eitelman and Jackie Ose, both Bronze Award recipients, collected recyclable materials and used the proceeds to purchase a willow tree to be planted in their community. Kathleen Hills, a Silver Award recipient, organized and ran a town wide Girl Scout fair while Emily Piro, another Silver Award recipient, helped to organize and manage a camping weekend for local Brownie Girl Scouts.

Jillian Eitelman, another Silver Award recipient, created the ''Green Angel Fund'' in memory of Diane Lloyd, a former troop leader. The fund offers support to leaders who wish to further their scouting knowledge. An additional Silver Award winner, Sarah Nolan, created a presentation about the history of Girl Scouting and delivered the presentation at several area meetings. Amiee Roberge, another Silver Award recipient, created care boxes of toiletries and toys and donated them to the residents at a local battered women and children's center. Alexandrea Banks, another Silver Award winner, helped to transform an old music room into a computer lab at the Saint Bernard School in Connecticut. Alexandrea also coordinated the creation of a preschool from a former house at this same school.

Cheyenne Sweeney, Shannon Lipe, Mary Leigh Enders, and Elizabeth Courtney, recipients of the Silver Award, researched, created, and distributed 1,200 brochures regarding breast cancer awareness. They also made and distributed 1,200 key rings with informational cards describing the sizes of tumors. Each of these diverse projects helped to address a specific need that these young women discovered within their own communities. These awards are a tribute to their hard work and perseverance, and I am honored to recognize them today.

The Girl Scouts and leaders of Troops 10141 and 10735 deserve the highest accolades for all of their enthusiasm and commitment to enriching the lives of those in their surrounding communities. Their display of social consciousness, personal conviction, and strong leadership is a tribute to the Girl Scout mission and the ideals that the organization encourages and promotes. It is a privilege to stand here today and applaud all of their hard work. I ask all my colleagues to join with me and the people of Connecticut in congratulating them for this honor.

REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

With this resolution, we affirm our support for the legitimate government of Prime Minister Fouad Siniora and condemn the actions of Hizballah that recently provoked the most severe sectarian conflict in Lebanon since the miserable 15-year civil war that ended in 1990.

As we meet this morning, the fate of Lebanon hangs in the balance. Will Lebanon belong to its secular, pro-Western majority—or will it fall to Iran and its proxies? Terrorist Hizballah, showing contempt for legitimate authority and employing violence against Lebanon's most progressive forces, has made a strong bid to prove that the answer to that question is that pro-Iranian forces will dominate Lebanon. That is why it is important for this body to go on record—forcefully—as backing the Prime Minister Fouad Siniora's democratically-elected government. We cannot win the battle for the Lebanese—they must do that themselves—but we can at least demonstrate our solidarity.

When the government sought to assert its sovereignty by taking on Hizballah's illegal, private intelligence network, Hizballah responded by taking over parts of Beirut by force, shutting the major roads to the airport and initiating sectarian violence throughout Lebanon.

Hizballah fighters also shut down Saad Hariri's pro-government television station and torched the building housing Hariri's newspaper. They besieged the homes of Hariri and Druze leader Walid Jumblatt, another pillar of the legitimate governing coalition under Prime Minister Fouad Siniora.

These actions were intended to deepen Hizballah's control of its state-within-a-state, to intimidate Lebanon's rulers and thereby increase Hizballah's influence throughout the nation, and, most worrisome, to push Lebanon deeper into an Iranian-Syrian sphere of influence.

Unfortunately, Hizballah's violence worked, and the government backed down rather than risk civil war. At least for now, the government has abandoned its plans to close Hizballah's private communications network and remove a pro-Hizballah general who presides over security at Beirut International Airport. Perhaps the government will re-coup some of its losses during negotiations with Hizballah now taking place in Qatar—but it will not be easy.

Let me make two points. First, it is time to go beyond words. It is time for the United Nations Security Council to take specific actions in response to Syria's and Iran's flouting of Lebanese sovereignty in direct contravention of UN Security Council resolutions. Resolution 1701 forbids the transfer of arms into Lebanon without the consent of the Lebanese government. Resolution 1747, passed under Chapter VII, forbids Iran from transferring arms to any entity.

Iran provides training, equipment, and arms for Hizballah. Syria, at the least, facilitates the transfer of these arms. The resolution before us urges the Security Council to ban all air traffic between Iran and Lebanon and between Iran and Syria. It calls on all states on transit routes between Iran and Lebanon to implement strict controls. A total ban on commercial flights to and from Iran and Syria—such as that which brought Libya to its knees—also should not be ruled out.

Second, it is long past time for the European Union to designate Hizballah as a terrorist group and treat it accordingly. The European insistence that Hizballah should be seen as a legitimate political party is now transparently undermined by facts on ground, including the more than 80 Lebanese who have needlessly perished in the fighting of the past week.

Legitimate political parties do not have an independent military capability. They do not initiate wars with neighboring states. And they do not engage in international terrorism.

Last week The New York Times quoted Israeli journalist Ehud Yaari as labeling Iran's growing regional influence as ''a pax Iranica.'' Fortunately, there are brave men and women in Lebanon who want to resist this pax Iranica, and at their head, I believe, is Prime Minister Siniora and his government, even if their most recent effort to assert their sovereignty over the Hizballah terrorists has fallen short. Now is the time for us to affirm our support for him and his legitimate, democratically-elected government and to urge the international community to do likewise.

That is why I support this resolution, and ask my colleagues to support it as well.

RECOGNIZING MR. JOSEPH E. HICSWA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress, Mr. Joseph E. Hicswa. Mr. Hicswa is being recognized, with pride and gratitude, on Monday, on

May 19, 2008, by the Passaic City Democratic Club for his exemplary work as a member of the Passaic City Democratic Club and County Committee.

It is only fitting that he be honored in this, the permanent record of the greatest freely erected body on earth, for he has a long history of untiring effort in support of bettering his community through the Club and Committee.

Joseph has always been a proud American, willing to do whatever was needed to defend and protect the freedoms and liberties that make this country so grand. He answered the call to serve our nation during World War II and did so nobly.

Joseph is a lifelong Democrat, who was introduced to the ideals of the party by his parents. As his mother and father taught him, the guiding principle of the Democratic Party is to help others who have less than you do, and to improve the quality of life for all Americans. He was drawn to support the party of his parents because of what it strove to accomplish.

It was Joseph's deep respect for the importance of civic involvement that led him to serve in an official capacity. When he went into the voting booth for the June 1988 primary election, he noticed that there was a blank space on the ballot. No one was running for the position of Male Democratic Committeeman in his district. He was disturbed by the fact that there was a job to be done for the party he believed in that was to go unfilled. He wrote his name in, won the election with that one vote, and has held the seat ever since, even winning against opponents in some of the races.

Once he became part of the Passaic Democratic Organization, as well as the Passaic City Democratic Club, his hard work and dedication led him to be appointed and elected to various leadership positions. He served a number of terms as the Sergeant-at-Arms. He has served as the Publicity Chairman and Program Coordinator since 1991. He served as Corresponding Secretary of the Club from 1997 to 2001, and as the Treasurer of the Passaic City Democratic Committee from 1992 to 1994. He has served as a member of the Board of Trustees of the Club since 2002.

Joseph is also an accomplished letter writer. He makes sure that his voice and the voices of Passaic's Democrats are heard. He writes regularly to local, state and federal officials throughout the area as well as newspapers. He also expands his communications outside the area, to world leaders like the Secretary General of the United Nations, Ambassadors, and foreign heads of state.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Joseph E. Hicswa.

Madam Speaker, I ask that you join our colleagues, everyone associated with the Passaic City Democratic Club, all those whose lives have been touched by his work and his friendship, and me in recognizing the outstanding and invaluable achievements of Mr. Joseph E. Hicswa.

HONORING JOHN B. CHEEK OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a soldier who fought bravely in one of the deadliest and decisive battles of the bulge. John B. Cheek, a resident of my district for the past twenty-six years and who lives in Homosassa, Florida, was born on August 7, 1923 in Olitic, Indiana. Following the entry of the United States in World War II, Mr. Cheek joined the military, where he served from 1943 to 1946 in the United States Army.

Mr. Cheek served as a technician 5th grade in the Battery B 556th Anti-Aircraft Artillery Automatic Weapons Battalion. It was in this position that he fought the axis powers as a lateral tracker on 40 caliber and 50 caliber machine guns in Rhineland and Central Europe. During his three-year tour of duty, Mr. Cheek earned several medals for his service, including the good conduct medal, the American Campaign Medal, the European African Eastern Campaign Medal, the WWII Victory Medal, the Honorable Service Lapel Pin, and the Honorable Discharge Button.

A current resident of Homosassa, in Citrus County, Florida, Mr. Cheek has been married to Helen F. Goodwin for sixty-two years. He and his wife have three loving daughters, Carol, Sandra and Sue, one son, Ron, eight grandchildren and seven great-grandchildren. Mr. Cheek has been a long-time member of the Disabled American Veterans and a proud member of the masons for many years, to this day remaining active in his community.

Madam speaker, members of the greatest generation and brave veterans like Mr. Cheek pass on from this life each and every day. Having fought the enemy in Belgium, France & Germany, it wasn't until recently that Mr. Cheek would discuss the war with his family and tell them how proud he was to have been a part of it. Like every soldier who has worn the uniform, Mr. Cheek feels honored to be an American that helped fight for all of our freedoms and defeat the Germans in World War II. Now is the time for Congress to honor his memory and recognize his accomplishments on the field of battle.

HONORING MAYOR ROSCOE WARREN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the work and accomplishments of a distinguished community leader, Roscoe Warren.

Mayor Roscoe Warren served the citizens of Homestead, Florida as a public servant for over 26 years. From 1981 to 1989 he served as Councilman, from 1989 to 2001 he served as Vice Mayor and from 2001 to 2007 he served as Mayor of the City of Homestead. Additionally, he served the City of Homestead through his leadership as the City's representative in many organizations including the Florida League of Cities, Miami-Dade County Office of Community and Economic Development and the South Florida Water Management District.

Mayor Warren played a key role in bringing the City of Homestead out of the ruins of Hurricane Andrew and helped make it what it is today: a thriving, growing community of over 57,000 residents. His fundamental vision was to maintain Homestead's unique identity and to remember those pioneers who paved the way as well as properly providing for future generations of Homestead residents.

I am very grateful for Roscoe Warren's contribution to our community and honored to call him my friend.

CELEBRATING THE 50TH ANNIVERSARY OF THE MACKINAC ISLAND STATE PARK COMMISSION'S HISTORICAL PRESERVATION AND MUSEUM PROGRAM

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Con. Res. 325, celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program. This program is of special importance to the people of my state as it has preserved Mackinac's valuable history for generations to come.

From Mackinac's roots as an American Revolutionary War post, a battleground during the War of 1812, and a Civil War prison, Mackinac has been an important site in shaping American history. It was the Historical Preservation and Museum Program which restored the remarkable treasure of Fort Mackinac and opened its doors to eager and interested tourists in 1958. Now for 50 years, visitors have been able to step back in time and experience the setting of the old Northwest and frontier.

In addition to the undeniable preservation undertaken by the Mackinac Island State Park Commission's Historical Preservation and Museum Program, I value the strong impact the program provides the tourism economy of Michigan. Mackinac is a tourist destination because of its beautiful scenery and captivating history, and has welcomed more than 10 million visitors to the Mackinac State Historic Parks since 1958.

The people of Michigan are blessed to continue to share stories from our state that shaped the nation. We recognize the vital role the Mackinac Island State Park Commission's Historical Preservation and Museum Program has played in preserving our noteworthy history and conveying it in such an exciting way. The Commission's restoration and reopening of Old Mackinac Point Lighthouse in 2004, which further added to the rich traditions enjoyed on Michigan's waterways, is another example of history coming alive.

For these reasons and more the Mackinac Island State Park Commission's Historical Preservation and Museum Program deserves recognition for 50 years of preserving Michigan history while working to make history accessible and engaging.

I urge my colleagues to support the passage of this legislation.

FRANK BUCKLES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Frank Buckles, the last remaining American veteran of World War I. Mr. Buckles was born on a farm near Bethany, Missouri in 1901. Mr. Buckles lied about his age to enlist after turning 16, and fought in France and Germany. Later, in World War II he became a prisoner of war for 39 months after the Japanese invaded the Philippines.

Mr. Buckles' life represents the last of a generation that fought for our country to protect the freedoms that this country was founded upon. It is his service, and the service of those that he fought with that we will always remember and pay tribute to. Mr. Buckles is planning to honor his Commanding General John J. Pershing by visiting his boyhood home on Memorial Day, May 26, 2008.

Madam Speaker, I proudly ask you to join me in recognizing Frank Buckles, a true patriot that represents all those who have served to protect this nation. It is truly an honor to serve Mr. Buckles in the United States Congress.

RECOGNIZING MR. JEROME L. SCHOSTAK

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize and congratulate Mr. Jerome L. Schostak for receiving the 2008 Lifetime Achievement Award from the Detroit District Council of the Urban Land Institute.

In 1954, Mr. Schostak joined the commercial and industrial real estate development, management, and brokerage firm, Schostak Brothers & Co., which was founded by his father Louis in 1920. Jerome Schostak's leadership, ingenuity, and vision transformed the company from a brokerage firm into the national property management and development company that it is today.

Now, as Chairman and Chief Executive Officer of Schostak Brothers & Co., Mr. Schostak is continuing the traditions and practices that have made him so successful. Still a family business, as three of his sons are now part of the firm, Schostak Brothers still follows the core values of serving both client and community. This is evident in their many philanthropic efforts, including the Juvenile Diabetes Research Foundation, the Detroit Institute of Arts, and Gleaners Community Food Bank of Southeastern Michigan.

The Urban Land Institute was founded in 1936, as a nonprofit research and education organization with the mission of providing responsible leadership in the use of land and in creating and sustaining thriving communities worldwide. The Detroit District Council was founded in 1997, and has regularly sponsored programs and forums to encourage an open exchange of ideas and experiences within the development community in Michigan. For the past four years the District Council has awarded the Lifetime Achievement Award to individuals for their work in real estate, commitment to the community, and demonstration of civic, charitable, and philanthropic endeavors.

Madam Speaker, for more that fifty years, Mr. Schostak has been a shining example of excellence in both the national real estate and local community. I commend him for his achievements and wish him continued success.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, May 20, 2008, due to ground crew delays at Reagan National Airport and subsequent delays getting to the terminal, I was unable to cast my vote on H.R. 6081 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 331 on suspending the rules and passing H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act, I would have voted "aye."

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing this statement in the CONGRESSIONAL RECORD.

Requesting Member: Congressman BILL SHUSTER (PA–9).

Bill Number: H.R. 5658.

Project Name: Army Reserve Center, Letterkenny Army Depot.

Account: MILCON, ARMY RESERVE.

Legal Name of Requesting Entity: Letterkenny Army Depot.

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania.

Description of Request/Justification of Federal Funding:

Provide an authorization of $17.9 million for Army Reserve Center, Letterkenny Army Depot.

It is my understanding that funding for this project would consolidate three area Army Reserve facilities at the Letterkenny Army Depot (LEAD) in Franklin County, Pennsylvania. The project will provide a 300 member training facility with administrative areas, classrooms, assembly hall, arms vault, kitchen, equipment storage areas, physical training rooms, and maintenance facilities. LEAD has set aside 7.5 acres of secure federal land for construction of the Reserve Center. The Center will be constructed behind the Letterkenny fence and adjacent to 600 aces of federal land which are used for Reserve training. This facility will also meet all projected force protection and anti-terrorism standards. This project is in including the President's FY 2009 budget and the US Army Reserve Fiscal Year 2009 FYDP.

Project Name: Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

Account: MILCON, ARMY.

Legal Name of Requesting Entity: Letterkenny Army Depot

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania

Description of Request/Justification of Federal Funding:

Provide an authorization of $7.5 million for Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

It is my understanding that funding for this project would modify igloo doors and provide concrete ramps to significantly increase productivity and enhance Letterkenny Army Depot's (LEAD) ability to rapidly and safely support mission requirements. Letterkenny is a major receiving, storage, maintenance, and shipping site for both tactical missiles and conventional ammunition. These munitions are stored in 902 igloos constructed in the 1940s to store low technology ammunition that could be carried by hand. 706 of these igloos have 4 foot wide single doors ad a two step differential between the pavement and igloo floor. Funding for this project will modify approximately 100 igloos to 10 foot doors and provide concrete ramps direct from the pavement to the igloo. This project is in the US Army Fiscal Year 2011 FYDP. Letterkenny's munitions storage mission continues to grow and its need for upgraded igloos to meet this mission requirement is more immediate than programmed.

Project Name: Expeditionary Persistent Power.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, DEFENSEWIDE.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.

Description of Request/Justification of Federal Funding:

Provide an authorization of $3 million for Expeditionary Persistent Power.

It is my understanding that funding will be used for research, development, testing, and evaluation. This program builds on the recent success and advancements in ground based power and alternative propulsion systems for USSOCOM as well as advancements in the ultra thin film solar and small wind driven regeneration systems. The power/propulsion system will use latest-generation, commercially available Li-ion polymer batteries storing power from wind, solar, and regeneration techniques.

USSOCOM has a continuing requirement for Expeditionary Power and Clandestine Propulsion Systems for ground, marine, and UV's for all operations environments and tactical scenarios.

It is also my understanding that approximately 55 percent of funding would be used for labor costs, approximately 40 percent of funding would be used for materials, and approximately 5 percent of funding would be used for travel and other costs.

Project Name: Fire Support Technology Improvement Program.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Szanca Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Suite 300, Bedford, PA 15522.

Description of Request: Justification of Federal Funding:

Provide an authorization of $1.5 million for Fire Support Technology Improvement Program.

It is my understanding that funding for this project would be used for research, development, testing, and evaluation to leverage and develop advanced artillery battle management technologies and to integrate these advanced technologies into the Army fire support modernization initiatives.

This program will help in Battlefield Damage Assessment (BDA) for target re-fire, to include target of opportunity avoidance due to weighted benefits of a current intel information resource that is supplying crucial tactical intel information. This effort will also decrease the time from target identification to firing. The program will also provide Theater Commanders with the intelligence to determine if a fire mission may affect critical infrastructures or resources (water and oil pipelines, power lines or support facilities) that are critical to the civilian population.

It is also my understanding that approximately 80 percent of funding would be used for staff, approximately 17 percent of funding would be use to design and implement a test facility, and approximately 3 percent of funding would be used for travel and other costs.

Project Name: Maritime C4ISR System.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.

Description of Request/Justification of Federal Funding:

Provide an authorization of $1 million for Maritime C4ISR System.

It is my understanding that funding would be used for research, development, testing, and evaluation. This project would be used to support C4ISR situations awareness for maritime protection activities. The Maritime C4ISR System is a comprehensive suite of sensor devices together with IP based network communications to support C4ISR situational awareness for maritime protection activities.

The system was conceived for port and coastal security missions requiring enhanced situational awareness, integrating and fusing existing sensors via IP. The Maritime C4ISR system allows the user to manage several complex and diverse tasks simultaneously through remote access, automation, information management, and the development or enhancement of decision aides to simplify decision-making and support defensive action by joint forces.

It is also my understanding that approximately 50 percent of funding would be used for labor, approximately 42 percent of funding would be used for material, and approximately 8 percent of funding would be used for travel and other costs.

Project Name: Strengthening LEAD Environmental, Energy, and Transportation Management.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Mountain Research LLC.

Address of Requesting Entity: 825 25th Street, Altoona, PA 16601.

Description of Request/Justification of Federal Funding:

Provide an authorization of $500,000 for Strengthening LEAD Environmental, Energy, and Transportation Management.

It is my understanding that funding for this project would be focused on technology transfer and implementation to reduce the impact of legacy use of toxic chemicals, investigate alternative fuel use for non-tactical fleet vehicles, reduce energy intensity, implement alternative renewable energy technologies, support the design and construction of sustainable buildings, and improve Environmental Management Systems at the Letterkenny Army Depot in Franklin County, Pennsylvania.

The President signed E.O. 13423 on January 24, 2007, requiring Federal agencies to "conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner." Letterkenny Army Depot's unique mission, including manufacturing, depot level maintenance, and demilitarization, presents significant challenges to maintaining operations while achieving aggressive sustainability targets. Letterkenny Army Depot's leadership in technology implementation will not only benefit Letterkenny, but will also facilitate horizontal technology transfer to surrounding Pennsylvania military installations, other Army depots, and installations across the DoD.

It is also my understanding that approximately 57 percent of funding would be used for labor, approximately 40 percent of funding would be used for material, and approximately 3 percent of funding would be used for travel and other costs.

THE DAILY 45: A MEASURE OF JUSTICE FOR A GRIEVING INDIANAPOLIS FAMILY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States and, sometimes, no matter how long it takes, some families do manage to gain a measure of justice.

Last week, on May 13, in Indianapolis, Indiana, the grieving family of 16-year-old murder victim Ryan Sampson breathed a small sigh of relief after determined police work led to the indictment of two suspected shooters, Samuel Fancher and Jerry Emerson. After nine months, since the July, 2007 gunshot to Ryan's head and torso in an abandoned building a few blocks from his home, his mother and grieving siblings are thankful for a measure of justice. Despite the survival of Ryan's friend, Leroy Moorman, who was also shot in the same incident, reluctant witnesses hampered the investigation.

In this case, unlike other unresolved murders that have afflicted Ryan's family, a brave informant finally came forward with credible evidence.

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting for the RECORD the following project that has been authorized in H.R. 5658—the National Defense Authorization Act for fiscal year 2009.

Requesting Member: Congressman JERRY LEWIS.

Bill Number: H.R. 5658.

Account: Military Construction—Navy.

Legal Name of Requesting Entity: Marine Corps Base Twentynine Palms.

Address of Requesting Entity: 73549 29 Palms Hwy., Twentynine Palms, CA 92277.

Description of Request: Phase I of the Life Long Learning Center, LLLC, project at the Marine Corps Base Twentynine Palms provides a facility to help Marines and their families fulfill their educational goals. The project will replace older, undersized facilities with a 17,000-square-foot, three-story building which will include classrooms, office spaces, a computer room and other supporting infrastructure. When completed, the LLLC will facilitate more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term. The Marine Corps supports this project as it would dramatically improve the quality of life for our soldiers.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HASTINGS of Washington. Madam Speaker, I believe funding to clean up the Hanford site in Washington State, and the Department of Energy's other Environmental Management sites across the country, is a fundamental federal obligation, not an earmark as it is labeled in this bill. However, because it has been so labeled in the Committee report, I voluntarily submit to the House an explanation and justification of this funding in an effort to provide as much public disclosure as possible on congressionally directed funding and earmarks. The $10 million programmatic increase provided for in the bill will be used for the Department of Energy's Environmental Management program at the Hanford Site in Fiscal Year 2009. The entity to receive the funding is the U.S. Department of Energy located at 1000 Independence Avenue, S.W., Washington, D.C. 20585. The Federal Government has a legal and moral obligation to clean up the massive wastes and contamination it created at Hanford during the Manhattan Project, World War II and the Cold War. Funding to clean up Hanford is not a luxury sought by myself or my constituents, it is an essential responsibility of the United States government. The over 500-square-mile Hanford site is the world's largest and most complex environmental cleanup project, and the Federal Government must keep its commitment to clean it up. No matching funds are required.

CONFERENCE REPORT H.R. 2419, FOOD, CONSERVATION, AND ENERGY ACT OF 2008

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. SOUDER. Madam Speaker, I would like to make a few brief comments to clarify the fruit and vegetable provisions that were in the conference report.

In this and previous Congresses, Madam Speaker, I have cosponsored legislation to allow farmers who grow fruit and vegetables for processing to opt out of farm programs on an acre-for-acre basis without limitation, changes that would reduce farm program costs and improve the environment by allowing more extensive crop rotations. I am very pleased that the farm bill conference report takes a step in this direction by establishing a pilot project to allocate 75,000 acres of new authority for the production of fruit and vegetables for processing in specified Midwestern states.

To administrate this pilot project, the conference agreement gives the USDA broad discretion. It does not specify a procedure for allocation of the pilot project acreage or other administrative matters, such as re-allocation of unused acreage allocations among states. However, the agreement does clearly state that USDA is required to establish rules to assure that this additional fruit and vegetable production authority will not be abused. For example, only fruit and vegetables under contract for processing are to be produced under this authority, and the USDA is to assure that all of the crop produced is delivered to a processor and that the quantity of crop delivered under the original contract (the contract in existence upon Farm Service Agency certification) does not exceed the quantity that is produced on the contracted acreage.

Furthermore, the effects of the pilot project and fruit and vegetable restrictions on the specialty crop industry, both fresh and processed, are to be evaluated. These restrictions are intended to protect the objectives of the pilot project, not to compel food waste or excessively burden Farmers with added regulation. Finally, the conference report includes an important statement of policy indicating that in the next recalculation of base acreage, fruit and vegetable production will not cause a reduction in a farmer's base acreage. While this is a small step in reducing restrictions on the production of fruits and vegetables, it is a step in the right direction, and I commend the conference committee for including it.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following for the RECORD:

Name of Earmark and Amount: Cold Weather Layering System (CWLS)—$4.0 million.

Bill Number: H.R. 5658.

Account Information: Navy, O&M, MARINE CORPS, PE BA01–1106N, Line 010.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Earmark Description: The CWLS is part of the Marine Corps' Mountain and Cold Weather Clothing and Equipment Program, which provides lightweight, durable combat clothing that allows Marines to operate in all kinds of cold weather environments. It is the intent of the Commandant of the Marine Corps to provide warfighters with a ''capability set'' of clothing to facilitate expeditionary operations in mountainous and cold weather environments. The goal is for the CWLS to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in those conditions.

Earmark Budget: Cost of Garments Per System (for Peckham/Polartec layer of system ONLY)—$137.07; Test and build approximately 29,000 total systems—$4,000,000; Garment Production—$2,000,000; Materials—$1,600,000; Quality Control/Fielding—$400,000; Total—$4,000,000.

The Cold Weather Layering System includes: 1 Polartec Windpro MARPAT Jacket; 1 Polartec Stretch Windpro Hat; 1 Set of Polartec PowerDry Silkweight underwear top and pants; 1 Set of Polartec PowerDry Grid long underwear top and pants.

BILL CASTOR: BROUGHT THE WORLD TO HIS CLASSROOM

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BUYER. Madam Speaker, as Americans we begin our careers with lofty goals; the sky is the limit because in America it is ''okay'' to dream big. And when we retire, and as we look back over our lives can we say that we made a difference and left the world a better place? I can assure you Bill Castor can say that without hesitation.

After 39 years of teaching in public education, Bill Castor has been an inspiration to his profession, the community, and most importantly, his students.

Bill graduated from Lapel High School in May 1964, and in 1969 he graduated from Ball State University where he received a Bachelors of Science degree in Social Studies, Sociology, American History, and Psychology. In 1973, he received his Masters degree in Social Studies Education from Purdue University.

As a young teacher in the 1970s at West Central High School, Bill taught my wife—then Joni Geyer. Joni always speaks fondly at the mention of his name.

Throughout his teaching career, Bill has taught both high school and middle school. His teaching assignments have included psychology, sociology, geography, government, and American history.

In his teaching career, Bill brought the world into his classroom. He knew how to bring history to life. Stepping into Bill's classroom was like stepping into the past as he incorporated his love for antiques in his lessons. Whether looking at an 1840s cabinet or a showcase of his antiques, history was not just read from a book in his classroom, but tangible items that students could see and touch.

Bill's sense of humor makes it easy to understand how he made such an impact on his students. Whether lecturing, involving students in a class project or discussion, or telling stories about the people and events in our country's history, his sense of humor was deeply woven throughout the classes that he taught, keeping participation and interest high for his students.

Bill's love for the liberties which make this Nation great are reflected in his efforts to honor the sacrifices made by our men and women in uniform. In that regard Bill organized Veteran's Day celebrations to make sure his students did not forget the people who spend their lives protecting our freedom. I have enjoyed participating in several of these activities honoring America over the years including the annual 8th grade trip to Washington, D.C. Bill would do along with his fellow teacher, Jody Healy.

The staff and students Roosevelt Middle School will miss Bill Castor. The teaching profession will miss him. He has left behind a fine legacy. His pleasant and positive outlook on life has been a refreshing and motivating influence on the students and faculty of Roosevelt Middle School.

Teachers often say that the biggest reward that they get from their profession is when they ''connect'' with students. Bill Castor connected with his students on a daily basis. He set the bar high as he brought the world to his classroom and challenged his students every day. In short, he made a difference in so many students' lives.

Mr. Castor, you should be proud of your contributions to your students, your fellow teachers and your community. Thank you for being a part of the Roosevelt Middle School faculty.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. UPTON. Madam Speaker, I submit the following:

Requesting Member: Congressman FRED UPTON.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Eaton Corporation.

Address of Requesting Entity: 19218 B Drive South, Marshall, MI 49068.

Description of Request: This request is to provide funding for the final phase of an ongoing three phase program between Eaton and the U.S. Army. Eaton Corporation, which produces truck components in Galesburg, Michigan, has successfully worked with the Army over the past several years to develop specialized torque-modifying differentials for the HUMVEE to improve the vehicle safety. Phase I and II of the project was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HUMVEES. These programs have proven very successful in quantitatively demonstrating improved vehicle safety by increasing mobility and stability on rough terrain and drastically reducing vehicle rollovers. Prototype systems will be delivered to the Army for additional testing in May

2008. Military-hardened systems will be subsequently designed.

The third and final phase of the program is to develop a front-to-rear transfer case to modulate the driving torque between the front and rear axles. In conjunction with the side-to-side system developed in Phases I and II, this will provide the soldier with the ultimate system for HUMVEE stability and mobility through complete 4x4 active torque management.

Financial Breakdown:

Funding Source Breakdown: Total Phase III project cost: $3,500,000; Federal funds: $2,500,000; Eaton internal funds: $1,000,000; Percent matching funds = $1,000,000 ÷ $3,500,000 × 100 percent = 29 percent.

Allocation of Funds: 15 percent—$375,000—Model hardware function and vehicle maneuvers; 25 percent—$625,000—Materials—modifications to transfer case and addition of differential; 10 percent—$250,000—Preliminary Bench test and vehicle functional tests; 50 percent—$1,250,000—Labor—Design/procure hardware, develop preliminary controls software.

Justification for the use of taxpayer dollars: This program addresses a key military need for tactical wheeled vehicle stability and mobility. The technology will greatly improve soldier safety and survivability and mission effectiveness. Eaton Automotive is a commercial company serving non-military customers. Taxpayer dollars are requested for this program to adapt Eaton commercial technology to military vehicles.

HONORING THE MEMORY OF BARRY H. GOTTEHRER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the memory of a great leader, a great man, and a truly great American, Barry H. Gottehrer.

A Bronx native, Barry graduated from the Horace Mann School, Brown University, and the Columbia University Graduate School of Journalism.

A well-known journalist, Barry worked as an author, sportswriter, and editor at various magazines, including Newsweek. In the mid-1960s, noted reporter Dick Schaap recruited Barry to lead a team of reporters at the New York Herald-Tribune in an examination of the rising crime and racial tensions that were plaguing New York City. The award-winning series, ''City in Crisis,'' was credited with helping to elect John V. Lindsay mayor of New York in 1965.

Barry went on to join the Lindsay administration as a mayoral assistant, and he soon organized the Urban Action Task Forces, described in his New York Times obituary as ''neighborhood-based groups created to anticipate local grievances and to quell unrest.''

In a memoir, ''The Mayor's Man,'' Barry described himself as ''a white in a world of black and brown, a moderate in a world of revolutionaries, trying to bring change where change seemed needed most, trying to buy time until the change would come.''

While serving in Mayor Lindsay's office, Barry created the precursor of the office to promote television and film production in New York. He also instituted a summer jobs program for young people.

Following his tenure in the administration, Barry joined Madison Square Garden as a senior executive before joining MassMutual, where he served as senior vice president of government relations for many years. In 1996, Barry left MassMutual to work as an independent Washington-based consultant.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant, community leader, a friend to many, as well as a wonderful husband and father. Barry Gottehrer will be dearly missed by his family—his wife, Patricia Anne Gottehrer; his children, Kevin Gottehrer, Andrea Kling and Gregg Salem; and his two grandchildren—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

EARMARK DECLARATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HAYES. Madam Speaker, I wish to submit the following earmark:

Requesting Member: Congressman ROBIN HAYES

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Military Construction, Additional Defense Access Roads funding for Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road)

Legal Name of Requesting Entity: BRAC Regional Task Force, Inc. Fort Bragg, NC.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

Description of Request: This request increases the Department of Defense funding authorization from the President's FY09 Budget level of $13.24 million by an additional authorization for $8.56 million. The increase is due to revisions to the original project necessitated by BRAC and other mission growth at Fort Bragg. This is a high priority security project to close Bragg Boulevard to public traffic through Fort Bragg. This action is necessary to ensure the safety of the new FORSCOM HQ which is being built in close proximity to Bragg Boulevard. The project will widen Murchison Road to flow traffic around Fort Bragg and includes two new interchanges to access control points at Fort Bragg. The project is currently being planned and designed by North Carolina Department of Transportation (NCDOT) in two phases. This increase is needed for Phase I which will widen NC 210 (Murchison Road) to six lanes beginning at the new I295 Fayetteville Outer Loop interchange and continue north to include a new interchange at Honeycutt Rd. The new interchange, rather than an at-grade crossing is the reason for the additional funds. NC DOT is providing additional funding for this.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDTE.

Legal Name of Requesting Entity: Partnership for Defense Innovation.

Address of Requesting Entity: 455 Ramsey Street, Fayetteville NC 28301.

Description of Request: The Partnership for Defense Innovation received an authorization for $3 million for an expansion of the PDI Special Operations Forces Wireless Testbed by establishing a testing and evaluation assessment center. This added capability will provide rapid testing and assessment, modeling and simulation, software verification, validation and accreditation, strategic analysis and consulting, and provides built out laboratories and equipment bays designed for technical testing and assessment.Capabilities will include an indoor high-bay for vehicle modification and testing, a radio frequency testing chamber for evaluation of communications equipment, and environmental testing chambers designed to test and assess the temperature and humidity impact on equipment. USSOCOM requires testing and assessment of emerging technologies in net-centric operations. USSOCOM is facing a convergence of factors constraining military bandwidth. The reliance on the vast amount and types of data that the net-centric warrior requires for computing, communication, command & control, intelligence and surveillance is challenging. These different types of data are collected from a plethora of different sources and sensor types, which rely on different data transfer protocols that can affect the size of the files and thus bandwidth demands. The Lab will continue to problem-solve these issues while providing a proximate test bed for just-in-time new product tests and evaluations on WiFi battlefield solutions.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDT&E, R=1 Line Number: 23; PE #: 1160401BB.

Legal Name of Requesting Entity: DropMaster, Inc.

Address of Requesting Entity: 3600 Abernathy Drive, Fayetteville, NC 28311.

Description of Request: Provide a $3.5 million defense authorization to produce a stealthy and expendable small payload system of aerial re-supply providing Special Operations Forces with immediate on-call logistical airdrop leveraging existing technologies to produce a scalable family of CopterBox units with precision guidance. Special Operations Forces have successfully used hundreds of unguided CopterBox units in Afghanistan and seek to replace depleted inventory. FY09 funding will supply current needs and produce a guidance system and a scalable family of precision-guided expendable airdrop delivery vehicles (EADS). Using FY08 USSOCOM appropriations, the U.S. Army Soldier Systems Center is preparing to undertake initial certification drop-testing of CopterBox. Full FY09 funding will develop guidable variants and result in a self-sufficient program as certified EADS units are purchased in the ordinary procurement process.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Operations & Maintenance, Marine Corps, Operating Forces.

Legal Name of Requesting Entity: Longworth Industries.

Address of Requesting Entity: 480 E. Main Street, Candor, NC 27229.

Description of Request: Provide an authorization of $5,000,000 for Acclimate Flame Resistant High Performance Base Layers. Acclimate flame resistant high performance base layers are designed to provide an increased degree of protection against potential exposure to heat and flame of a short duration. In a flash fire situation, Acclimate flame resistant base layers are thermostatic meaning they will remain physically intact when exposed to a short duration heat source. They will not break open, thus helping to minimize burn injuries as well as eliminating the intensified bums caused by the melting or dripping of other synthetic materials. The Marine Corps has a $27.0 million ''Unfunded Requirement'' to provide, ''modernized clothing and equipment that is more effective, lighter and more durable to support the warfighter in austere environments that have been identified in the Global War on Terrorism.'' The Clothing and Flame Resistant Organizational Gear (FROG) program (including the Fire Resistant Desert Combat Jacket) has been funded to meet the Marine Corps' flame resistant apparel requirements with products like the Acclimate Flame Resistant High Performance Base Layers. The $44.9 million in total authorization provided by the Committee for the FROG program will be used to meet an ongoing requirement to procure sets of flame resistant crews and pants for deploying and training Marines, providing them with an added capability to meet their difficult missions. Longworth Industries will be eligible to compete for contracts within the $44.9 million allocation.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Air Force RDT&E, PE 0603112F.

Legal Name of Requesting Entity: Metals Affordability Initiative (MAI) Consortium.

Address of Requesting Entity: MAI Program Management Office Mail Stop 114–45, 400 Main Street, E. Hartford CT 06108.

Description of Request: Provide an authorization for $14 million above the FY09 President's Budget Request for the Metals Affordability Initiative (MAI), an Air Force research program, whose mission is to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems. This sector includes the entire domestic specialty aerospace metals industrial manufacturing base, representing all elements of the supply chain, which produce aluminum, beryllium, nickel-base superalloys, and titanium. MAI programs have accomplished 47 current or planned technology insertions into military systems. Many MAI programs impact sustainability of the AF fleet which consists of over 6000 aircraft at an average age of over 25 years. The technology developed is pervasive and applicable to other military systems. New programs will be directed at sustainment/life extension, fuel savings/energy management, ''green'' (environmental impact) and access to space. ATI Allvac of Monroe, North Carolina is a specialty metals member of the MAI Consortium.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Navy, O & M.

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.

Address of Requesting Entity: 2300 Wilson Blvd. North, Arlington, VA 22201.

Description of Request: Provide an authorization of $300,000 for the U.S. Naval Sea Cadet Corps., that when added to the $1,700,000 in the FY 2009 budget request will fund the program at the full FY09 $2,000,000 requirement. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to ''buy down'' the out-of-pocket expenses for training to $85/week as Sea Cadets are responsible for all program expenses. Military accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10% of USNA Midshipmen are ex-Cadets. Cadets will pay $170 each for a two week training which is over 20% of the project cost. One of the units in this nationwide program is in Charlotte, North Carolina.

REMEMBERING THE PUBLIC SERVICE AND LIFE OF JUDGE LARRY T. CRAIG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I rise along with Congressman LOUIE GOHMERT to honor today a distinguished County Judge and great American, Judge Larry T. Craig, of Tyler, TX, who recently passed away at the age of 71 on April 12th.

Judge Craig was born in Fort Sumner, New Mexico, on July 20, 1936. After moving to Tyler in the summer of 1949, he attended Tyler public schools, graduating from Tyler High School and Tyler Junior College. Having served his country in the United States Naval Reserve, he was honorably discharged in 1963 and attended The University of Texas and the University of Houston, where he earned his bachelor of science in Pharmacy. For the next 25 years Judge Craig worked in retail pharmacy, with 10 of those years as the owner and operator of Craig Pharmacy. In March of 1972, Judge Craig married Barbara Jean Copeland, with whom he raised a family of five children.

Judge Craig continued his education and graduated from the Reserve Law Enforcement Academy at Tyler Junior College and the Police Academy at Kilgore College, where he was licensed by the Texas Commission on Law Enforcement Education and Standards.

He was elected County Judge of Smith County in 1986, and was re-elected in 1990, 1994, and 1998. With four terms of service as Smith County Judge, he became the longest serving judge to hold that position.

It was an on-the-job learning process, and he admitted that lacking a law degree made judicial aspects of the job initially difficult. But he studied hard, read late into the evenings, and did his job well. Judge Craig consistently received high marks for his work on the bench in local bar polls, and of the three decisions he rendered that were appealed, all were eventually upheld by higher courts.

Judge Craig also served on several statewide boards, associations, and commissions, including the Texas Commission on Jail Standards. Then Texas Governor George W. Bush appointed Craig and designated him chairman in 1995, where he would become the longest serving Chair of the agency after holding the post for five years.

Judge Craig will be remembered as a man of service and a gentleman, but above all, his memory will be honored by the commitment he made to ''keep God and your family first and foremost.'' It has been said that Judge Craig ''was the kind of man that made God proud,'' and we would concur.

Madam Speaker, we ask our colleagues to join us in paying tribute to a gentleman, an outstanding public servant, and a great American—Judge Larry Craig.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LATHAM. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MilCon, Air National Guard.

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa, 50131.

Description of Request: Authorizes appropriation of $5.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit's mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial

plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

COST ESTIMATE

Item	U/M	Quantity	Unit cost	Cost ($000)
Vehicle Maintenance/Comm Training Facility	SF	32,369		4,171
Vehicle Maintenance Area	SF	7,000	210	(1,470)
Age Addition to Comm Area	SF	2,600	186	(484)
Upgrade Communications Area	SF	22,769	91	(2,072)
Anti-Terrorism/Force Protection Measures	SF	32,369	2	(65)
LEED Certification	LS			(80)
Supporting Facilities				864
Pavements	LS			(115)
Utilities	LS			(150)
Site Improvements/Parking	LS			(100)
Communications Support	LS			(100)
Pre-Wired Work Stations	LS			(130)
Temporary Trailers	LS			(220)
Demolition/Asbestos Removal	SF	3,270	15	(49)
Subtotal				5,035
Contingency (5%)				252
Total Contract Cost				5,287
Supervision, Inspection and Overhead (6%)				317
Total Request				5,604
Total Request (Rounded)				5,600

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed masonry walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior wall, ceilings, interior finishes and pre-wired work stations. Alteration: Rearrange and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air Conditioning: 60 Tons.

11. REQUIREMENT: 32,369 SF ADEQUATE: 0 SF SUBSTANDARD: 22,769 SF.

PROJECT: Vehicle Maintenance and Communications Training Facility (Current Mission).

REQUIREMENT: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132-personnel combat communications squadron responsible for tactical communications-electronics systems. Functional areas include the command section, communication systems (i.e. satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

CURRENT SITUATION: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit's manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within response time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport driveway. This requires them to take valuable time and manpower to get to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally set-up to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

IMPACT IF NOT PROVIDED: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit's capability to maintain a safe, operationally ready fleet, and severely limits the unit's ability to train. Continued safety and environmental problems with possible violations of federal and state environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

ADDITIONAL: This project meets the criteria/scope specified in Air National Guard Handbook 32-1084, "Facility Requirements" and is in compliance with the base master plan. These facilities are "inhabited" buildings and meet the standoff distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternatives options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings will be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM.

VEHICLE MAINTENANCE AREA—7,000 SF = 650 SM.

AGE ADDITION TO COMM AREA—2,600 SF = 242 SM.

UPGRADE COMMUNICATIONS AREA—22,769 SF = 2,115 SM.

DEMOLITION/ASBESTOS REMOVAL—3,270 SF = 304 SM.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

SPEECH OF

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. TANNER. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the founding of the Congressional Club, founded 100 years ago as an official organization of the spouses of those of us serving in this House and in the Senate. I am very familiar with their great work, because my wife Betty Ann is an active member and presently serves on the Congressional Club's board.

The Congressional Club is host to one of the most important nonpartisan events that happens in Washington—the annual First Lady's Luncheon. It also hosts monthly lectures, children's parties, tours for charitable organizations and senior citizen luncheons.

The members of the Congressional Club realize the incredible opportunities and responsibilities they have toward national service. During World War I and World War II, the Congressional Club curtailed many of its social events so that members of the Club could roll bandages for the Red Cross, help provide for servicemembers' families and assist troops in transit to their service. At the encouragement of First Lady Eleanor Roosevelt, the Congressional Club sold war bonds, using the proceeds to purchase two evacuation airplanes, one named *The Congressional Club* and one named *The U.S. Congress*, to airlift wounded troops from the battlefield.

The important role spouses play in the work we do is evident in one legend surrounding the establishment of the Congressional Club. According to the story, one wife knew her husband, a member of this body, planned to vote against the incorporation of the Congressional Club, so she came into the Capitol and distracted him outside the House Chamber while the House voted on and approved the resolution that allowed for the formal recognition of the organization.

Mr. Speaker, no one is quite sure whether that story is true, but it does help stress an important point with which few can argue: Congressional spouses play an instrumental part in the work we do. I am honored to join with you in honoring their work on this 100th anniversary of the Congressional Club.

A TRIBUTE TO COLONEL KENNETH FLOWERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to the career of Colonel Kenneth Flowers from Red Springs, North Carolina. With 26 years of active commissioned service, Colonel Flowers has served our country in a variety of diverse assignments. Now, as he prepares for retirement, I

ask that you join me in recognizing his long and honorable career of service.

Colonel Flowers' assignments have been extensive. He has served as Director of Open Systems Joint Task Force, an Army Staff Officer, Commander, Signal Officer, Platoon Leader, and Battalion Staff Officer, to name only a few. Colonel Flowers' awards and decorations include the Defense Superior Medal, Meritorious Service Medal with 6 Oak Leaf Clusters, Army Commendation Medal, Army Achievement Medal with 2 Oak Leaf Clusters, National Defense Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Kuwait Liberation Medal, Global War on Terrorism Medal, Armed Forces Service Medal, the Office of the Secretary of Defense Staff Badge, the Army Staff Badge, the Joint Meritorious Unit Award, and the Army Superior Unit Award. His hard work has benefitted his community and nation, and for that reason I stand today to express my deepest appreciation.

Colonel Flowers currently resides in Manassas, Virginia, and has been blessed with a wife and two children. He will be retiring from his current assignment to the Office of the Assistant Secretary of Defense for Networks and Information Integration. I wish the very best for Colonel Flowers in his future endeavors, and I ask that you join me today in recognition of his impressive career of courageous duty and enduring public service.

CELEBRATING LIVESTRONG

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. COURTNEY. Madam Speaker, on May 13, 2008, communities in Connecticut and around our Nation collectively clad in yellow, celebrated LiveSTRONG Day. LiveSTRONG Day is a day of national reflection, where cancer survivors and disease awareness are recognized in an effort to raise funds to support cancer research and education.

Over a decade ago, one of the world's greatest athletes, Lance Armstrong, was diagnosed with testicular cancer. Although his prognosis was grim, he overcame seemingly insurmountable obstacles to become a cancer survivor. With his disease in remission, he founded the LiveSTRONG Foundation, which has since connected communities around the Nation with the collective goal of promoting cancer research and education. The LiveSTRONG Day codifies the priorities of the foundation through national grassroots efforts.

In eastern Connecticut, LiveSTRONG Day was celebrated in a number of forms, from yellow fashions to a pickup game of hockey. Several years ago, my good friend and cancer survivor Nancy Brouillet gave me a LiveSTRONG wristband, which I am proud to wear and show my support for these efforts and broader efforts around the Nation. Through these simple acts, the eastern Connecticut community offered support to the cancer survivors in our community as well as raised awareness of the disease in our region.

Madam Speaker, cancer remains one of the widest sweeping diseases in the U.S. and around the world. Although much has been accomplished with disease research and treatment, our Nation must continue to invest and support comprehensive efforts to find a cure for the millions that continue to suffer from this disease. The LiveSTRONG Foundation and the priorities of the annual LiveSTRONG Day have served and will continue to serve an invaluable role with achieving these necessary objectives and I ask my colleagues to join with me and my constituents in recognizing these contributions.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 5658.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Air Force, Military Construction, Air National Guard.

Legal Name of Requesting Entity: 177th Fighter Wing.

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234.

Description of Request: Provide an earmark of $8.5 million for the construction of Phase I of a two phase Operations and Training Facility for the 177th Fighter Wing at the Atlantic City International Airport in Egg Harbor Township, NJ. The Facility will house key wing administrative functions to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Army—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: (1) Drexel University; (2) Waterfront Technology Center.

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104; (2) 200 Federal Street, Suite 300, Camden, NJ 08103.

Description of Request: Provide an earmark of $7.0 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Air Force—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: Accenture.

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103.

Description of Request: Provide an earmark of $7.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DoD programs.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Army—Other Procurement.

Legal Name of Requesting Entity: L–3 Communications Corp.—East.

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.

Description of Request: Provide an earmark of $6.0 million for Battlefield Anti-Intrusion System (BAIS). BAIS is the U.S. Army's type standard tactical Unattended Ground Sensor (UGS) system for physical security/force protection. The system uses Seismic/Acoustic Sensors (SAS) to detect and classify potential threats for forward intelligence collection or perimeter self-protection. To date, 773 systems plus spares have been fielded representing less than 10% of the Army's Acquisition Objective, yet approved fielding requirements for small unit protection and perimeter security exceed 8,933 systems. This $6.0 million will provide 270 additional BAIS units to the Army.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Navy—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: McGee Industries.

Address of Requesting Entity: 9 Crozenville Road, Aston, PA 19014–0425.

Description of Request: Provide an earmark of $3.0 million for Improved Corrosion Protection for the ElectroMagnetic Aircraft Launch System (EMALS) for the CVN–21 class of carriers. The environment around aircraft carrier catapults is among the most corrosive (i.e. seawater spray, heat, deck contaminants) with which the Navy must contend. No reliable corrosion or fracture data exists for the new EMALS configuration and the materials which will be used to construct it, in a catapult-like environment. This funding will continue the program from FY08 to develop design-specific corrosion data under simulated catapult conditions needs to be continued in order to permit further design refinement, that will: (1) prevent premature component failures (2) minimize costly fleet maintenance and (3) enhance operational readiness.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Navy—Operations and Maintenance.

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.

Address of Requesting Entity: 2300 Wilson Blvd. North Suite 200, Arlington, VA 22201.

Description of Request: Provide an earmark of $300,000 for the Naval Sea Cadet Corps Operational Funding. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Funds will be utilized to "buy down" the out-of-pocket expenses for training to $85/week. A significant percent of Cadets join the Armed Services often receiving accelerated advancement,

or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S where these Services have little presence. Accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10 percent of Naval Academy Midshipmen are ex-Cadets.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I rise today to provide a description for how funds authorized in response to my requests submitted to the House Armed Services Committee will be allocated. In making those requests, I submitted a financial. certification letter to Chairman SKELTON which accompanied my requests, and included the following information:

I hereby certify that to the best of my knowledge these requests (1) are not directed to any entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by any entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that should any of the requests I have submitted be included in the bill, I will place a statement in the CONGRESSIONAL RECORD describing how the funds in each of the included requests will be spent and justifying the use of federal taxpayer funds.

In order to fully comply with these standards, Madame Speaker, I hereby submit a description of how the funds authorized in the National Defense Authorization Act for Fiscal Year 2009 will be used for the projects to follow.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E.

Legal Name of Requesting Entity: THY Enterprises, Inc.

Address of Requesting Entity: 440 Hillabee St., Alexander City, AL 35010 USA.

Description of Request: Provide an earmark of $2,000,000 to continue research and development of the Next Generation of Tactical Environmental Clothing (NGTEC) being conducted with the AFSOC. Approximately, $1,000,000 is for research and development of a lighter, quieter, waterproof material; $400,000 for engineering and manufacturing; $75,000 for laboratory analysis; $25,000 for field assessment; and $500,000 for risk and plan management. Special Operations Command (AFSOC) Special Tactics Teams and Combat Controllers operate in environments where the extreme effects of physical exertion over difficult terrain result in hypothermia and other related conditions that degrade mission effectiveness. Current clothing articles provided to our combat airmen do not offer the best protection or prevention of these debilitating conditions. Recent developments in fibers research indicates that better materials can be made available for use in under and outer garments to greatly reduce the effects of moisture on the body. These capabilities, which now include a thermally efficient wicking concept, combined with water-proof and tear resistant fibers should produce a garment with superior protective characteristics. This technology is at hand, and THY's early prototypes have been field tested and found to resolve several of the shortcomings highlighted by troops from cold weather training exercises in Montana, and from the current combat theaters of operation.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Auburn University.

Address of Requesting Entity: 202 Samford Hall, Auburn, AL 36849 USA.

Description of Request: Earmark additional funds $1,000,000 to PE 0203735A of the DoD Combat Vehicle Improvement Program for Auburn University in FY 2009. The DoD Combat Vehicle program provided funds of $1,000,000 to Auburn University in FY 2008 to initiate the project. All of the $1,000,000 requested will be used by Auburn University to research and develop sensors for the detection of oil breakdown in the Abrams tank and associated military vehicles. Since this is an ITAR DoD restricted project, no corporate or other non-federal funding is anticipated for this project. Total projected cost of the project is $6,000,000. This research project benefits the public and non-profit segments of our economy (citizens and government). Implementation of condition based maintenance on military vehicles will improve vehicle readiness, reduce personnel injury, increase battlefield efficiency and result in a reduction of maintenance costs. No congressionally appropriated funding has been received by this project to date.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: GKN Westland Aerospace.

Address of Requesting Entity: 3951 Alabama Highway 229, Tallassee, Alabama 36078.

Description of Request: Provide an earmark of $2,000,000 for the development of a composite floor sub-structure to be demonstrated on the Black Hawk helicopter. Approximately $75,000 is for program management, $50,000 is for engineering planning, $200,000 is for tooling, $200,000 for design engineering, $75,000 is for material purchase, $500,000 is for generation of material mechanical property testing for use in design/analysis of the test structure, $400,000 is for process development through part manufacture, $500,000 is for structure testing.

Current and new helicopter designs are experiencing weight increases through the addition new electronic systems that enhance the performance and effectiveness of the aircraft. Recent DoD requested changes to the Black Hawk helicopter (H–60) includes Common Missile Warning Systems (CMWS) and Joint Tactical Radio System (JTRS) configurations. Studies have identified the aircraft airframe as the area for potential weight reduction. Lightweight airframe development has been conducted in SARAP (Survivable Affordable Repairable Airframe Program) through the demonstration of a lighter, low cost cabin for the Black Hawk. As part of this technology demonstrator cabin, a floor sub-structure used thermoplastic composite materials to reduce the weight by almost 25% over the baseline metal structure while, at the same time, reduced costs. Further development is required to take full advantage of the savings that composite materials technology can offer. Work for this program will occur in Montgomery and Tallassee, AL.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Air Force.

Legal Name of Requesting Entity: Davidson Technologies.

Address of Requesting Entity: 530 Discovery Drive, Huntsville, Alabama 35806

Description of Request: Provide an earmark of $10M to finalize development and validation of the Space Control Test Capability for the United States Air Force. Of the funds provided approximately $5 million dollars or ½ of the available funding is for final development of a Monte-Carlo version of SCTC which will join the already developed closed-form version to give a new combined capability to analyze important transient command/control situations (e.g. satellite outages). The combined closed-form/Monte-Carlo version provides both closed-form steady-state and transient-event analysis capabilities builds upon Air Force selected analytical engines and is already in the hands of the users in support of Terminal Fury. The Monte-Carlo addition completes the required analytical suite. Approximately $5 million dollars or ½ of the funding is for tool validation. When completed, the combined closed-form/Monte-Carlo SCTC tool is the only tool of its type and caliber in the Air Force analytical inventory. Completion of this combined closed-form/Monte-Carlo tool in GFY 2009 is needed to provide quantitative data support for acquisition decisions. The tool will provide decision time-lag and throughput data for combination steady-state and transient situations to quantify performance of alternative system implementations. The Air Force will use these performance predictors to make sound, quantitative-based acquisition decisions for upcoming space systems in areas such as OCS, DCS, SSA and communications now and in the future, providing additional AF funding to enhance operational capabilities as required.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Frontier Technology, Inc.

Address of Requesting Entity: 75 Aero Camino Suite A, Goleta, CA 93117, for work in Alabama.

Description of Request: May it be noted for the record that a technical error was made and it is anticipated that the remedy will occur in the conference report. The correct Identification Number, 0603005A, Line 33 should be

substituted for the incorrect Identification Number that was originally given, 0206623M, Line 181.

The Enhanced Military Vehicle Maintenance System identifies difficult to detect failure modes that must be serviced while the vehicle is undergoing maintenance. It models vehicle conditions to ensure that the vehicle is restored to an optimum state of operation prior to return to service. This cost effective technology can be modified for various military vehicles to detect problems not typically reported using threshold or trend systems. It can detect problems before they happen, preventing breakdowns in battlefield environments. The system will successfully verify that vehicles repaired at the Depot have been restored to an optimum state of operation prior to redeployment. The Enhanced Military Vehicle Maintenance System provides the cutting edge, cost effective technology that can help ensure more rapid and reliable deployment of critical military vehicles during this period when our equipment is under extreme and extended use.

The funding for the program is broken into two components: system analysis, development, integration, validation and training, and field installation, optimization and support. The first incorporates salaries and O/H (FTI and Subcontractors, e.g. Auburn University), materials and supplies (sensors, communications and computer equipment), with a subtotal of $3,000,000. The later includes site specific licenses and equipment (sensors, communications and computer equipment), salaries, expenses, and OIH (FTI and Subcontractors, e.g. Auburn University), with a subtotal of $1,000,000. The total earmark is $4,000,000.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Aircraft Procurement, Air Force.

Legal Name of Requesting Entity: Alliant Techsystems, Inc. (ATK).

Address of Requesting Entity: 5050 Lincoln Drive, Edina, MN, 55436, for work in Alabama.

Description of Request: The RC–26B performs critical intelligence, surveillance and reconnaissance (ISR) missions in support of national disaster response by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Air National Guard, and in direct support of Special Operations Forces. The Air National Guard (ANG) operates a fleet of eleven RC–26B aircraft that provide support to individual states for disaster relief and counter-drug missions. The RC–26B platform provided excellent, real-time imagery during the 2007 extended fire season and in the aftermath of Hurricane Katrina in 2005. As the demands for the RC–26Bs proven utility increased, non-availability of the platform have prevented ANG crews from performing their domestic assigned missions. Special Operations Command funded the modification of five RC–26B aircraft—to provide ISR missions in support of deployed operations. With five RC–26B aircraft deployed in support of missions outside of the continental United States, an availability vacuum at the state level has occurred. The remaining six RC–26B aircraft (from Mississippi, Arizona, Florida, Texas, West Virginia and New York) are not sufficient to support the disaster relief and counter-narcotics missions of both the ANG and DHS/CBP. Without additional FY2009 funding to upgrade the RC–26B aircraft, the ability of the ANG to respond to future DOD ISR, DHS/CBP, counter-narcotics and disaster relief missions will be impaired, even as the demands for this low density asset increases. Maintenance work, operational and functional flight testing will occur in Montgomery, AL.

The program will provide improved military capability to fulfill an unmet requirement or need identified by the Department of Defense.

The $3.0M funding is needed for concept development, design, integration and flight verification (one aircraft only) of the following technologies that would enhance the current Block 20 RC–26B performance and effectiveness. Specific capability improvements would include:

$0.5 M—Incorporation of digital video recorders capable of recording the increased data rates associated with the new digital imagery;

$1.75 M—Incorporation of new digital EO/IR frame camera capability to replace the obsolete cameras eliminated from the prior modification;

$0.75M—Incorporation of a new high capacity down link system that can manage the transfer of the increased data flow from the airborne RC–26B to a ground station;

The above capabilities would need to be incorporated at the same time because of the large cost associated with the integration/installation of the aircraft subsystems identified above. Additional funding would be required to install this capability into the remaining Air National Guard fleet. Funding execution and expenditure plans shall be developed and approved by the responsible program manager for the Department of Defense, and Air National Guard, pursuant to applicable federal acquisition laws, regulations and guidelines.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Aircraft Procurement, Army.

Legal Name of Requesting Entity: United Technologies Corporation.

Address of Requesting Entity: 1401 Eye Street, NW #600, Washington, DC 20005, for the Alabama National Guard.

Description of Request: The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Alabama National Guard uses these helicopters for disaster recovery. The funding may have a small manufacturing impact in Alabama.

The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M; the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60 A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 ''Essential 10—Top 25'' unfunded priorities. The funding for this request is $5 million. The UH–60L Upgrades are $1.5 million each and include: UH–60L Improved Durability Gearbox; UH–60L Flight control upgrades; UH–60L (IVHMS) Integrated Vehicle Health Maintenance System; UH–60L Overhead rescue hoist provisions; UH–60L Overhead Rescue Hoist; UH–60L Rescue Hoist Cable Guard; UH–60L Digital engine control unit; UH–60L Hydro mechanical unit; UH–60L Signal data converter; UH–60L Cargo hook upgrade to 9000 lbs.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Honeywell International, Inc.

Address of Requesting Entity: 101 Columbia Road, Morristown, NJ 07962, for work in Alabama.

Description of Request: Conditioned Based Maintenance (CBM) is a set of maintenance capabilities and technologies aimed at performing ''just-in-time'' maintenance versus ''after-the-fact'' maintenance. CBM improves reliability by increasing predictive maintenance while decreasing corrective maintenance. Fleet Mission Readiness merges individual onboard reporting, diagnostics reasoning, and trend assessment with decision support tools that aggregate individual performance into fleet assessments. Honeywell estimates that the $4 million requested for the ''Tactical Wheeled Vehicle Conditioned Based Maintenance: Fleet Mission Readiness'' project would be broken down as follows: 80% software engineering and development ($3,200,000); 10% testing ($400,000); and 10% evaluation and certification ($400,000). The Army has already invested $250 M to implement CBM for the Future Combat Systems (FCS) program to include Automated Reasoning software for the FCS fleet using Honeywell technologies. These same technologies can be spiraled into tactical wheeled vehicle fleets with a small investment to achieve the same 30% reductions in maintenance costs projected for the FCS fleet. This funding would

be used to adapt Fleet Mission Readiness technologies from FCS to the tactical wheeled vehicle fleet to provide timely and accurate information for the Anniston Army Depot (ANAD) personnel deployed around the world in support of the warfighter.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MILCON, Army.

Legal Name of Requesting Entity: Congressman MIKE ROGERS.

Address of Requesting Entity: Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201.

Description of Request: This earmark provides $1,463,000 for the Lake Yard Interchange. The funding will be used to construct an interchange and inspection building in the ammunition and explosives classification (Lake Yard) area of the Anniston Army Depot. This includes the move of ammunition classification from Turner Yard to the Lake Yard. Additionally, the site utilities will include electrical power, information technology, water, septic tank/field lines. The railroad track work will include new track for the interchange and spur.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Congressman MIKE ROGERS.

Address of Requesting Entity: Alabama National Guard, 1720A Congressman W.L. Dickinson Drive, Montgomery, AL 36109.

Description of Request: The $200,000 earmark will be used toward Project #010263, a project currently in the Future Years Defense Program for 2012. In the FYDP in FY2012, the complete project is budgeted for $15,267,000.00. The increase in total project cost is due to the updated DOD Facility Pricing Guide dated 2 July 2007. The updated FY09 cost is $20,205,000. If the project is left in the FYDP for FY12, the cost will need to be revised to $21.3 M. This project is for the Readiness Center Phase II of the Ft. McClellan Training Center. The construction will provide for an additional 112,375 square feet to the facility. Phase I is currently under construction 96,195 square feet for a total of 208,571 square feet when both phases are complete. The facility is required to house nine units with a required strength of 1,035 personnel. The 167th Theater Support Command will move from Birmingham to Anniston and be stationed in this facility when Phase I is completed in FY09. Phase II was programmed in the FYDP for FY10 and was pushed out last year to FY12. Nearly half (42%) of the 167th TSC administrative space in the facility is being built in Phase II. This space is critical for the 167th TSC in meeting the unit's CENTCOM mission and training objectives. If the project stays in the FYDP for FY12, it will be FY14 before Phase II is completed, five years after the unit moves from Birmingham to Anniston. This will have an adverse effect if personnel are not provided with adequate facilities to accomplish mission and training objectives. The lack of proper and adequate training, storage, and administrative areas could impair the attainment of required mobilization readiness levels for the unit and the daily support efforts for CENTCOM. The site of the project is on federal property. Approved by the Joint Services Reserve Component Facility Board 6/27/07.

EARMARK DECLARATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PICKERING. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one project authorization request that I made and which was included within the text of H.R. 5658, the "Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

Requesting Member: Congressman CHIP PICKERING.

Project: Advanced, Long Endurance Unattended Ground Sensor Technologies.

Project Amount: $4.2 million.

Account: Defense-wide (DoD); RDT&E; Special Operations Intelligence Systems Development.

Legal Name of Requesting Entity: U.S. Special Operations Command.

Address of Requesting Entity: 7701 Tampa Point Boulevard, Florida.

Description of Request: A significant challenge in modern military operations is the ability to achieve and maintain real-time battlefield situational awareness. Achieving battlefield situation awareness requires the ability to robustly and persistently monitor the movements of the adversary in near real-time across a wide range of operational environments including foliage, mountainous, and urban terrain.

The funding will continue the research and development of small, low power UGS technologies that support critical USSOCOM reconnaissance and surveillance missions by providing robust: (1) target detection, classification and tracking; (2) high bandwidth, covert communication of data, voice and video, and (3) data/information exfiltration via satellite communications (SATCOM) for displaying advanced visualization technologies. The proposed UGS capability will provide USSOCOM with the ability to relay critical, actionable intelligence from remote areas of interest to analysts and commanders worldwide in near real-time-ultimately allowing special operations forces (SOF) to think and react more quickly than the adversary. The proposed research program will also have applications in other areas such as border patrol.

IN RECOGNITION OF THE 2008 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of the members of the 2008 United States Physics Olympiad Team.

The International Physics Olympiad brings together top students from all over the world to compete in a rigorous routine of mental gymnastics. To be considered for the U.S. team, students must first take a challenging physics exam. I am proud to say that the top 200 semifinalists included 3 students from Michigan this year. This exceptional group is further reduced to 24 students currently participating in a 10-day physics camp hosted by the University of Maryland.

As you might expect, this is not your ordinary summer camp but rather an intense bootcamp of teamwork, sharpening mental and communication skills. Five of these exceptional students will advance and represent the United States in a tremendous international competition in July in the 67th International Physics Olympiad July 20–29 in Hanoi, Vietnam.

The 24 members of the 2008 team include: Kiranmayi Bhattaram, Tucker Chan, Sway Chen, Joseph, Zer-Yi Chu, Alesia Dechkovskaia, Yishun Dong, David Field, Edward Gan, Rui Hu, Gabriel Karpman, Brian Kong, Kevin Michael Lang, Dan Li, Andrew Lucas, Marianna Mao, Yoon Jae Nam, Anand Natarajan, Joshua Oreman, Thomas Schultz, Jack Z. Wang, James Yang, Alex Zhai, Danny Zhu, and Alex Zorn.

I commend the American Institute of Physics, the American Association of Physics Teachers and affiliated sponsors for organizing this annual event and fostering a passion for science in these students. Integrating science with real-world problems is critical to our national competitiveness. These students will become even more excited about applying physics to national and international challenges after they participate in the Olympiad preparation.

I know my colleagues share my pride in the achievements of these students. Their success is a testament to not only their individual determination, but also a group of exceptional teachers. These teachers often receive very little recognition for their work, so I hope each of the Olympiad finalists will make a point of thanking and recognizing the teachers that have guided them over the years.

I am very pleased that these students take time away from their purely scientific endeavors to meet with their legislators in Washington. Understanding how science fits into culture and politics are very important skills for a future physicist to master. I also hope that some of these students will consider running for public office and add their expertise to the policy world. I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful achievements. We wish the top five the best of success as they represent the United States in Vietnam.

CONGRATULATING JIM TATE ON HIS INDUCTION INTO THE MOBILE SPORTS HALL OF FAME

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Coach Jim Tate of St. Paul's Episcopal School on the occasion of his induction into the Mobile Sports Hall of Fame (MSHOF). Begun in 1987, the Mobile Sports Hall of Fame was created by the Mobile Chamber of Commerce to

recognize those sports figures whose accomplishments and service have greatly benefited—and reflected credit on—the city of Mobile.

A graduate of The Citadel, Coach Tate spent five years in the U.S. Army as a paratrooper and field artillery officer with a year's service in the Vietnam War. He also earned his master's degree from the University of Alabama.

Coach Tate, a Mobile native, was working in Georgia when St. Paul's headmaster, Rufus Bethea, recruited him to return to Mobile to coach the boys' basketball team. It was not until 1983, however, after interest in the cross country and track programs increased, that Coach Tate was named the full-time coach for both sports, boys', and girls' teams. That very same year, St. Paul's won its first state championship, the same year the first of 17 straight girls' cross country state championships was won with a team of all seventh-graders.

As coach of what Mobile's Press-Register refers to as the ''most dominant girls' cross country program in the country,'' Coach Tate is an institution among American high school track and cross country coaches. In his 30 years at St. Paul's, Coach Tate has led the cross country and track teams to 75 state championships, including a national record of 17 straight girls' cross country state titles.

In 1999, Coach Tate was selected as the national cross country coach of the year. Twenty-five of his former athletes have gone on to compete at the collegiate level in either track or cross country, and currently, St. Paul's has 10 state record holders in track and cross country.

Madam Speaker, throughout his life, Jim Tate has been an outstanding role model for both children and adults alike. I know his family; his wife, Becky; their children, Lee, Luther, Leigh, and Ginny; and his many friends join me in congratulating him on this remarkable achievement and extending thanks for his many efforts over the years on behalf of the city of Mobile, the First Congressional District and the state of Alabama.

EARMARK DECLARATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SAXTON. Madam Speaker, pursuant to House Republican Earmark Guidance, I am including the following requests, which are authorized in H.R. 5658:

Project: Ballistic Missile Defense—Aegis.

Account: Research, Development, and Testing and Evaluation Ballistic Missile Defense Aegis.

Legal Name of Requesting Entity: Lockheed Martin.

Address of Requesting Entity: 199 Borten Landing Rd, Moorestown, NJ 08057.

Description of Request: Ballistic Missile Defense Aegis system provides resources to close the capability gap between current Sea Based BMD capabilities and the emergent BMD threats.

Project: Vehicle Common Armor Manufacturing Process (VCAMP).

Account: Army Research, Development, and Testing and Evaluation End Item Industrial Preparedness Activities.

Legal Name of Requesting Entity: SMH International, LLC.

Address of Requesting Entity: 100 Technology Way, Suite 210, Mount Laurel, NJ 08054.

Description of Request: Vehicle Common Armor Manufacturing Process develops a common armor manufacturing process for force protection aimed at enhancing soldier survivability by reducing vehicle weight and speeding production.

Project: Battlefield Anti-Intrusion System (BAIS).

Account: Army Procurement Physical Security.

Legal Name of Requesting Entity: L–3 Communications.

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.

Description of Request: Battlefield Anti-Intrusion System detects and classifies intruding personnel, wheeled, and tracked vehicles for forward intelligence collection or perimeter self-protection.

Project: Software Lifecylce Affordability Management (SLAM), Phase II.

Account: Army Research, Development, Testing and Evaluation Advanced Tactical Computer Science and Sensor Technology.

Legal Name of Requesting Entity: PRICE Systems, LLC.

Address of Requesting Entity: 17000 Commerce Parkway Suite A, Mount Laurel, NJ 08054.

Description of Request: Software Lifecycle Affordability Phase II model enables the Army to determine which software lifecycle strategies design realizes the greatest number of capabilities at the lowest cost, following the best schedule.

Project: Advanced Propulsion Non-Tactical Vehicle (APNTV).

Account: Air Force Research, Development, Testing, and Evaluation Pollution Prevention.

Legal Name of Requesting Entity: General Motors.

Address of Requesting Entity: 100–400 Renaissance Center, Detroit, MI 48226.

Description of Request: Advanced Propulsion Non-Tactical Vehicle will reduce the Air Force's dependence on foreign fossil fuel sources and provide an operational learning/execution roadmap for the eventual use of these technologies in the overall mission of the Air Force. An Air Force demonstration of two Chevrolet Equinox fuel cell electric vehicles at McGuire AFB will take place to include vehicle service, maintenance, spare parts, technician support and program management. The demonstration will also include the installation of a hydrogen refueling station at McGuire AFB.

Project: Large Diameter Precision Aspheric Glass Molding.

Account: Army Research, Development, Testing and Evaluation Weapons and Munitions Advanced Technology.

Legal Name of Requesting Entity: Edmond Optics, Inc.

Address of Requesting Entity: 101 E. Cloucester Pike, Barrington, NJ 08007.

Description of Request: Large Diameter Precision Aspheric Glass Modeling technology is key in developing a secure US manufacturing base for low-cost precision aspheric optics, thus eliminating the current dependence of the DOD on foreign sourced products.

Project: Virtual Interactive Combat Environment (VICE).

Account: Army Procurement Training Devices.

Legal Name of Requesting Entity: Dynamic Animation Systems.

Address of Requesting Entity: 12015 Lee Jackson Highway, Suite 200, Fairfax, VA 22033.

Description of Request: Virtual Interactive Combat Environment (VICE) provides a virtual environment within which small combat teams can be trained in current rules of engagement and tactics, techniques, and procedures. Six squad configurations of VICE will be procured for the NJ National Guard Joint Training and Training Development Center at Ft. Dix, which will improve the training for New Jersey Guardsmen and Reservists, as well as those from other States, mobilizing at Fort Dix and preparing to deploy into combat.

Project: Dismounted Soldier Millimeter Wave BTD RF Tag.

Account: Army Research, Development, Testing and Evaluation Sensors and Electronic Survivability.

Legal Name of Requesting Entity: Sierra Monolithics.

Address of Requesting Entity: 103 W. Torrance Bldv, Redondo Beach, CA 90277.

Description of Request: Dismounted Soldier Millimeter Wave Tag, will significantly decrease fratricide deaths and add to battlefield awareness by allowing the dismounted soldier to interoperate with the deployed system.

Project: Short Range Ballistic Missile Defense.

Account: Defense Wide Research, Development, and Testing and Evaluation Ballistic Missile Defense Terminal Defense Segment.

Legal Name of Requesting Entity: Rafael Advanced Defense Systems, Ltd

Address of Requesting Entity: 6903 Rockledge Drive, Bethesda, MD 20817

Description of Request: Short Range Ballistic Missile Defense is a joint Missile Defense Agency (MDA) and Israel Missile Defense Organization (IMDO) program to develop and deploy a cost-effective, broad-area defense for the State of Israel against short range ballistic missiles, large caliber rockets, and cruise missiles.

Project: Unified Security Forces Operations Facility, McGuire, AFB.

Account: Defense Wide Military Construction.

Legal Name of Requesting Entity: McGuire Air Force Base.

Address of Requesting Entity: McGuire Air Force Base, NJ.

Description of Request: Unified Security Forces Operations Facility, McGuire Air Force Base, Fort McGuire, NJ. The facility is intended for joint use and will consolidate all security operations command and control at the McGuire-Dix-Lakehurst Joint Base.

Project: Modification of Authorization for Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address handling of military munitions.

Account: Defense Operations and Maintenance, Army.

Legal Name of Requesting Entity: U.S. Army Corps of Engineers.

Address of Requesting Entity: 100 East Penn Square, Philadelphia, PA 19107.

Description of Request: Modifies the authorization for the Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address the handling of military munitions placed on the beach during construction at Federal expense.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. GALLEGLY. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing this statement in the CONGRESSIONAL RECORD.

Requesting Member: Rep. ELTON GALLEGLY.

Bill: H.R. 5658, The Duncan Hunter National Defense Authorization Act for FY 2009.

Account: Research, Development, Test, and Evaluation, NAVY.

Requesting Entity: MBDA, Incorporated.

Address: 5701 Lindero Canyon Road, Westlake Village, CA 91362.

Description of project: It is my understanding that this funding will be used for Phase II of a program to assist the U.S. Navy to develop innovative missile solutions for an Affordable Weapon System (AWS) capable of operating from ships. The Navy is looking for an AWS that can kill a variety of targets including mobile targets, time critical targets, and targets of opportunity such as terrorist leadership meeting facilities, mobile missile launchers, and weapons caches. In concept, AWS will defeat targets at stand-off ranges, rapidly completing the engagement phase by having the capability to loiter in a target area.

The $5.8 million increase in this account for Phase II will be divided into two tasks. The funding approximately will be spent as follows: The first task will be used to determine the best materials for use in the AWS. This includes trade studies ($600,000), hardware bench tests ($900,000), and deployment tests ($1,300,000). The second task will perform a feasibility study on the technical baseline being delivered within the stated time frame ($1,300,000). An additional $1,300,000 will be used for program management and oversight by Naval Air Systems Command (NAVAIR).

The intent of this program is to develop a low-cost, disposable weapon capable of being launched from U.S. Naval vessels. But it provides an additional benefit for my Congressional district and the state of California. Since 1986, the employment of high-technology aerospace professionals in California has declined dramatically because of the reduction in California-based aerospace programs and companies. This decline in the employment had a ripple-effect throughout the State and has lowered associated markets in employment, goods and services. A production contract award will bring 200 professional aerospace employees to the company and add significantly to the California base of aerospace professionals and aerospace production. MBDA has already increased its skilled work force by 10 percent due to the Phase I contract. Support for this program will work toward reversing this trend in California.

AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of H.R. 2744, the Airline Flight Crew Technical Corrections Act. I want to thank my friend and colleague from New York, Representative TIM BISHOP, for his strong leadership on this issue.

This bill corrects an oversight in the current version of the Family and Medical Leave Act, which did not take into account the unique circumstances of employment as a flight attendant or pilot. To qualify for leave under FMLA now, all employees must work a minimum of 1,250 hours per year, or 60 percent of what is considered a full-time work schedule in most industries.

For flight attendants and pilots, however, there is a different standard for full-time employment. Their hours are calculated purely on the basis of "in-flight" time, which does not include any time in between flights, time spent preparing for a flight, or periods when they are on "reserve" status in the event that someone cannot fly their scheduled flight. An average full-time flight attendant works 960 hours per year. Additionally, pilots are prohibited by the FAA from working more than 1,000 hours per year, which automatically disqualifies them from leave under FMLA.

The Airline Flight Crew Technical Corrections Act will amend FMLA to reduce the hours-of-service requirement for flight crews, so that they will be eligible if they work 60 percent of a full-time schedule in their industry.

Airline flight crews have difficult jobs, and the number of "in-flight" hours that they work does not accurately measure all that they do. I urge my colleagues to support H.R. 2744, to give flight attendants a benefit that so many other American workers already have.

INTERNATIONAL FOOD CRISIS AND HAITI

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MCNULTY. Madam Speaker, millions are being swept away in a "silent tsunami." Drought and ever-climbing prices coupled with the mounting demand of nations unable to sustain themselves have wrought devastating food shortages from the Philippines, to Egypt, to our neighbor Haiti. Starving families turn to cakes baked of sugar, oil, and mud. Parents avoid eye contact with the children they cannot feed. Rioters, unable to afford even a loaf of bread, fill the streets. And this Congress is not deaf to their cries.

Not the product of a disaster or war, this crisis of unprecedented price increases will linger and spread without action. So far, an additional 100 million people are estimated to have been pushed into poverty. Hardest hit by its inability to provide enough food for its growing population, Haiti, in our own backyard, Madam Speaker, where over half the population lives on less than $1 a day, is left to the mercy of the global community; and right now, USAID is delivering over 6,820 tons of food aid.

But more needs to be done. The dread, uncertainty, cruelty, and suffering of hunger have become a reality for too many for too long and I am proud of the work being done in this Congress to stem that tide. In just the past 2 weeks, we have added to and enhanced the tools in America's toolbox for fighting starvation.

The Farm Bill we just sent to the President's desk reauthorizes many of our most important programs for fighting hunger, addressing both the immediate demands of the crisis and recognizing the work needed for the long-term goal of prevention. In the face of this epidemic, it is all the more vital that President Bush sign these essential programs into law.

This bill extends until 2012 the Bill Emerson Humanitarian Trust, allowing us to continue to respond to the unanticipated and unexpected crises that may emerge. I was happy to hear last month that President Bush ordered the release of $200 million in emergency food aid from the Trust, but without replenishment, the benefit of this stockpile of cash and commodities will be unavailable to us in the future.

Hoping to create a bulwark against this spread of hunger and rising prices at home, many governments have been pushed by the fear of impending food shortages to the false hope of halting or restricting food exports. This beggar thy neighbor strategy will only make the situation worse and shows our need to promote long-term food production and security.

To this end, the just-passed Farm Bill has reauthorized $2.5 billion for our vital Title 11 spending, with an additional $850 million for this year in last week's supplemental. Our most powerful instrument, these dollars are administered by USAID every year to address global food needs. Yet in 2007, only 20 percent of this went to non-emergency development projects. The emergencies in countries like Haiti deserve an immediate response, but without longer-term diversified food production, conservation, and infrastructure projects, this crisis will only deepen, which is why this Congress mandated that no less than $375 million a year be spent on these production, development, and security goals. The Farm Bill has implemented newer approaches, as well, including an authorization for a $60 million pilot program for local and regional food purchases, avoiding deadly time lags in delivery and eliminating high transportation costs.

This crisis will not go away on its own, Madam Speaker, as every day more people are born into this world unable to eat. Let these programs in last week's Farm Bill be the launching-off point for our continued and deepened commitment to battling this crisis.

INTERNATIONAL FOOD CRISIS AND HAITI

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. RANGEL. Madam Speaker, rising food prices are fueling the global hunger crisis. The World Bank estimates that food prices have gone up by 83 percent globally over the last three years. This reality has hit home in Haiti, the poorest country in the Western Hemisphere and oldest black sovereign state. It is sad to think of Haitians demonstrating and taking to the streets in order to call the world's attention to the fact ordinary people can not afford to buy food. As Haiti struggles to maintain its stability, rising food prices threaten the progress that has been made.

The recent removal of Prime Minister Jacques Edouard Alexis is evident that Haiti's

political stability is in jeopardy. Also this month, 10 Senate seats in Haiti will be up for election. Originally scheduled for last fall, these elections had to be postponed after members of the country's electoral commission accused their leaders of embezzlement. In a country where political turnover has become the norm, President Préval's stability offers hope for Haiti. I urge the United States not to allow the current humanitarian crisis to become a political one as well.

Poverty is one of the greatest ills to plague mankind. Those who survive in poverty are under the constant threat of death. The debt forgiveness offered by the Jubilee Act will enable Haiti to address the issues of poverty, create opportunities for economic growth and establish sound governing practices. The Jubilee Act also promotes responsible development assistance by prioritizing grants over loans, which is an important measure to prevent poor nations from falling back into debt. Releasing Haiti from its onerous debt will allow the country to feed its own people and rebuild its struggling economy without the burden of diverting its scarce resources to fill the coffers of wealthy, multi-lateral financial institutions. The U.S. House of Representatives has gone on record supporting the immediate cancellation of Haiti's debt, it is now time for the President to make sure that this struggling nation is no longer held captive to its past and is put on a sustained path to development.

Haiti serves a wake up call to the potential looming global food crisis. It is taking an immense toll on the world's poorest people, who typically spend up to 80 percent of their income on food. After many years of working to end hunger and poverty, the United States and other developed nations must put forth bolder efforts to ensure progress is not lost in resolving global hunger.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. TURNER. Madam Speaker, I submit the following:

1. Project—Operable Unit-1 (OU–1) Cleanup at the Miamisburg Mound.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: DOE, Other.

Legal Name of Requesting Entity: Miamisburg Mound.

Address of Requesting Entity: Miamisburg, OH.

Description of Request: $10,000,000 is authorized for the Miamisburg Mound site in fiscal year 2009. The entity to receive funding for this project is the Miamisburg Mound site in Miamisburg, OH. The funding would be used by the Department of Energy for the Miamisburg Mound to complete the remaining clean up of Operable Unit I (OU–I).

2. Project—Integrated Electrical starter/Generator (IES/G).

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, RDT&E.

Legal Name of Requesting Entity: Air Force Research Laboratory.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $3,500,000 is authorized for an Integrated Electrical Starter/Generator in fiscal year 2009. The entity to receive funding for this project is Air Force Research Laboratory at Wright Patterson Air Force Base in Dayton, OH. The funding would be used to help develop a pre-prototype, sensor-less IES/G to demonstrate the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

3. Project—Security Forces Operations Facility.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, Mil Con.

Legal Name of Requesting Entity: Wright-Patterson Air Force Base.

Address of Requesting Entity: Dayton, OH.

Description of Request: $14,700,000 is authorized for a Security Forces Operations Facility in fiscal year 2009. The entity to receive funding for this project is Wright-Patterson Air Force Base located at Dayton, OH. The funding would be used to house the operations of the 88th Air Base Wing Security Forces Squadron (88 SFS), which provides security and police services for Wright-Patterson Air Force Base.

4. Project—Tactical Metal Fabrication System (TacFab).

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Army, RDT&E.

Legal Name of Requesting Entity: Army Tank Automotive Research, Development, Engineering Center.

Address of Requesting Entity: Dearborn, MI.

Description of Request: $6,300,000 is authorized for the Tactical Metal Fabrication System in fiscal year 2009. The entity to receive funding for this project is the Army Tank Automotive Research, Development, Engineering Center in Dearborn, MI. The funding being requested will help Tactical Metal Fabrication (TacFab) System design, develop and build a mobile, containerized foundry, deployable overseas as a companion to RMS, the Army's Rapid Manufacturing System.

5. Project—Open Source Research Centers.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, RDT&E.

Legal Name of Requesting Entity: National Air and Space Intelligence Center.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $3,000,000 is authorized for Open Source Research Centers in fiscal year 2009. The entity to receive funding for this project is the National Air and Space Intelligence Center located at Wright-Patterson Air Force Base, Dayton, OH. This funding will provide support to government agencies that are over-burdened with classified research requirements and do not have resources to meet the open source requirements. In addition, the program will support the Air Force Research Lab (AFRL) at Wright Patterson Air Force Base and the Ohio Department of Homeland Security with Open Source Requirements as well as support Open Source requirements for the new Department of Defense Africa Command and the US State Department.

6. Project—Metals Affordability Initiative.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, RDT&E.

Legal Name of Requesting Entity: Air Force Research Laboratory.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $14,000,000 is authorized for the Metals Affordability Initiative (MAI) in fiscal year 2009. The entity to receive funding for this project is the Air Force Research Laboratory at Wright-Patterson Air Force Base in Dayton, OH. This funding will enable MAI to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems.

A TRIBUTE TO KARL AND LINDA BENNETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Karl and Linda Bennett of Calabash, North Carolina, for their twelve years of service to the Calabash Fire Department as they plan to retire on June 30th. Mr. Bennett serves as the Calabash Fire Chief while his wife serves as Administrative Assistant and Board Secretary for the department.

When Mr. and Mrs. Bennett first settled in North Carolina twelve years ago, they were retiring from their positions as fire volunteers with the Ravena, New York Fire Department, where they met and eventually married. Gradually, however, they became involved in another full time profession with the Calabash Fire Department. Now, after twelve years of dedication, they are retiring from their posts and will serve simply on a voluntary basis.

Mr. and Mrs. Bennett truly are examples of enduring public service and hard work. I have worked with them through the years on several federal projects and programs to help the Calabash Fire Department, and I know personally the absolute devotion, admirable dedication, and awesome determination that they have demonstrated in their commitment. I stand today to express my appreciation for their active efforts to protect their fellow citizens. Madam Speaker, let us honor this couple's honorable dedication as their official service to the Town of Calabash comes to a close.

IN HONOR OF DEREK OLSON, FINALIST FOR MINNESOTA TEACHER OF THE YEAR

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Mr. Derek Olson of Afton-Lakeland Elementary School, a finalist for the prestigious Minnesota Teacher of the Year award. A sixth-grade teacher in the Stillwater School District, Mr. Olson's contributions to our children's education and our nation's future deserve the utmost recognition and respect.

Derek Olson is viewed by his peers as an innovator in his field, pushing the standards of learning for his students in ways that show he genuinely cares about each and every one of them. He is said to ''really bring learning to life for kids,'' and ''likes to teach by example and experience,'' rather than solely relying on a textbook.

Upon hearing the news of his nomination, Derek was hesitant to apply for not wanting to overshadow the great work of his colleagues. Derek went forward with the nomination in hopes that his recognition could bring to light the talent, commitment, and sacrifice of his fellow teachers in the district.

Madam Speaker, it is my honor to stand today and honor Derek Olson's selfless service and dedication to teaching America's youth, our most valued treasure. I stand today and join his family, friends, and colleagues in wishing him a long career of success and look forward to seeing all that he does with his God-given talents.

HONORING THE SERVICE AND THE MEMORY OF REVOLUTIONARY WAR SOLDIER PRIVATE MARTIN MANEY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the service and the memory of Revolutionary War Soldier Private Martin Maney of Buncombe County, North Carolina.

Each year on Memorial Day, our Nation honors the service and sacrifice of all veterans. On Saturday, May 17, 2008, in the Western North Carolina town of Barnardsville, the memory of Private Martin Maney, a Revolutionary War Soldier, was honored by the dedication of an official Veterans Administration headstone. The unveiling ceremony was conducted by the Edward Buncombe Chapter of the National Society of the Daughters of the American Revolution, the Blue Ridge Chapter of the North Carolina Society of the Sons of the American Revolution and the Button Gwinnett Chapter of the Georgia Society of the Sons of the American Revolution.

Private Martin Maney was a true American patriot and a proud North Carolinian. He served under Captain James Knox in the Eighth Virginia Regiment of Foot. He fought in the Battles of White Plains, New York, Germantown, Pennsylvania, and Monmouth, New Jersey prior to being discharged at Valley Forge. Following his discharge, he enlisted with the North Carolina Militia where he provided personal security for North Carolina Generals who were receiving death threats from the Tories. Following his service, Private Martin Maney received the 294th Land Grant in North Carolina. He used that land to create a farm, where today the Maney cemetery exists and Private Maney has been laid to rest.

It is with great respect that I commend and remember this brave soldier who joined hands with countless other patriots to achieve American independence. I hope that today's generation of young men and women will follow the shining example of patriotism and dedication to freedom modeled by Private Martin Maney and other Revolutionary War heroes.

HONORING THE MEMORY OF SECOND LIEUTENANT PETER H. BURKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I am honored to stand today to celebrate the life of a young man who made the ultimate sacrifice, giving his life in defense of our Nation.

Second Lieutenant Peter H. Burks, 26, of Dallas, Texas, died November 14 in Baghdad, Iraq, of wounds suffered when his vehicle struck an improvised explosive device. He was assigned to the 4th Squadron, 2nd Stryker Cavalry Regiment, Vilseck, Germany.

Pete answered the call of service to his country in April of 2006 when he proudly enlisted in the United States Army. In October of that same year he was commissioned as an officer. Pete was no ordinary leader. He used his warm personality and keen sense of humor to inspire others. He received numerous awards, ribbons and medals, including the Bronze Star, Purple Heart and Combat Action Badge.

Pete's parents have shared with my office correspondence which speaks volumes about the character of this fallen soldier. Last year he wrote to his mother, ''Dad taught me how to reason, think logically and gave me a thirst for knowledge. You (Mom) gave me a fiery passion, a competitive streak, and most importantly, you taught me the importance of knowing the Lord.''

An excerpt from Pete's emails to his fiancee, Melissa Haddad, includes the following: ''I know that regardless of the circumstances, God is putting me EXACTLY where he wants me for the time being. I know that that is hard to swallow, but it is the truth . . . I will do my best and work to glorify God in all that I do. So long as I do that, I have accomplished the real mission that has been set out for me.''

Pete answered the call to duty, accomplished his missions to the best of his ability, and has now been called home to the Lord. He leaves behind his fiancee, Melissa Haddad; his mother Jackie Merck; father Alan and stepmother Laura Burks; sisters Ali, Sarah and Georgia Burks; brother Zac Burks; grandmother Irene Merck; grandfather Haskell Burks; other family members and a multitude of friends both within and outside the service.

Madam Speaker, Second Lieutenant Peter Burks was a true American hero. As we honor all of America's fallen soldiers on this coming Memorial Day, let us pay tribute to this fine soldier and offer our deepest condolences to his family and friends. May God bless all those who serve in our Armed Forces and who defend our Nation around the globe, and may the memory of Peter Burks live forever in the hearts of all those who knew him and loved him.

IN HONOR OF AMIT ZUTSHI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor the life of Amit Zutshi, who passed away on March 19, 2008 at the age of thirty. This young man enriched the many lives he touched.

Mr. Zutshi thrived as a student at the Mission San Jose High School in Fremont, California. After receiving degrees in Information Technology and Business, he earned an MBA from University of Phoenix.

Mr. Zutshi worked for Microsoft and later worked with an e Commerce company in Santa Clara, California. He embodied the best of his generation. He felt it essential to help others. To honor Mr. Zutshi's legacy, his family is starting the Amit Zutshi Foundation to provide opportunities for disadvantaged children.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Amit Zutshi.

OPERATION EDUCATION

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SALI. Madam Speaker, over 1,668,000 soldiers have been deployed in the service of our Nation in Afghanistan and Iraq since September 11. These veterans sacrificed every day for the well-being of our Nation. Whether they have seen active combat or not, all veterans share a common readiness to commit their all to the defense of the land they love. Their willingness to freely sacrifice their lives epitomizes what makes our country great. As a nation, we will always owe them a great debt.

Several months ago I attended a funeral at Arlington Cemetery. That day a 19-year-old soldier from Pennsylvania was laid to rest. He was in a Bradley fighting vehicle in Iraq when an insurgent threw a grenade down the turret.

It was reported that this soldier had time to get out of the vehicle before the grenade went off, and that is what he had been trained to do. Instead, he wrapped his body around the grenade as it went off, saving the lives of three other crew members.

In the Book of John 15:13 Jesus taught, ''Greater love has no one than this, that one lay down his life for his friends.'' The young man laid to rest at Arlington that day lived an example of the love of Christ. He and countless other who had lived stories of bravery and heroism deserve our highest honor and praise. But so do all of our veterans.

That is why I was happy to recently see some developments back in my home State of Idaho that will greatly benefit the wounded warriors in my district. Through the hard work of many, including Karen White, the University of Idaho, located in Moscow, Idaho, recently launched a program known as Operation Education. The purpose of this program is to help veterans ''severely and permanently wounded'' as a result of their service to our Nation since September 11. Through the Operation Education Scholarship, the University of Idaho is able to offer financial support in areas from tuition and books to transportation and child care. They also offer internships and assist in job placement.

Education is one of the greatest commodities we can offer our Nation's veterans. The skills they have learned in the Armed Forces

inevitably benefit them as they go on to future learning and higher education. Operation Education and other programs like it offer veterans the opportunity to continue pursuing their dreams and benefiting themselves, their families, and our Nation.

Not only is Operation Education open to disabled veterans, it is also available for the spouses of those veterans. Spouses of our soldiers are sometimes overlooked when we talk about the sacrifices that are made for our Nation. Those who stay at home while their spouses serve in faraway lands can sometimes do no more than pray and hope, trusting the fate of their loved ones to a higher power.

I am familiar with the experience of a young couple split up less than five months after being married when this young man was called to go to Iraq to train canines for the next nine months. Not only is that young Marine separated from his brand new bride, he will miss the birth of their baby in six months. He and his wife moved just weeks before he was called to Iraq, and she is left at home in a new area faced with the prospect of delivering her first child on her own. Neither this proud soldier nor his brave wife are unique in their situation, and other young military families have faced more dire circumstances. However, their situation epitomizes the sacrifices that our military families make—both those who serve in uniform abroad and those who serve less visibly in the home.

I honor those whose service in defending our Nation has required their lives. I have learned that it is the calling of some in our Nation's military to not come home. However, for those who do come home, the least we can do to show our respect for their service is to provide them with the opportunities they deserve. I commend the University of Idaho for making this program available, and I look forward to future developments that will bless the lives of our Nation's veterans.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCHUGH. Madam Speaker, I submit the following:

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Congressman JOHN M. MCHUGH.

Address of Requesting Entity: 2366 Rayburn House Office Building, Washington, DC 20515.

Provide an earmark of $7.211 million for Project Number 57711 to construct a fire station at Fort Drum, New York. The entity to receive funding for this project is Fort Drum, located in Watertown, New York 13601. The funding will be used for military construction to help meet installation health and safety requirements.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: O&M, Defense-wide.

Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization.

Address of Requesting Entity: 120 Washington Street, Suite 302, Watertown, New York 13601.

Provide an earmark of $800K for the Fort Drum Regional Health Planning Organization (FDRHPO). The funding will enable the organization, as part of the pilot program reauthorized and expanded in P.L. 110–181, to hire the necessary staff and conduct the required assessments.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Navy.

Legal Name of Requesting Entity: Trudeau Institute.

Address of Requesting Entity: 154 Algonquin Ave., Saranac Lake, New York 12983.

Provide an earmark of $2 million for U.S. Navy Pandemic Influenza Vaccine Program. The funding will support the acceleration of studies of pandemic influenza vaccine research by developing and incorporating the use of bioinformatics (the use of techniques including mathematics, informatics, statistics) to solve biological problems associated with pandemic influenza vaccine and related issues.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Clarkson University.

Address of Requesting Entity: 8 Clarkson Avenue, Potsdam, New York 13699.

Provide an earmark of $2 million for nanostructured materials for Photovoltaic Applications. On a digital battlefield, scientific and technological superiority in land warfighting capability places a high premium on reliable and mobile communications systems. Lead acid batteries and diesel generators must yield photovoltaic (PV or solar cells) systems. Commercial and military efforts to achieve orders of magnitude increases in photovoltaic (PV or solar cells) device efficiency and decreases in cost have not been successful to date. This research project will develop novel PV technology (such as antireflective, antiflouling and self-cleaning coatings for the solar cell applications) that will increase efficiency and reliability.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: State University of New York at Plattsburgh.

Address of Requesting Entity: 101 Broad Street, Kehoe 815, Plattsburgh, New York 12901.

Provide an earmark of $1.6 million to study the use of drugs to reduce hearing loss following acute acoustic trauma. The project will study the viability of using pharmacologic agents to reduce the effects on hearing of an acute acoustic trauma such as that produced by blast exposure. SUNY Plattsburgh's Auditory Research Laboratory is one of the few laboratories in the U.S. dedicated to this type of research. Acute blast exposure is a serious problem in current military operations, resulting in disability status for a large number of personnel. This project will provide an objective look at drugs that may reduce hearing loss.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army, Medical Advanced Technology.

Legal Name of Requesting Entity: WelchAllyn.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, New York 13152.

Provide an earmark of $2.5 million for the Personal Status Montor (Nightengale). The funding will enable WelchAllyn to further develop its smart sensing technologies which provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of critical or life threatening event. The research and development will provide DOD with mobile, wireless monitoring of patients and other personnel who would benefit from being monitored where traditional monitoring has not typically been used given high cost and weight of devices.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Syracuse Research Corporation.

Address of Requesting Entity: 7502 Round Pond Road, North Syracuse, New York 13212.

Provide an earmark of $4 million for the Foliage Penetrating, Reconnaissance, Surveillance, Tracking and Engagement Radar (FORESTER). FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. Designed and developed to fly on the A160 Hummingbird unmanned helicopter, FORESTER is a one-of-a-kind technology providing the warfighter with all-weather, day-night target detection and tracking capability in real-time. The request will provide the funding necessary to transition FORESTER to the user community and apply the technology to additional platforms.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Magna Powertrain, USA, Inc.

Address of Requesting Entity: 6600 New Venture Gear Drive, E. Syracuse, New York 13057.

Provide an earmark of $1.4 million for Torque-Vectoring Rollover Prevention Technology. With the use of commercially available vehicle simulation software, it has been demonstrated that torque vectoring technology applied to a Military HMMWV rear axle can result in preventing vehicle rollover incidents. This research and development project will demonstrate that commercially available torque-vectoring technology can contribute to safety, stability, and improved handling of the Army's Lightweight Tactical Vehicle Fleet.

CONGRATULATING THE PASCO COUNTY LIBRARIES FOR OUTSTANDING ACHIEVEMENTS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker. I rise to congratulate the Pasco County Library System for being awarded the 2008 Library of the Year by the Florida Library Association. I would also like to recognize the Pasco County Library Cooperative for being one of a select number of library systems across the country to receive the We the People ''Created Equal'' Bookshelf from the National Endowment of the Humanities.

As a former college teacher, I know that there is no greater gift you can give than the ability to read and learn. It is exciting to see that libraries in Pasco County will receive this selection of ''Created Equals'' themed classic books and that the Pasco County System has been named the best library in Florida. Recognition by your industry group is quite an accomplishment and something that every employee in the system should be proud to have earned this year.

With the grant of books from the National Endowment of the Humanities, Pasco County children and adults of all ages can now have their eyes opened to the limitless ideas and dreams that can be found through reading and lifelong learning. Studies have consistently shown that children exposed to reading at an early age will perform better in school and throughout life.

Madam Speaker. It is truly an honor to have such outstanding libraries and library administrators in my district. The Pasco County Library System and the Pasco County Library Cooperative are to be commended for their commitment to learning and reading, and congratulated for the honors they have received.

HONORING DR. JAMES THOMSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor Dr. James Thomson, a professor of anatomy in the University of Wisconsin's School of Medicine and Public Health, for the most recent accomplishments in his extraordinary scientific career.

Dr. Thomson is a world-renowned developmental biologist whose discoveries, in the words of Time Magazine, ''have a potential that could be unlimited.'' Time recently named Dr. Thomson to its Top 100 list of the ''World's Most Influential People.'' The honor is well deserved. A decade ago Dr. Thomson became the first person to isolate human embryonic stem cells and maintain them indefinitely in culture. As recognition for his discovery, he appeared on the cover of Time on August 20, 2001. Last year, in another breakthrough, Dr. Thomson developed a method for converting human skin cells to stem cells that appear to share similar properties to embryonic stem cells. At the same time, a professor at Japan's Kyoto University independently shared in the breakthrough. Over the past decade, Dr. Thomson's work has opened new horizons in medicine and sparked new hopes for curing a vast spectrum of diseases.

Dr. Thomson's colleagues honored him last month by electing him a Fellow of the National Academy of Sciences—one of America's most prestigious associations—which was founded in 1863 and charged by Abraham Lincoln with advising the country on scientific and technological issues. In this capacity he will continue to serve not only the scientific community, but the country as well.

This year, Dr. Thomson accepted an additional appointment as Director of Regenerative Biology at the Morgridge Institute for Research, the nonprofit side of the new Wisconsin Institutes for Discovery. He is the first member of the Morgridge Institute's multidisciplinary scientific leadership team and will continue his pioneering research at the Institute. In addition, Dr. Thomson is an Adjunct Professor in the Department of Molecular, Cellular, and Developmental Biology at the University of California, Santa Barbara.

Dr. Thomson's latest achievements are in a long line of accolades, which include his receipt of the 2003 Frank Annunzio Award from the Christopher Columbus Fellowship Foundation, an independent Federal agency that gives the award to individuals who have improved the world through ingenuity and innovation. In 2005, Dr. Thomson was instrumental in the selection of the WiCell Research Institute—a private, nonprofit supporting organization of the University of Wisconsin-Madison—as the first National Stem Cell Bank. I was proud to join him in celebrating the announcement of that selection. As noted by the managing director of the Wisconsin Alumni Research Foundation (WARF), Dr. Carl Gulbrandsen, Dr. Thomson ''is really the reason why UW–Madison is the center of the universe for stem cell research.''

Madam Speaker, I rise today to commend and congratulate Dr. James Thomson for his extraordinary achievements. With a long career ahead, I wish him years of continued success, and I invite the Congress to join me in applauding him for his enormous contributions to developmental biology, which will shape the world and alleviate human suffering in the years to come.

RECOGNIZING THE SERVICE OF THE VOLUNTEERS OF THE CRISISLINK HOTLINE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the service of dedicated individuals who volunteer their time to support CrisisLink's efforts to save lives and prevent tragedies in the 8th Congressional District and throughout the National Capital Region. Their efforts to prevent suicide are worthy of recognition.

Since 1969, CrisisLink volunteers have provided invaluable, free, confidential crisis intervention services to anyone who calls their hotline. CrisisLink has played a major role in educating the community on how to recognize signs of depression and respond to the threats of suicide. Last year, CrisisLink volunteers donated a total of 17,000 hours of their time, answered 30,000 calls, and saved the National Capital Region approximately 4 million dollars in ambulance, police, emergency room, and treatment costs for attempted suicides.

In addition to CrisisLink's regional hotline, volunteers also service the National Suicide Prevention Lifeline, NSPL—1–800–273–TALK—and 1–800–SUICIDE. For NSPL, the help of Crisis Link volunteers is crucial. Answering calls to prevent tragedies are performed by volunteers and staff at CrisisLink as well as other independent crisis centers across the country.

It is a sad fact that 56 percent of all deaths in the U.S. are due to suicide. In comparison, homicides make up only 30 percent of all deaths. While distressing, these numbers would surely be higher if not for CrisisLink's volunteers who help individuals in a time of crisis, promote stabilization, and provide resources to empower people to help themselves. With 20 percent of suicides attributed to veterans and active duty military, crisis centers are working closely with the Department of Veteran's Affairs through the NSPL to answer calls from our service members in order to save lives and prevent tragedies.

I am very grateful to CrisisLink's current and former volunteers for all they do to serve the residents of Virginia's 8th District and our region. They are available 7 days a week, 365 days a year to help people when it is most desperately needed and there is nowhere else to turn. These volunteers give their time so that others may have the gift of time—time to survive a crisis, time to heal, time to live. I laud the efforts of these dedicated volunteers and thank CrisisLink for providing such a vital service to our community.

LAMAR MEN'S BASKETBALL OUTSTANDING 2007–2008 SEASON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. POE. Madam Speaker, during the 1970's and 80s the Lamar University Cardinals dominated Southland Conference basketball, at one point putting together 80 straight home wins, which is still the 7th longest home winning streak in NCAA history.

Lamar men's basketball continued this winning tradition with an outstanding 2007–2008 season. Led by first team all-conference performers Kenny Dawkins and Lamar Sanders, and All-Conference Honorable mention Darren Hopkins, Lamar Men's Basketball team and their coach Steve Roccaforte posted a 19–11 record. Earning its 12th conference title and first since the 1982–83 season. Coach Roccaforte guided the Cardinals to the title in only his second year at the helm, which ties him with legendary Lamar coach Billy Tubbs as fastest to conference championship in school history.

The effort and resilience shown by the Lamar Men's Basketball team and staff has been nothing short of tremendous. In a season that did not start as planned, the Cardinals never gave in. Lamar started the season with a disappointing 1–5 record; however, the self-confident Cardinals turned their season around. Coach Roccaforte said the turning

point in their season was a narrow two point loss to Big 12 conference power Texas Tech. With renewed confidence the Cardinals went on a tear winning 13 out of their next 14 games, propelling them to the regular season conference title.

On behalf of the entire Second Congressional District of Texas I would like to commend Lamar University Men's Basketball team hard fought season and congratulate them on a well deserved Conference Title.

And that's just the way it is.

EARMARK DECLARATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCCRERY. Madam Speaker, I submit the following:

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 5658, FY2009 National Defense Authorization Act.

Account: Research and Development, Air Force.

Legal Name of Requesting Entity: Distributed Infinity, Inc.

Address of Requesting Entity: 1382 Quartz Mountain Drive, Larkspur, CO 80118.

Description of Request: This $3M authorization authorizes appropriations for continued research and development of the Cybercraft initiative, a cyber security utility that will ensure secure communications between warfighters over computer networks. Research is presently underway on Cybercraft at the Air Force Research Laboratory, Rome NY. Project is supported by the Air Force Cyberspace Command (P), Barksdale Air Force Base, Bossier City, LA.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 5658: Army, RDT&E, Line 177, PE #0305208A (Distributed Common Ground/Surface Systems).

Legal name and address of entity receiving earmark: Battle Command Battle Lab, Mr. Jason Denno, Deputy Director, Fort Huachuca, AZ 85613.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Constant Look system is a prototype biometric sensing capability developed for the U.S. Army to support MOUT (military operations in urbanized terrain). Its unique stand-off capability gives users an ability to support surveillance and special operations remotely. User comments from several demonstration tests included requests for enhancements to improve usability and extend the capability of the system in terms of what can be collected. The Constant Look Operational Support Environment (CLOSE) will provide that additional functionality by leveraging several proven off-the-shelf technologies—a stand-off digital collection system and additional digital signal processing (DSP) to extract other types of biometric signatures.

The U.S. Army's ISR Battle Command Battle Lab at Fort Huachuca (BCBL–H)—responding to user requests—has developed and tested a stand-off biometric sensor system that allows traditional and special operations units to conduct surveillance and identify potential hostiles from a safe distance with a low probability of detection. To date, the majority of the effort on Constant Look has focused on the core collection system technology and the user interface has not kept pace with available commercial technology. CLOSE will remedy that by leveraging millions of dollars in commercial investment and integrating that investment into the Constant Look baseline.

CLOSE will provide CL users with a rapid capability to collect and model surveillance target facilities, including ingress and egress, from the same stand-off range as the CL collection system itself. Secondly, it will extend the DSP capability resident within the CL baseline to extract other types of Indications and Warning (I&W) data.

Description of matching funds: Not applicable.

Authorized Amount: $4,000,000.

Project Name: Constant Look Operational Support Environment (CLOSE).

Funding Source: Army, RDT&E, Line 177, PE #0305208A (Distributed Common Ground/Surface Systems).

Detailed Financial Plan for Earmark: $200,000, System Engineering; $500,000, Immersive Camera System; $900,000, Interior Tactical Blue Force Tracking, Sense-Thru-The-Wall Radar; $1,500,000, Improvements; $650,000, Biometric Databasing; $250,000, Training, Testing, Delivery. Total: $4,000,000.

EARMARK DECLARATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCCARTHY of California. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for two project authorization requests that I made and which were included within the text of H.R. 5658, the "Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

Requesting Member: Congressman KEVIN MCCARTHY.

Bill Number: H.R. 5658.

Account: Military Construction, Air Force.

Project Amount: $6,000,000.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: 1 S. Rosamond Blvd., Edwards AFB, CA, USA.

Description of Request: This funding would complete construction of the main base runway at Edwards Air Force Base, CA. The funding will be used to complete paved shoulders on the runway and account for extra costs in the overall runway replacement project from items such as the stabilization of over 41,000 cubic yards of both unsuitable and unstable soil.

The main base runway, which supports almost every flight operation at Edwards Air Force Base, as well as space shuttle landings when necessary, is over 50 years old and is rapidly degrading as a result of Alkali-Silica Reaction (ASR), a reaction between the cement and the aggregate that creates map cracking, scaling and spalling of the concrete. Emergency Foreign Object Damage (FOD) repairs have forced runway closures affecting 10 to 15 flights for each closure. No other runways at Edwards AFB can safely support the current and projected test operations without significant test mission delays, and temporary relocation of these missions is not feasible; however, many of the current and planned test missions can be supported by a temporary runway.

This project was programmed by the Air Force in 2003 for FY06, and was incrementally funded over 3 years (FY06, FY07 and FY08). After the project was programmed. the cost of construction materials escalated dramatically, eliminating all management reserve and resulting in a reduction in the planned scope of the project. Providing the final $6,000,000 in FY09 will complete the project as originally scoped, avoid contractor demobilization and remobilization, and avoid reconstitution of the temporary runway to support this work, saving the government over $4,000,000 in cost avoidance on the temporary runway alone.

Requesting Member: Congressman KEVIN MCCARTHY.

Bill Number: H.R. 5658.

Account: Research Development Test and Evaluation, Air Force.

Project Amount: $3.000,000.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000, USA

Description of Request: This funding authorization will be used to return the Hydrocarbon Boost Technology Demonstrator program to its initial programmed funding level. This critical, next-generation liquid rocket engine development effort run by the Air Force Research Laboratory at Edwards Air Force Base will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. A match is not required for defense research projects, but I was informed that during the past eight years, Aerojet has invested approximately $30 million in internal research and development funding on this technology and intends continued support in FY09.

FORMAL DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ROGERS of Kentucky. Madam Speaker, I submit the following:

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: H.R. 5658.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Kentucky Department of Military Affairs.

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601.

Description of Request: Provide directed funding of $7.836 million to complete construction of the Readiness Center Phase 3—London Joint Support Operations Center located in Laurel County, Kentucky. Of this amount, $646,200 is scheduled for design cost and $208,000 is for supervision, inspection, and overhead costs. This third and final phase of construction will include administrative space, aircraft hangar space, and paving for hangar aprons, taxi ways, and aircraft parking. Aircraft will include various fixed wing aircraft and helicopters, OH–58s, UH–60s, and a C–130. The project is required to fully house the Joint Support Operations equipment and personnel in one facility located in the vicinity of operations. Currently the operation is spread over several facilities approximately 100 miles apart. At the conclusion of this project, the unit will be able to respond quicker and in a much more efficient manner which will allow a greater return on investment funds spent on the operation.

HONORING WALLACE CARDEN, WORLD WAR II VETERAN AND SURVIVOR OF THE NAZI BERGA POW CAMP

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BACHUS. Madam Speaker, on Memorial Day 2008, let us take time to reflect on the courage and indomitable will of a special group of World War II veterans: the survivors of the Berga POW camp.

Wallace Carden of Vestavia Hills in Alabama's Sixth District was one of the soldiers imprisoned in a cruel camp that simultaneously showed the worst of man's inhumanity—and the transcendent ability of the human spirit to endure and ultimately triumph.

Berga was a German concentration camp. Three hundred and fifty American soldiers were sent there after being captured during the Battle of the Bulge. Some were exiled there because they were Jewish. Wallace Carden, then just 19 years old, was detained simply because Nazi officers thought he looked Jewish.

The soldiers were ill-fed, heavily worked, and badly beaten; some were even killed. By day, they were forced to dig underground tunnels for weapons factories; by night, they shivered in squalid conditions, emaciated from hunger. But confronted with such inhumanity, these American soldiers persevered. They gave each other support, equally shared what little food they had, held faith in their country and God, and never allowed their spirit to be consumed by the evil and hate surrounding them.

Though physically separated from their brothers on the battlefield, the Berga soldiers honored America with their determination and will to survive. In the decades since, Wallace Carden and his fellow soldiers have provided important personal testimonials about Nazi brutality and prejudice, so that succeeding generations never forget the Holocaust and fully appreciate what it took for freedom to triumph during World War II.

Congressional Resolution H. Res. 883 rightly recognizes the service and sacrifice of the U.S. soldiers imprisoned at Berga, and I am a proud cosponsor. Their story is an integral part of the history of World War II, and their conduct under the most extreme and trying conditions an enormous credit to themselves and their country.

For my part, I want to thank Wallace Carden for his service to his community and country. Alabama is proud of him, and it is appropriate that on this Memorial Day recognition is being bestowed on Mr. Carden as well as an entire group of American soldiers whose soaring spirit should continue to inspire all of us.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 20, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall No. 331, rollcall No. 332, rollcall No. 333, rollcall No. 334, rollcall No. 335, rollcall No. 336, rollcall No. 337.

INTRODUCTION OF LEGISLATION AMENDING THE FEDERAL CHARTER OF THE GOLD STAR WIVES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce legislation that will amend the Federal charter of the Gold Star Wives of America to allow their officers to fully participate in the legislative process. This is a change that is long overdue and releases these advocates from the unnecessary and likely unconstitutional restraints in their charter.

The Gold Star Wives have a long and storied history of advocacy on behalf of the families of our Nation's fallen heroes. From World War II through today's current conflicts, these military widows and widowers have shaped the perception we have about families' struggle after the death of a loved one in military service. In doing so, they have risen from humble beginnings to become a force on Capitol Hill. Today there are more than 60 chapters nationwide that count more than 10,000 widows and widowers as their members.

The Gold Star Wives are hardly an idle group, winning key legislative victories to reinstate benefits for those whose second spouses have died, and improve medical and education benefits for survivors. They have consistently fought for and won increases in dependency and indemnity compensation affecting over 300,000 survivors who depend on that benefit.

It is toward the aim of helping the Gold Star Wives maintain their voice in Congress that I am introducing new legislation today that will allow all of the Gold Star Wives to freely advocate for the legislative matters that are most important to them.

When the Federal charter for the Gold Star Wives was drafted in 1980, it included a broad prohibition that none of the officers of the organization could influence any legislation in any manner. Since the Gold Star Wives rely on the volunteer work of its board and officers, the prohibition particularly hurts their advocacy on behalf of military families.

Other patriotic and national organizations—such as AMVETS, the VFW, the American Legion, and the Military Order of the Purple Heart—do not share this unusual restriction. I believe that this provision in the Gold Star Wives Federal charter is punitive, not practically enforceable and potentially an unconstitutional infringement upon the freedom to petition the Government. My legislation solution is simple—it will strike this single restriction from the Gold Star Wives Federal charter.

Madam Speaker, the Gold Star Wives is a top-notch organization that effectively advocates on behalf of military families. It is my intention that Congress pass this commonsense change to their charter and relieve the Gold Star Wives from this unnecessary and unconstitutional burden.

HONORING JOSEPH J. WALTERS OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to honor Joseph K. Walters, a constituent from Brooksville, Florida, who served with honor and distinction during World War II. It was during an aerial battle over Belgium in 1943 that Mr. Walters' plane was shot down, and he was forced to parachute into enemy territory. As a result of the landing and damage from the plane, Mr. Walters was wounded in battle, suffering a broken arm and earning him his Purple Heart.

On the morning of August 17, 1943, SSG Joe Walters, a ball turret gunner on a B-17 bomber in the European campaign of World War II, had already flown 14 missions into enemy territory. This morning's mission was to bomb German ball bearing plants. Once the squadron took flight, they came under fierce attack from enemy gunners. Thankfully they were able to drop their bombs on the targets, but on the return flight to England came under attack and all 10 men in his airplane were forced to bail out.

Landing in a fruit orchard in Boris, Belgium, Mr. Walters was helped by local farmer Lambert Tilkin and his son, men who were part of the underground resistance and who were able to get Mr. Walters to safety. It was during this parachute landing that Mr. Walters suffered his broken arm. Thankfully his arm healed during the 109-day journey back to England, a journey that had him walking through France, over the Pyrenees and through Spain.

In addition to his Purple Heart, Mr. Walters has received the Distinguished Flying Cross, the Air Medal with 3 Oak Leaf Clusters, the World War II Victory Medal, The American Campaign Medal, The European-African-Middle Eastern Campaign Medal with 1 Bronze Service Star, The Army Good Conduct Medal and the Honorable Lapel Button.

Madam Speaker, soldiers like Joseph J. Walters should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present

Mr. Walters with his long overdue Purple Heart. He should know that we truly consider him one of America's heroes.

CONGRATULATING STAFF SERGEANT MICHAEL BROUSSARD AND STAFF SERGEANT SHAYNE CHERRY

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate SSG Michael Broussard and SSG Shayne Cherry, winners of the 2008 Best Ranger Competition, a rigorous contest at Fort Benning, GA, between elite two-man teams.

Broussard and Cherry won a home-court victory, as they hail from Benning's 75th Ranger Regiment.

The Best Ranger Competition started out as a contest between the best two-man teams at Fort Benning in the early 1980s but quickly expanded Army-wide. It easily rates as one of the toughest, most physically demanding competitions in the world. Contestants endure extreme demands of their physical, mental and technical abilities as Rangers, and they must deliver at levels that far exceed the expectations of average soldiers.

Today, the competition pits the best of the best against each other. It's an honor to simply win a spot in the contest, making Broussard and Cherry's accomplishment all the more extraordinary. The event lasts 3 days and teams face elimination unless they complete all events, which include marksmanship, climbing a 60-foot rope and long, wet hikes. It's easy to see why of the 28 teams that entered only 16 finished all courses.

The pair took an early lead on the first day and never trailed again. Army Chief of Staff George Casey was on hand at Fort Benning to congratulate the winners.

Casey had high praise for all involved: ''The men that have been through this competition . . . are a fitting example of what this Army stands for—about discipline, about mental and physical agility, about strength and about the warrior ethos.''

Both SSG Broussard and SSG Cherry have been awarded many medals, including the Army Commendation Medal, the Army Achievement Medal, the Valorous Unit Award and many others.

Broussard, from Brentwood, CA, joined the service after high school in 2001. He has served two tours in Afghanistan and two tours in Iraq. He is working on his master's degree and plans to become a physician assistant after his military career. Broussard had competed in the Best Ranger Competition twice before.

Cherry, from Monroe, NE, has served since 2001 and has deployed to Iraq and Afghanistan seven times. He and his wife Amanda have two children.

''We said to each other . . . we're doing this to win. Period,'' Broussard told the Army Times. ''Everything just sort of clicked for us.''

Sergeant Broussard and Sergeant Cherry have dedicated their lives to the service of this Nation and have dedicated years of their lives to fighting on the front lines of the war on terrorism in Afghanistan and Iraq. With a combination of hard work, dedication and talent, they have proven on the field of battle and on the field of competition that they rank amongst the best soldiers in the U.S. Army—the greatest fighting force in the history of the world.

Madam Speaker, I call on the U.S. House of Representatives to join me and the people of Georgia's 3rd Congressional District in honoring the service and applauding the stellar achievements of Sergeant Michael Broussard and Sergeant Shayne Cherry. They are a tribute to Fort Benning, the U.S. Army Rangers, and the United States.

RECOGNIZING THE CITY OF LAGUNA NIGUEL

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. CAMPBELL of California. Madam Speaker, I am pleased to recognize the city of Laguna Niguel, located within the 48th Congressional District of California, for recently formalizing its Sister Cities Agreement with Al Qa'im, Iraq. This is the tenth Sister City relationship to be established between United States and Iraqi jurisdictions, and I see this as a clear sign to the people of Iraq that citizen volunteers within communities like Laguna Niguel stand beside them in their time of building a free and prosperous society.

The Sister City Program, administered by Sister Cities International, was initiated by President Dwight D. Eisenhower back in 1956 to encourage greater friendship and cultural understanding between the United States and other nations through direct personal contact. The partnership between Laguna Niguel and Al Qa'im will be for the purpose of exploring and implementing mutually beneficial programs in the areas of government and business information exchange, health, education, cultural arts, and sports.

As a preliminary first gesture, the city of Laguna Niguel's Military Support Committee sent hundreds of soccer balls, uniforms and pumps to Al Qa'im to help the Marines deployed there build relations with the local citizens. According to their commanding officer, the city played an extremely important role in assisting the Marines in accomplishing their mission.

This is just an early indicator of many great things to come as the activities of their mutual cooperation agreement unfold. Mayor Farhan Tekan Farhan of Al Qa'im was recently quoted in Marine Corps News, saying that ''this is a great occasion for Al Qa'im, and God willing, this relationship will prove to be a promising one.''

I especially want to thank the 1st Battalion, 4th Marine Regiment, led by LTC Jason Bohm, for initiating the program with Laguna Niguel and Al Qa'im, and the recently deployed Task Force 3rd Battalion, 2nd Marine Regiment, Regimential Combat Team 5, led by LTC Peter B. Baumgarten, for facilitating the official signing for the Sister City Program. I look forward to hearing and telling more about many other good things to come from this innovative program over the months and years ahead.

EARMARK DECLARATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PORTER. Madam Speaker, I submit the following:

Requesting Member: Congressman JON C. PORTER.

Bill Number: HR 5658, The Duncan Hunter National Defense Authorization Act.

Account: Procurement of Aircraft, Air Force (APAF).

Legal Name of Requesting Entity: Alliant Techsystems, LLC (Nevada Air National Guard).

Address of Requesting Entity: ATK Integrated Systems, 236 Citation Drive, Ft. Worth, TX 76106.

Description of Request: I received an earmark of $5,000,000 to upgrade the Podded Reconnaissance System, also known as Scathe View, on the C–130H to provide ground and air forces critical real-time intelligence for domestic disaster relief operations and war fighter requirements. The Scathe View System has served as an important component of the Nevada Air National Guard in support of Homeland Defense and natural disaster missions. Specifically, $1.7 million will provide for 2 additional Reconnaissance Pallets and $3.3 million for the addition of a Tactical Information data link to provide near real-time multi-sensor, multi-source situational awareness and threat warning information broadcast to the war fighter in a common, readily understood format, all in sufficient time to permit action. Funding of Scathe View integration is critical to provide ACC with a tactical EO/IR surveillance and targeting capability can capitalize on years of investment in Group A modifications to the aircraft, mission systems and training. This request is consistent with the intended and authorized purpose of the Air Force's Aircraft Modifications: C–130H account. This is the last year funding will be needed to complete the program, as the 2 additional pallet upgrades would complete the Katrina modifications for 2 additional aircraft, for a total of 6 of 8 aircraft and add the Tactical Information data link to all 8 aircraft.

CELEBRATING THE 50TH ANNIVERSARY OF THE MACKINAC ISLAND STATE PARK COMMISSION'S HISTORICAL PRESERVATION AND MUSEUM PROGRAM

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. CONYERS. Mr. Speaker, today I rise to support H. Con. Res. 325, Celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958.

In 1958, the State of Michigan granted authority to the Mackinac Island State Park Commission to restore and interpret Fort Mackinac and other historical properties at the Straits of Mackinac.

The Mackinac State Historic Parks complex is one of the most successful historic site complexes in North America. The Mackinac Island State Park Commission helps bring tourism to the Upper Peninsula of Michigan and aids the local economy. This resolution commemorates the restoration and opening of Fort Mackinac to the public in 1958.

As a native Michigander, I have always enjoyed the beautiful and abundant natural resource that is Mackinac Island. All of my visits to Mackinac Island have been rewarding and fulfilling.

I join my fellow colleagues, in honoring the accomplishments and creation of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, and to commemorate the 50th anniversary by supporting this resolution.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. INGLIS of South Carolina. Madam Speaker, I submit the following:

Requesting Member: Congressman BOB INGLIS.

Bill Number: H.R. 5658 National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test & Evaluation, Air Force—Materials.

Legal Name of Requesting Entity: Cytec Carbon Fibers LLC.

Address of Requesting Entity: 7139 Augusta Road, Piedmont, South Carolina 29673.

Description of Request: The purpose of the request is to provide an earmark of $3,000,000 to conduct research and development aimed at producing a domestic source of cost effective, high performance carbon fiber used to manufacture efficient manned and unmanned air and space vehicles for the military. Approximately, $250,000 (8%) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through modified polymer chemistry; $200,000 (7%) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through carbon fiber surface science for improved property translation in composites; $250,000 (8%) to produce (pilot scale) and test 12k versions of phase I defined advanced PAN-based carbon fibers; $200,000 (7%) to establish testing protocols with Greenville and York Technical Colleges; $350,000 (12%) to generate meaningful preliminary composite data for use by target program managers; $150,000 (5%) to establish training parameters for manufacturing and use of high performance carbon fibers; $300,000 (10%) to begin scale-up of production/commercial capability; $350,000 (12%) to produce multiple production-scale carbon fiber lots of selected 12k versions of advanced fibers; $600,000 (20%) to initiate qualification/design allowable database test programs based on key military applications, and $350,000 (12%) for Air Force Research Laboratory project management.

In an effort to reduce the Department of Defense's fossil fuel dependence, the DoD has recently given significant attention to lightweighting manned and unmanned ground and air vehicles through advanced materials, such as composite structures, which are currently only available from foreign suppliers. The military has demonstrated a need for access to a lower cost domestic source of new advanced carbon fibers and testing protocols. Cytec Carbon Fibers will provide a domestic solution and utilize its carbon fiber expertise to develop and manufacture high performance carbon fibers in its Greenville, South Carolina plant to be used for military applications including J–UCAS, UCAR, Global Hawk, Predator, F–18 E/F, JSF and V–22 as well as missile and satellite components. The ultimate goal would be for Cytec to work with local technical colleges, such as Greenville and York Technical Colleges to establish a knowledge base on the manufacturing, testing, repair and efficient use of advanced composite materials. This request is consistent with the intended and authorized purpose of the Research, Development, Test & Evaluation, Air Force—Materials Account. Since 2006, Cytec Carbon Fibers has invested $7 million to upgrade its R&D facilities and pilot plan capabilities.

HONORING STEVE L. BUTTS OF HERNANDO, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to honor Steve L. Butts, a veteran from Hernando, Florida who has recently been recognized with the Saint Martin Award, a tribute given under the authority of the U.S. Army Quartermaster General.

At the age of 17, Mr. Butts enlisted in the Army, and was sent to Quartermaster School in Ft. Lee, Virginia, eventually rising to the rank of sergeant. Assigned to the 1st LOG Command in Vietnam during 1969, Sgt Butts then served with the 2nd LOG Command in Okinawa in 1970. Prior to his retirement in 1989, Butts was appointed to warrant officer and was commissioned at West Point Academy. In addition to his service in Panama, Germany, Italy, France, England, Ireland, Turkey, Afghanistan, Korea, Japan, Spain, Netherlands and Greenland, Mr. Butts was sent to Lockerbie, Scotland as part of the team investigating the wreckage of Pan Am Flight 103, for which he was awarded the Meritorious Service Medal 5th OLC.

For his two decades of service to the Army Quartermasters, Mr. Butts was recently honored with the Saint Martin Award for distinguished service to the military. Martin was a Roman soldier who served during the time of Emperor Constantine and who during a campaign in Gaul kindly gave half of his warm cloak to a beggar who had been ignored by the rest of his troops. That evening Martin was visited by the Lord, who praised him for his kindness toward the poor beggar. Today, Saint Martin serves as the patron saint of the Quartermaster Regiment and lends his name to the award recently bestowed upon Steve Butts for his lifetime of service to the Army Quartermasters. The award recognized not just his years of military service, but also his continued commitment to the men and women who serve today in the Army Quartermaster units throughout the world.

Madam Speaker, it is veterans like Steve Butts who have served our Nation with honor and distinction and who deserve our praise and recognition. Completing his service and retiring from the Army, Mr. Butts continued to work with the Quartermaster regiments around the world, serving as an example for all men and women seeking to serve our great Nation. I congratulate Steve on his well deserved recognition and hope that he continues his service to the Quartermasters for many years to come.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Tuesday, May 20, 2008, I was unavoidably detained and thus I missed rollcall votes No. 331 through No. 337. Had I been present, I would have voted in the following manner:

On rollcall vote No. 331 on H.R. 6081, The Heroes Earnings Assistance and Relief Tax Act, I would have voted "aye."

On rollcall vote No. 332, on H.R. 6074, Gas Price Relief for Consumers Act, I would have voted "aye."

On rollcall vote No. 333, on H. Res. 1144. Expressing support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative, I would have voted "aye."

On rollcall vote No. 334, on Adjournment Resolution, Providing for the Memorial Day Recess, I would have voted "nay."

On rollcall vote No. 335, on H.R. 1464, to assist in the conservation of rare felids and rare candids, I would have voted "aye."

On rollcall vote No. 336, on H.R. 2649, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, I would have voted "aye."

On rollcall vote No. 337, on H.R. 2744, Airline Flight Crew Technical Corrections Act, I would have voted "aye."

COMMEMORATING THE 100TH ANNIVERSARY OF THE PILGRIM VALLEY MISSIONARY BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the 100th anniversary of the Pilgrim Valley Missionary Baptist Church in Fort Worth, Texas. The church, which was organized in 1908 in a three-room house by Reverend James Hardeman, has grown and become a candescent light in the community.

The congregation, which was originally located on Orr Street, has several times outgrown their buildings and therefore several moves have been required. The church is now located on South Riverside Drive. For years,

Pilgrim Valley Missionary Baptist Church has had an open-door policy towards the entire community, which has surely led to its continual growth in membership.

The church has been a cornerstone of the African-American community, providing a comprehensive drug abuse prevention program called Pilgrim Valley People Against Drugs, or PAD. The church has also provided sustenance for the needy, mentoring programs for the local children of the community, clothing giveaways, and college scholarships to its members seeking higher education.

Through the difficult times and the good times, Pilgrim Valley Missionary Baptist Church has always been a welcoming home for many in Fort Worth. Those who sacrifice their own needs for others are of the utmost moral excellence, and this church and its congregation are the epitome of selfless.

Madam Speaker, today I extend my sincere congratulations to the Pilgrim Valley Missionary Baptist Church and their continual outreach towards the community. I would also like to thank the recently retired Reverend W. G. Daniels for his 36-year devotion and service to the church. It is an honor to represent such a civic minded organization and individuals the 26th Congressional District of Texas.

CELEBRATING THE VISIT TO WASHINGTON OF HIS EXCELLENCY NECHIRVAN BARZANI, PRIME MINISTER OF THE KURDISTAN REGIONAL GOVERNMENT OF IRAQ

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to welcome to Washington and to the U.S. Congress a close friend of the United States, Prime Minister Nechirvan Barzani of the Kurdistan Regional Government of Iraq.

On the occasion of this important visit, I am also pleased that Congressman JOE WILSON of South Carolina has joined me to serve as co-chair and co-founder of the Kurdish-American Caucus.

America has no better friend in Iraq than Prime Minister Barzani and the country's Kurdish population. The Kurds have been among America's best allies in the overthrow of Saddam Hussein's regime and in supporting the transition to a democratic Iraq. Kurdish forces fight and die alongside U.S. troops in support of our mission in Iraq and are unambiguously grateful for America's many sacrifices in Iraq. They welcome a continued military presence in the Kurdistan Region as part of any redeployment of U.S. forces in the future, and offer their sincere friendship in the peace process. The Kurds are a model of stability and moderation in Iraq and have set themselves apart from the bloody sectarianism and factionalism that bedevils the political establishment in Baghdad today.

For those of my colleagues who have not visited the Kurdistan Region of Iraq, I would urge you to do so. My visit to Erbil earlier this year was an extraordinary lesson in how democracy can flourish in the Middle East. It is economically vibrant, peaceful and secure, and pro-American. The Kurdistan Regional Government has seized the opportunity of liberation from Saddam Hussein to establish a government that is both a model for Iraq and a gateway to the rest of the country. This is not to say that there are no challenges ahead. However, with the inspired leadership of Prime Minister Barzani and his colleagues in the region, and his excellent representative in Washington, I am confident of a bright future. I invite my colleagues to join me in the Kurdish-American Caucus and to visit the Kurdistan Region of Iraq so they, too, can see how the ideals of a free and peaceful people can succeed even in war-torn nations of the Middle East.

EARMARK DECLARATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McCRERY. Madam Speaker, I submit the following:

Requesting Member: Congressman JIM McCRERY (LA–04).

Bill Number: H.R. 5658, FY2009 National Defense Authorization Act.

Account: Research and Development, Air Force.

Legal Name of Requesting Entity: U.S. Air Force Cyberspace Command (Provisional) which will administer funds to Louisiana Tech University, Ruston LA.

Address of Requesting Entity: Barksdale Air Force Base, Bossier City LA/Louisiana Tech University, Railroad Ave, Wyly Tower 1629, Ruston, LA 71272.

Description of Request: This $4M authorization authorizes appropriations for continued research and development of the Remote Suspect Identification (RSI) initiative, a cyber security program that directly supports the Air Force's Cyberspace Command (Provisional) and the Eighth Air Force at Barksdale Air Force Base, LA. Funding will be utilized exclusively for research and development costs and well as associated administrative costs.

TRIBUTE TO ALLEN E. TACKETT WEST VIRGINIA AIR NATIONAL GUARD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. CAPITO. Madam Speaker, today I rise to give my congratulations to the West Virginia Army National Guard, under Adjutant General Allen E. Tackett, for being the special category winner of the Army Chief of Staff Army Communities of Excellence.

The ACOE Awards are presented every year to recognize excellence in performance for installation management. The award recognizes installation improvement, innovation, groundbreaking initiatives, and dedication to efficiency, and effectiveness. The award also acknowledges support to soldiers, non-military employees, veterans, and military families who reside on Army installations.

The West Virginia Army National Guard, which has 32 units, is currently supporting missions in Iraq, Afghanistan and Kosovo. It has been rated number one in readiness for the past 11 years.

The West Virginia Army National Guard has proven itself to be an elite, efficient military force. I am so proud that they have won recognition for their outstanding performance. Among their peer installations they have gained notoriety for their work in defending the homeland, and serving the American people at home and abroad.

I want to take this opportunity to thank and honor my fellow West Virginians who serve in the Army National Guard as well as all branches of the military. Their bravery and sacrifice exemplifies the best our country has to offer.

I encourage them to continue their hard work and am confident that they will continue to impress our Nation.

CLAY WALKER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. POE. Madam Speaker, it has been said that a real leader faces the music, even when he doesn't like the tune. Country music superstar Clay Walker has heard sour notes in his life before, but like a real leader he has stood strong and fought for what he believes is right. Because of his tireless dedication to fighting and finding a cure for Multiple Sclerosis he has earned the title of Artist Humanitarian of the Year for 2008 by the Country Radio Broadcasters.

Clay was born in Beaumont, TX, where country music is king. He was given his first guitar at the age of 9. Only 7 short years later, he walked up to a local radio station with a tape of a song that he had written himself. The station went against its own policy of not playing self-submitted tapes because, as the DJ announced, it was "too good to pass up." After graduating high school he went on a tour of Texas and took a job as the house singer in a local bar where he was discovered by a record producer from a major label. The rest, as they say, is history. Walker has released 10 albums, with 4 having been certified platinum and two certified gold. He has placed more than 30 singles on the charts, including 6 number 1s.

Walker's musical career hit some unexpected turbulence in 1996 when he was diagnosed with Multiple Sclerosis, the leading cause of non-traumatic disability in young people throughout the world. Despite dealing with occasional side effects like tiredness and tingling in his hands, Clay has been able to live, work, and maintain his quality of life through daily treatments and a healthy lifestyle. He knows that everyone diagnosed with MS can not enjoy those comforts. So in 2003 he formed the Band Against MS Foundation, a non-profit organization that aims to provide encouragement and education to those living with MS while also raising money to help find a cure for the disease. They have raised over a million dollars to fund research. He has also worked with the Make-A-Wish Foundation, the Ronald McDonald House, and Habitat for Humanity, among other charities. Walker was recently recognized for his selfless commitment

to helping others by the Country Radio Broadcasters as he was named their Humanitarian of the Year for 2008. He joins other recipients such as Garth Brooks, Vince Neil, Kenny Rogers, Willie Nelson, and Reba McEntire.

On behalf of the Second Congressional District of Texas, I applaud my personal friend Clay Walker on his outstanding achievements. He personifies the spirit of Texas and Texas country music. He has faced the music and has tried to make the world a better to place to live, for those affected by MS and for those without.

And that's the way it is.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ALEXANDER. Madam Speaker, I submit the following:

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title I APA line 020.

Legal Name of Requesting Entity: Army National Guard Readiness Center.

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA, 22204.

Description of Request: The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search and rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 ''Essential 10–Top 25'' unfunded priorities.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDA 0602720A line 22.

Legal Name of Requesting Entity: Mezzo Technologies.

Address of Requesting Entity: 716 Florida Blvd., Baton Rouge, LA 70806.

Description of Request: This is an Environmental Quality Technology initiative in the Pollution Prevention category that will address the Army's Unfunded need for additional CBRN soldier protection. The program will develop and test critical components for an Integrated ECS/CARS. Current chemical, biological, radiation, and nuclear (CBRN) air filtration systems rely on carbon filters to remove harmful agents from air being used to ventilate armored military vehicles. The program will provide the following benefits to the military: increased CBRN soldier protection; reduced operation and support costs over traditional filtration systems; reduced logistical burden associated with replacement of filters; and reduced dependence on global warming refrigerants.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDA 0602787A line 26.

Legal Name of Requesting Entity: Biomedical Research Foundation of Northwest Louisiana.

Address of Requesting Entity: 1505 Kings Highway, Shreveport, LA 71103.

Description of Request: The Biomedical Research Foundation in collaboration with Embera Neuro Therapeutics, Inc. are seeking federal assistance to develop a collaborative research plan with the Department of Defense to test the effectiveness of EMB 001 for treatment of post traumatic stress disorder (PTSD) and related neuropsychiatric disorders. EMB 001 is a novel treatment for drug addictions as it is the only emerging drug that reduces the cravings of the addict for the drug; thus, works to cure the addiction through decreased need. It does this by diminishing the effects of the environmental cues that trigger the cravings for the drug in the brain that cause drug use or relapse to drug use. While most other medicines designed to treat drug and alcohol addictions typically only target the limbic system of the brain, Embera's approach targets the prefrontal cortex, which is a higher cognitive center than the limbic system. Embera's lead therapeutic patent-pending drug, EMB 001, developed by Dr. Goeders, is a novel composition of two off-patent, FDA-approved drugs with a long history of use and an established safety profile. Dr. Goeders, currently serves as the Head of Pharmacology and Director, Stress and the Neurobiology of Drug and Alcohol Dependence Training Program at the Louisiana State University Health Sciences Center.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDAF 0301555F line 4.

Legal Name of Requesting Entity: Air Force Cyberspace Command Louisiana Tech University.

Address of Requesting Entity: P.O. Box 10348, Ruston, LA 71272.

Description of Request: ''UNCLASSIFIED DESCRIPTION'' Remote Suspect Identification (RSI) is a novel technology that uses mathematical models for identity verification over electronic networks. Aspects of this work have been commercialized in the private sector. Building upon recent collaborative successes with Louisiana Tech University in Ruston, Louisiana, the Air Force has expressed strong interest in further development of the algorithms and associated software for military applications. This project will enhance the Air Force's capability to capitalize upon innovations from Louisiana Tech University's Cyber Research Laboratory, where ongoing research is helping to support the goals of the Air Force's Cyberspace Command (AFCYBER) at Barksdale Air Force Base in Bossier City, LA. This important Air Force initiative, driven by research at Louisiana Tech, has already benefited from valuable research expertise from the Air Force Research Laboratory's Information Directorate (Rome, NY), Sandia National Laboratories, and the Massachusetts Institute of Technology's Lincoln Laboratory.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title III, OMDW ba04–0100d line 260.

Legal Name of Requesting Entity: National World War II Museum.

Address of Requesting Entity: 945 Magazine Street, New Orleans, LA 70130.

Description of Request: This request would provide a one-time permanent $50 million authorization, subject to appropriations, for the National WW II Museum in New Orleans, Louisiana. On June 6, 2000, the National D-Day Museum opened in New Orleans. On December 7, 2001, the Pacific Wing of the Museum opened.

The National D-Day Museum was officially designated by the U.S. Congress as ''America's National World War II Museum'' in the final Fiscal Year 2004 Defense Appropriations Act (Pub. L. 108–87, Section 8134). A key reason for this national designation is clearly spelled out in the second Congressional finding of Section 8134 that ''The National World War II Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the homefront and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.''

Approximately $33 million in state funds and another $40 million in private funds already available and pledged in matching state/local/private funding for other Pavilions of the WWII Museum. It is planned that a total of $240 million in non-Federal support will match any future Federal appropriations. The State of Louisiana, which has already appropriated $33 million towards the Federal $50m authorization request, has also pledged to match dollar for dollar up to the total amount of the Federal Authorization, (the entire Federal million Authorization) if it is approved by Congress.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BARRETT of South Carolina. Madam Speaker, I submit the following:

Requesting Member: Congressman J. GRESHAM BARRETT.

Bill Number: H.R. 5658.

Authorized Amount: $4,000,000.

Project Name: Combat Casualty Equipment Upgrade Program.

MN: Navy.

Funding Source: Procurement, Marine Corps.

PE Number: 0.

Line Number: 050.

Legal Name and Address Receiving Earmark: North American Rescue Products, 481 Garlington Road, Suite A, Greenville, SC 29615–4619.

Description of how money will be spent and why use of federal taxpayer funding is justified: Provide Congressionally directed spending of $4,000,000 to greatly improve field medical equipment that meets the stringent requirements of today's counter-insurgency combat operations and littoral warfare. Program objectives and value to the DoD are to reduce preventable combat deaths at the point of wounding, more quickly stabilize and evacuate casualties during the critical ''golden hour'' after the initial trauma, and improve survival and recovery times. Funding will be used to maintain existing equipment and improve new immediate-medical-care equipment.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I submit the following:

Vehicle Paint Facility, Fort Eustis.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: HR 5658.

Account: U.S. Department of the Army, Military Construction.

Legal Name of Requesting Entity: City of Newport News.

Address of Requesting Entity: 2400 Washington Avenue, Newport News, VA 23607.

Description of Request: Provide $4.076 million to construct a Vehicle Paint Facility at Fort Eustis with paint booths to accommodate the preparation and painting of vehicles, equipment, components, helicopters, and modular causeway sections. This project is required to support the preparation for and painting of approximately 1600 pieces of vehicular equipment. Most of this equipment belongs to the 7th Sustainment Brigade, which is one of the Army's most frequently deployed units. If this project is not provided, Fort Eustis will incur negative mission impacts and will not meet Virginia Environmental Quality requirements. Current painting operations will have an elevated cost because existing facilities cannot accommodate oversized equipment. The facility is critical to rapidly prepare equipment for deploying units in conjunction with time phased deployment schedules. In addition, the Deputy Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential.

The estimated contract cost is approximately $3.0 million with an estimated contingency percent of 5 percent, supervision, inspection and overhead costs at an estimated 5.7 percent, design/build design costs at an estimated 4 percent and additional expenses for installed equipment.

This request is consistent with the intended and authorized purpose of the U.S. Department of the Army, Military Construction account and the Department of the Army is the recipient of these funds. There is no matching requirement.

FEL Capabilities for Aerospace Microfabrication.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Air Force, Research, Development, Test and Evaluation.

Legal Name of Requesting Entity: Jefferson Science Associates on behalf of the Thomas Jefferson National Accelerator Facility.

Address of Requesting Entity: 12000 Jefferson Avenue, Newport News, VA 23606.

Description of Request: Provide $1.4 million for the expansion of the Free-Electron Laser program at Jefferson Laboratory through the USAF RDT&E Account. The FEL has delivered world-record levels of infrared light for development of defense, science and industrial applications. This joint project of the Aerospace Corporation and the Jefferson Lab in support of the Air Force Research Lab has demonstrated the use of kilowatt levels of ultraviolet light useful as a microfabrication processing tool to produce miniature satellite components. The completion of the ultraviolet processing capability will enable microfabrication techniques for production of miniature satellites at substantially lower cost and processing time than what is achievable with current technology.

$11 million was appropriated for the UV FEL project in the FY 2001–FY 2004 period, as well as an additional $1.6 million appropriation in FY 2008, which has allowed the hardware to be 90% completed. The FY 2009 request of $1.4 million is needed to complete and commission this project. There is no matching requirement, This request is consistent with the intended and authorized purpose of the U.S. Department of the Air Force, Research, Development, Test and Evaluation account.

Marine Corps Base Quantico OCS Headquarters Facility.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Navy, Military Construction.

Legal Name of Requesting Entity: Member initiated request.

Address of Requesting Entity: N/A.

Description of Request: Provide $6.53 million for construction of the Marine Corps Base Quantico OCS Headquarters Facility located at Quantico, Virginia. The funding would be used to construct a single-story administrative headquarters building to consolidate Headquarters functions at Officer Candidate School (OCS). The facility will provide workspaces for 75 Marines responsible for coordinating the administrative, educational, operational and logistics support required to conduct Officer Candidate training at OCS. The existing facility was built in 1945 and will be demolished once new construction is complete. Preventive and corrective maintenance, both routine and emergency, take place on a daily basis at the existing facility, consuming material, money and manpower. This project is listed on the USMC FY09 Unfunded Programs List. The entity to receive funding for this project is the United States Navy.

The estimated contract cost for the 13,250 square foot facility is approximately $4 million with an estimated contingency percent of 5%, supervision, inspection and overhead costs at an estimated 5.7%, design/build design costs at an estimated 4% and additional expenses for installed equipment. The funds will be used for the OCS headquarters construction, technical operating manuals, information systems, anti-terrorism force protection, and supporting facilities (construction features, electrical, mechanical, paving and site improvements, demolition and environmental mitigation.)

There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Military Construction account.

Electromagnetic Railgun Program: Directed Energy and Electric Weapon Systems.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Navy, Research and Development.

Legal Name of Requesting Entity: Fredericksburg Regional Military Affairs Council.

Address of Requesting Entity: 2300 Fall Hill Ave., Suite 240, P.O. Box 7476, Fredericksburg, VA 22404.

Description of Request: Directed energy and electric weapons systems and a laser weapons system are top research and development priorities on the Navy's FY09 Unfunded Program List. The laser weapons system is under development as a rapid prototype to serve as an adjunct laser weapon for the Navy's Close-In-Weapon System to counter rockets, artillery, mortar and unmanned aerial vehicles for ship and expeditionary base defense. The $5 million requested for FY09 would accelerate development of this program by two years. The Navy's Joint Vision 2020 outlined an objective to develop directed energy weapons that provide unique capability against emerging asymmetric threats. Directed energy and laser weapon systems research and development, including high power free electron and high brightness electron laser technology, is consistent with this objective. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Research and Development account. 'there is no matching requirement. Detailed finance plan below.

Effort	Activity/Company	Amount	Percent
Financial Admin, NAVSEA support, SBIR, etc.	NAVSEA	250,000	5.0
Program Management and SMEs.	PMS405	250,000	5.0
LASER WEAPONS SYSTEM (LAWS).	NSWCDD	175,000	3.5
Program management support.	BTPS	75,000	1.5
Beam Director	NSWCDD	550,000	11.0
Optics analysis	PSU–EOC	200,000	4.0
Track systems	NSWCDD	200,000	4.0
Sensor and mount interface.	L3/BR	100,000	2.0

Effort	Activity/Company	Amount	Percent
System Integration	NSWCDD	400,000	8.0
Technical support	EG&G	100,000	2.0
Testing/Validation	NSWCDD	300,000	6.0
Setup and data analysis.	PSU–EOC	200,000	4.0
Demonstration	NSWCDD	500,000	10.0
Technical support	EG&G	200,000	4.0
PROJECT GUILLOTINE	NSWCDD	375,000	7.5
Program management support.	BTPS	125,000	2.5
Target development	ENV	250,000	5.0
Field testing Dahlgren	BTPS	200,000	4.0
Field testing Yuma	ENV	400,000	8.0
Data Analysis	BAH	150,000	3.0
		5,000,000	100.00

Sea Based Strategic Deterrent (SBSD)/Undersea Launched Missile Study (ULMS).

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Navy, Research and Development.

Legal Name of Requesting Entity: N/A.

Address of Requesting Entity: N/A.

Representative WITTMAN requested that the House Committee on Armed Services consider an increase in funding for Research and Development, Navy, to support risk reduction activities for the Undersea Launched Missile Study (ULMS) and the associated planned Sea Based Strategic Deterrent (SBSD). Since SBSD is not yet a program of record, and is therefore pre-competitive, Representative WITTMAN did not request that any increase in funding be awarded to a specific recipient. Representative WITTMAN is pleased that the Committee recommends an increase of $10.0 million to Research & Development, Navy, for this activity.

Subsequent to the submission of the request, Representative WITTMAN was informed that the Navy would apply any additional funding above the President's Budget request for the Sea Based Strategic Deterrent (SBSD)/Undersea Launched Missile Study (ULMS) to Northrop Grumman and General Dynamics. The Navy has decided to apply these additional funds to the shipyards for detailed concept work to perform the Analysis of Alternatives (AoA) for SBSD.

Representative WITTMAN supports the Navy's decision to execute these funds in a manner which achieves best value for the Government. There is no matching requirement.

CORRECTION

Daily Digest

HIGHLIGHTS

H.R. 2642, Military Construction and Veterans Affairs Appropriations Act (Supplemental Appropriations).

Senate upon reconsideration passed H.R. 2419, Food Conservation and Energy Act, the objections of the President to the contrary notwithstanding.

H. Con. Res. 355, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S4709–S4850

Measures Introduced: Twenty-five bills and eleven resolutions were introduced, as follows: S. 3048–3073, S.J. Res. 34–36, S. Res. 574–579, and S. Con. Res. 84–85. **Pages S4792–93**

Measures Reported:

S. 2420, to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food, with an amendment in the nature of a substitute. (S. Rept. No. 110–338)

S. 1581, to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration, with amendments. (S. Rept. No. 110–339)

S. 2482, to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida. (S. Rept. No. 110–340)

S. 2307, to amend the Global Change Research Act of 1990, with amendments. (S. Rept. No. 110–341)

S. Res. 563, designating September 13, 2008, as "National Childhood Cancer Awareness Day".

S. Res. 567, designating June 2008 as "National Internet Safety Month".

S. 1210, to extend the grant program for drug-endangered children.

S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, with an amendment in the nature of a substitute. **Page S4791**

Measures Passed:

Heroes Earnings Assistance and Relief Tax Act: Senate passed H.R. 6081, to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, clearing the measure for the President. **Pages S4772–74**

Protecting Children in the 21st Century Act: Senate passed S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S4837–39**

Reid (for Stevens) Amendment No. 4819, to strike the authorization of appropriations and the additional child pornography amendments. **Pages S4838–39**

Native American Housing Assistance and Self-Determination Reauthorization Act: Senate passed S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S4839–44**

Reid (for Dodd/Shelby) Amendment No. 4820, to modify provisions relating to use of treatment of funds, amounts, an allocation formula, and a demonstration program. **Page S4844**

Federal Food Donation Act: Senate passed S. 2420, to encourage the donation of excess food to

nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food, after agreeing to the committee amendment in the nature of a substitute. **Pages S4844–45**

National Childhood Cancer Awareness Day: Senate agreed to S. Res. 563, designating September 13, 2008, as "National Childhood Cancer Awareness Day". **Page S4845**

National Internet Safety Month: Senate agreed to S. Res. 567, designating June 2008 as "National Internet Safety Month". **Pages S4845–46**

Gasoline Usage: Senate agreed to S. Res. 577, to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies. **Page S4846**

Congressional Club 100th Anniversary: Senate agreed to S. Res. 578, recognizing the 100th anniversary of the founding of the Congressional Club. **Page S4847**

National Hurricane Preparedness Week: Senate agreed to S. Res. 579, designating the week beginning May 26, 2008, as "National Hurricane Preparedness Week". **Pages S4847–48**

Use of Capitol Rotunda: Senate agreed to S. Con. Res. 85, authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War. **Page S4848**

Adjournment Resolution: Senate agreed to H. Con. Res. 355, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S4848**

Measures Considered:

Climate Security Act—Agreement: Senate began consideration of the motion to proceed to consideration of S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases. **Page S4837**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, May 22, 2008, a vote on cloture will occur at 5:30 p.m., on Monday, June 2, 2008. **Page S4837**

Subsequently, the motion to proceed was withdrawn. **Page S4837**

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 3 p.m., on Monday, June 2, 2008, and that the time from 4:30 p.m. to 5:30 p.m., be equally divided and controlled between the two Leaders, or their designees. **Page S4849**

Veto Messages:

Food Conservation and Energy Act—Veto Message: By 82 yeas to 13 nays, 1 responding present (Vote No. 140), two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, upon reconsideration was passed, the objections of the President of the United States to the contrary notwithstanding. **Pages S4713–14, S4743, S4743–55**

House Messages:

Military Construction and Veterans Affairs Appropriations Act: Senate resumed consideration of the House message to accompany H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and taking action on the following amendments proposed thereto: **Pages S4709–13, S4714–42**

Adopted:

By 75 yeas to 22 nays (Vote No. 137), Reid Motion to Concur in the House Amendment No. 2 to the Senate amendment to the bill with Amendment No. 4803, in the nature of a substitute. (A unanimous-consent agreement was reached providing that the motion, having achieved 60 affirmatives votes, be agreed to). **Pages S4710–13, S4714–41**

By 70 yeas to 26 nays (Vote No. 139), Reid Motion to Concur in the amendment of the House No. 1 to the amendment of the Senate to the bill with Reid Amendment No. 4818, in the nature of a substitute. (A unanimous-consent agreement was reached providing that the motion, having achieved 60 affirmatives votes, be agreed to). **Page S4742**

Withdrawn:

The motion to invoke cloture on in the House Amendment No. 2 to H.R. 2642, Military Construction and Veterans Affairs Appropriations Act, with an amendment, Reid Amendment No. 4803. **Page S4741**

Reid Amendment No. 4804 (to Amendment No. 4803), in the nature of a substitute. **Pages S4710, S4741**

By 34 yeas to 63 nays (Vote No. 138), Reid Motion to Concur in the amendment of the House No. 1 to the amendment of the Senate to the bill with Reid Amendment No. 4817, in the nature of a substitute. (A unanimous-consent agreement was

reached providing that the motion, having failed to achieve 60 affirmative votes, be withdrawn.)

Page S4742

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Reid Motion to Concur in the amendment of the House No. 1 to the amendment of the Senate to the bill with Reid Amendment No. 4816, as being in violation of rule XVI of the Standing Rules of the Senate which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S4741–42**

Budget Resolution Conference Report—Agreement: A unanimous-consent-time agreement was reached providing that when the Senate considers the conference report to accompany S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the Chairman and Ranking Member of the Committee on the Budget; that upon the use of that time the vote on adoption of the conference report occur at a time to be determined by the Majority Leader following consultation with the Republican Leader. **Page S4743**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S4848**

Nominations Received: Senate received the following nominations:

Michael B. Bemis, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

Patrick J. Durkin, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2009.

David F. Girard-diCarlo, of Pennsylvania, to be Ambassador to the Republic of Austria.

John J. Faso, of New York, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2013.

Joe Manchin III, of West Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2012.

Harvey M. Tettlebaum, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2012.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration.

Pages S4849–50

Messages from the House: **Pages S4790–91**

Measures Referred: **Page S4791**

Measures Placed on the Calendar: **Page S4791**

Executive Reports of Committees: **Pages S4791–92**

Additional Cosponsors: **Pages S4793–95**

Statements on Introduced Bills/Resolutions: **Pages S4795–S4810**

Additional Statements: **Pages S4789–90**

Amendments Submitted: **Pages S4810–36**

Authorities for Committees to Meet: **Pages S4836–37**

Privileges of the Floor: **Page S4837**

Record Votes: Four record votes were taken today. (Total—140) **Pages S4741, S4742, S4749**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:46 p.m., until 10 a.m. on Friday, May 23, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4849.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of General David H. Petraeus, USA, for reappointment to the grade of general and to be Commander, United States Central Command, and Lieutenant General Raymond T. Odierno, USA, for appointment to the grade of general and to be Commander, Multi-National Force–Iraq, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 144 nominations in the Army, Navy, and Air Force.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development, after the nominee testified and answered questions in his own behalf.

TRADE ENFORCEMENT ACT

Committee on Finance: Committee concluded a hearing to examine S. 1919, to establish trade enforcement priorities for the United States, to strengthen the provisions relating to trade remedies, after receiving testimony from Warren Maruyama, General Counsel, Office of the United States Trade Representative; and Lael Brainard, Brookings Institution, John R. Magnus, TradeWins LLC, and Robert D. Atkinson, Information Technology and Innovation Foundation, all of Washington, D.C.

ANTI-DOPING TREATY

Committee on Foreign Relations: Committee concluded a hearing to examine the International Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc.110–14), after receiving testimony from Scott M. Burns, Deputy Director, Office of National Drug Control Policy, Executive Office of the President; Joan Donoghue, Principal Deputy Legal Adviser, Department of State; Jair Lynch, U.S. Olympic Committee, former Olympic Medalist, Washington, D.C.; and Travis T. Tygart, United States Anti-Doping Agency, Colorado Springs, Colorado.

SECURITY CLEARANCE PROCESS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine improving the security clearance process, focusing on reform efforts to streamline, standardize, and update the process, after receiving testimony from Brenda S. Farrell, Director, Defense Capabilities and Management, Government Accountability Office; Clay Johnson, III, Deputy Director for Management, Office of Management and Budget; Elizabeth McGrath, Principal Deputy Under Secretary of Defense for Business Transformation; John P. Fitzpatrick, Director, Special Security Center, Office of the Director of National Intelligence; and Kathy L. Dillaman, Associate Director, Federal Investigative Services Division, Office of Personnel Management.

DEPARTMENT OF THE INTERIOR BACKLOGS

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the status of probate backlogs at the Department of the Interior, after receiving testimony from Carl J. Artman, Assistant Secretary of the Interior for Indian Affairs; Gary Svanda, Madera City Council, Madera, California; Robert Chicks, Stockbridge Munsee Band of Mohican Indians, Bowler, Wisconsin; and Douglas Nash, Seattle University School of Law Institute for Indian Estate Planning and Probate, Seattle, Washington.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 2756, to amend the National Child Protection Act of 1993 to establish a permanent background check system, with an amendment in the nature of a substitute;

S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, with an amendment in the nature of a substitute;

S. 1210, to extend the grant program for drug-endangered children;

S. Res. 563, designating September 13, 2008, as ''National Childhood Cancer Awareness Day'';

S. Res. 567, designating June 2008 as ''National Internet Safety Month''; and

The nominations of Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General for the Office of Legal Policy, Department of Justice, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona, and William Walter Wilkins, III, to be United States Attorney for the District of South Carolina.

CIVIL LEGAL ASSISTANCE

Committee on the Judiciary: Committee concluded a hearing to examine efforts to provide civil legal assistance to low-income Americans, focusing on the Legal Services Corporation, and improvements needed in governance, accountability, and grants management, and oversight, after receiving testimony from Jeanette Franzel, Director, Financial Management and Assurance, Government Accountability Office; Helaine M. Barnett, Washington, D.C., and Jonann C. Chiles, Little Rock, Arkansas, both of the Legal Services Corporation; Rebekah Diller, New York University School of Law Brennan Center for Justice, New York, New York; Lora J. Livingston, American Bar Association (ABA), Austin, Texas; Jo-Ann Wallace, National Legal Aid and Defender Association,

Washington, D.C.; Wilhelm H. Joseph, Jr., Maryland's Legal Aid Bureau, Inc., Baltimore; and Kenneth F. Boehm, National Legal and Policy Center, Falls Church, Virginia.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported the nominations of Cynthia L. Bauerly, of Minnesota, Caroline C. Hunter, of Florida, and Donald F. McGahn, of the District of Columbia, each to be a Member of the Federal Election Commission.

MEDICARE PART D

Special Committee on Aging: Committee concluded a hearing to examine improving the Medicare program for the most vulnerable, focusing on senior citizens at risk, and including Medicare Part D and the Social Security Administration's implementation of the low-income subsidy, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; N. Joyce Payne, AARP, and Laura Summer, Georgetown University Health Policy Institute, both of Washington, D.C.; Lisa Emerson, Oregon Senior Health Insurance Benefits Assistance (SHIBA) Program, Salem, Oregon; and Judy Korynasz, Hillsboro, Oregon.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 44 public bills, H.R. 6123–6166; and 20 resolutions, H.J. Res. 88–89; H. Con. Res. 361–365; and H. Res. 1220–1232, were introduced. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 5540, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (H. Rept. 110–667);

H.R. 3667, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, with an amendment (H. Rept. 110–668);

H.R. 5876, to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, with an amendment (H. Rept. 110–669);

H.R. 554, to provide for the protection of paleontological resources on Federal lands, with an amendment (H. Rept. 110–670, Pt. 1);

H.R. 5683, to make certain reforms with respect to the Government Accountability Office, with an amendment (H. Rept. 110–671); and

H.R. 3774, to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service, with an amendment (H. Rept. 110–672). **(See next issue.)**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H4455**

Privileged Resolution: The House agreed to table H. Res. 1221, raising a question of the privileges of the House, by a yea-and-nay vote of 220 yeas to 188 nays with 10 voting "present", Roll No. 352. **Pages H4468–69**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Providing for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012: H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, by a ⅔ yea-and-nay vote of 306 yeas to 110 nays, Roll No. 353. **Pages H4469–H4655**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, May 20th:

Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora: H. Res. 1194, to reaffirm the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora, by a ⅔ yea-and-nay vote of 401 yeas to 10 nays with 2 voting "present", Roll No. 354 and **Pages H4655–56**

Recognizing the courage and sacrifice of those members of the United States Armed Forces who

were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict: H. Res. 986, amended, to recognize the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and to call for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, by a ⅔ yea-and-nay vote of 394 yeas with none voting "nay", Roll No. 366. **(See next issue.)**

National Defense Authorization Act for Fiscal Year 2009: The House passed H.R. 5658, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2009, by a recorded vote of 384 ayes to 23 noes, Roll No. 365.

Pages H4656–H4763, H4763–78 (Continued next issue)

Rejected the Conaway motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House promptly with amendments, by a recorded vote of 186 ayes to 223 noes, Roll No. 364. **(See next issue.)**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

(See next issue.)

Agreed to amend the title so as to read: "To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.". **(See next issue.)**

Accepted:

Skelton manager's amendment (No. 1 printed in H. Rept. 110–666) that makes technical corrections to the bill; **Pages H4741–42**

Skelton amendment (No. 2 printed in H. Rept. 110–666) that requires the Defense Secretary, Secretary of State, and USAID Administrator to establish a standing advisory panel to improve integration on matters of national security; **Pages H4742–45**

Skelton en bloc amendment No. 1 consisting of the following amendments printed in H. Rept. 110–666: No. 7, that clarifies that the Federal Advisory Committee Act does not apply to the Congressional Commission on the Strategic Posture of the United States; No. 9, that revises section 595 of the bill; No. 12, that provides $22.3 million for Army Reserve first term dental readiness and $8.5 million for Army Reserve demobilization dental treatment; No. 13, that requires defense contractors supporting the missions in Iraq and Afghanistan to report violent crimes committed against or by Defense Department contract employees and require that the information be made public; No. 16, that allows a service member with a minor dependent to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone; No. 17, that requires the Navy Secretary and the Interior Secretary to negotiate a memorandum of agreement to transfer the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California, from the Navy to the U.S. Fish and Wildlife Refuge System; No. 18, that adds an additional finding to title XVI of the bill to reflect the Administation's request for stabilization activities; No. 21, that requires the Secretary of Defense to report to Congress an acquisition strategy for insurance required by the Defense Base Act; No. 27, that directs the Secretary of Defense, in consultation with the United States Postal Service, to provide postal benefits to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces; No. 29, that directs the Defense Secretary to study the use of power management software at DOD facilities to reduce the amount of electricity consumed by computers, monitors, and other electronic equipment; No. 34, that requires DOD to report to Congress on implementation of the recommendations of the report entitled, "Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat"; No. 35, that requires the Chief of the National Guard Bureau to submit a report to Congress detailing the extent to which the various provisions enacted within title XVIII of the FY08 National Defense Authorization Act have been effective; No. 36, that allows the Defense Department six months to review appeals from service members who were denied full Army College Fund benefits under Army Incentive Program contracts; No. 37, that requires that for any Department of Defense contracts for truck transportation or service using fuel, the motor carrier, broker, or freight forwarder involved in the transaction must pass any fuel surcharge on to the person responsible for paying the cost of fuel and to disclose that surcharge and other charges in writing; No. 38, that requires a report from the Secretary of Defense within 45 days after the date of enactment on laboratory personnel demonstration projects; No. 39, that extends eligibility for military disability retired pay to individuals who left enlisted service in

order to attend a military academy between January 1, 2000 and October 28, 2004, and who suffered a disabling injury while attending the academy; No. 41, that expands existing authority for professional military education institutions of the Army, Navy, Air Force, and Marine Corps to award degrees to graduates of their schools; No. 44, that requires the Defense Secretary to establish a program to research and develop unexploded ordnance detection technology and facilitate the deployment of this technology in the field; No. 47, that requires a report be submitted to the congressional defense committees by the Secretary of the Navy not later than 120 days after enactment of the act on future jet carrier training requirements; No. 48, that requires the Secretary of Defense to conduct a demonstration project to assess the feasibility of providing a behavioral health care provider locator and appointment assistance service; No. 49, that requires the Secretary of Defense to report to Congress on DOD's policies regarding the sale and disposal of used motor vehicle oil; No. 54, that expresses the sense of Congress that each military department should, to the maximum extent practicable, provide honor guard details for the funerals of veterans; and No. 57, that makes it the policy of the United States that any Status of Forces Agreement negotiated between the U.S. and Iraq include measures requiring the Iraqi Government to provide financial or other types of support for U.S. Armed Forces stationed in Iraq;

Pages H4746–56

Boren amendment (No. 8 printed in H. Rept. 110–666) that includes clarifying language regarding the procurement by a federal agency of alternative or synthetic fuels; clarifies conditions by which DOD and other federal agencies would be allowed to enter into a contract to purchase a generally available fuel, if it is not predominantly an alternative or synthetic fuel; and sets forth a set of conditions pursuant to these changes; **Pages H4764–66**

Waxman amendment (No. 15 printed in H. Rept. 110–666) that requires agencies to enhance competition in contracting; limits the use of abuse-prone contracts; rebuilds the federal acquisition workforce; strengthens anti-fraud measures; and increases transparency in federal contracting; **Pages H4766–74**

Israel amendment (No. 50 printed in H. Rept. 110–666) that creates a joint Department of Defense/Department of State program for the purpose of hiring Iraqis (who supported the U.S. efforts in Iraq and have resettled in the U.S.) as interpreters, translators, and cultural awareness instructors for various agencies of the Federal government and to increase awareness of the existence of the program;

Pages H4777–78

Skelton en bloc amendment No. 2 consisting of the following amendments printed in H. Rept. 110–666: No. 5, that requires the President to develop and submit to Congress a comprehensive interagency strategy for strategic communication and public diplomacy by December 31, 2009; No. 10, that provides that autistic children of members of the Armed Forces, who are enrolled in the Extended Care Health Option program, receive a minimum of $5,000 per month of autistic therapy services; No. 11, that establishes the Visiting NIH Senior Neuroscience Fellowship Program at the Defense Advanced Research Projects Agency and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury; No. 14, that gives the secretary of a military department authority to authorize military installations to enter into partnerships with colleges, universities, and technical schools for the purposes of improving the accessibility and flexibility of college courses available to active duty service members; No. 19, that finds that Congress and the Secretary of Defense should work to understand and identify the contributing factors related to suicide amongst our service men and women; No. 20, that increases (by offset) the amount provided for DOD military personnel by $3 million, one million for each of the Army Secretary, Navy Secretary, and Air Force Secretary, for the funeral honors program; No. 24, that amends safeguards and internal controls of DOD to require that appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to sensitive and pilferable property; No. 28, that directs the Defense Secretary to include the effects of greenhouse gas emissions in planning, requirements development, and acquisition processes; No. 30, that permits the Army Secretary to award the Army Combat Action Badge to those soldiers who served during the dates ranging from December 7, 1941, to September 18, 2001, if the Secretary determines such individuals have not been previously recognized; No. 40, that requires the Defense Secretary to conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider; No. 42, that requires the Secretary of Defense of revise the regulations issued pursuant to section 862 of the Fiscal Year 2008 National Defense Authorization Act to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations; No. 45, that permits the Transportation Secretary, acting through the Maritime Administration, to establish a Port of Guam Improvement Enterprise Program to provide for the planning, design, and construction of projects

for the Port of Guam; No. 46, that requires the Comptroller General to review, and report to Congress within one year on, the DOD's implementation of the recommendations of the Department of Defense Task Force on Mental Health; and No. 43, that requires the Defense Secretary to study methods to verifiably reduce the likelihood of accidental nuclear launch by any nation; **(See next issue.)**

Lee (CA) amendment (No. 26 printed in H. Rept. 110–666) that provides that no provision in any status of forces agreement negotiated between the United States and the Government of Iraq that obligates the United States to the defense of Iraq from internal or external threats shall have any legal effect unless the agreement is in the form of a treaty requiring the advice and consent of the Senate, or is specifically authorized by an Act of Congress (by a recorded vote of 234 ayes to 183 noes, Roll No. 359); **Pages H4774–77**

Braley (IA) amendment (No. 53 printed in H. Rept. 110–666) that requires the President to submit a report to Congress on the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom within 90 days of enactment; directs the estimate to be based on certain scenarios; make projections through at least Fiscal Year 2068; and take into account and specify various factors, including operational costs, reconstruction costs, and the cost of providing health care and disability benefits (by a recorded vote of 245 ayes to 168 noes, Roll No. 360); **(See next issue.)**

Bishop (GA) amendment (No. 52 printed in H. Rept. 110–666) that provides 180 days of transitional health care to those service members who separate honorably from active duty and agree to serve in the Guard or Selected Reserve at no charge to the service member; **(See next issue.)**

Ellsworth amendment (No. 55 printed in H. Rept. 110–666) that revises the Federal Acquisition Regulation by requiring each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States; **(See next issue.)**

Hodes amendment (No. 56 printed in H. Rept. 110–666) that provides that no funds authorized in the bill may be used for propaganda purposes, and directs the DOD Inspector General and GAO to report on whether or not the defense analysts program violated the propaganda provisions of Department of Defense appropriations bills for Fiscal Years 2002 through 2008; **(See next issue.)**

Foster amendment (No. 58 printed in H. Rept. 110–666) that amends title XXXI of the bill (DOE National Security Programs) to require the Administrator for Nuclear Security to establish a fellowship program for Ph.D. candidates in nuclear chemistry; **(See next issue.)**

Schwartz amendment (No. 51 printed in H. Rept. 110–666) that prevents future use of the airfield at NASJRB Willow Grove, Pennsylvania, for commercial passenger operations; commercial cargo operations; commercial, business, or nongovernment aircraft operations not related to missions of the installation; and as a reliever airport to relieve congestion at other airports; **(See next issue.)**

Spratt amendment (No. 4 printed in H. Rept. 110–666) that requires the DNI, on an annual basis, to submit to Congress an update of the National Intelligence Estimate entitled ''Iran: Nuclear Intentions and Capabilities'' and dated November 2007; such update may be submitted in classified form; the President shall notify Congress in writing within 15 days of determining that Iran has met or surpassed any major milestone in its nuclear weapons program or that Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program; **(See next issue.)**

Price (NC) amendment (No. 25 printed in H. Rept. 110–666) that prohibits agencies under the Department of Defense from using contractors to perform interrogations; the amendment allows the use of contractors for interpretation (by a recorded vote of 240 ayes to 160 noes, Roll No. 361); **(See next issue.)**

Holt amendment (No. 32 printed in H. Rept. 110–666) that requires the videotaping or electronic recording of detainee interrogations in the custody of or under the effective control of the Department of Defense; directs the Judge Advocates General of the respective military services to develop uniform guidelines for such videotaping or electronic recording, and for said guidelines to be provided to Congress (by a recorded vote of 218 ayes to 192 noes, Roll No. 362); and **(See next issue.)**

McGovern amendment (No. 31 printed in H. Rept. 110–666) that requires the Defense Secretary to release to the public, upon request, the names, ranks, countries of origin, and other information of students and instructors of the Western Hemisphere Institute for Security Cooperation (''WHINSEC''); the amendment covers fiscal years 2005–2008 and any fiscal year thereafter (by a recorded vote of 220 ayes to 189 noes, Roll No. 363). **(See next issue.)**

Rejected:

Akin amendment (No. 3 printed in H. Rept. 110–666) that sought to increase funding (by offset) for Future Combat Systems by $193 million (by a

recorded vote of 128 ayes to 287 noes, Roll No. 355); **Pages H4745–46 (continued next issue)**

Franks (AZ) amendment (No. 6 printed in H. Rept. 110–666) that sought to add $719 million (by offset) to the Missile Defense Agency's Budget (by a recorded vote of 186 ayes to 229 noes, Roll No. 356); **Pages H4756–59 (continued next issue)**

Tierney amendment (No. 23 printed in H. Rept. 110–666) that sought to reduce funding (by offset) for the Missile Defense Agency by $966.2 million (by a recorded vote of 122 ayes to 292 noes, Roll No. 357); and **Pages H4759–62 (continued next issue)**

Pearce amendment (No. 33 printed in H. Rept. 110–666) that sought to remove $10 million in funding for energy conservation on military installations and increase funding for the Reliable Replacement Warhead program by $10 million (by a recorded vote of 145 ayes to 271 noes, Roll No. 358). **Pages H4763–64 (continued next issue)**

Withdrawn:

Flake amendment (No. 22 printed in H. Rept. 110–666) that was offered and subsequently withdrawn that would have prohibited any funds appropriated to carry out H.R. 5658 from being used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California. **(See next issue.)**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **(See next issue.)**

H. Res. 1218, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 197 nays, Roll No. 351, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 192 nays, Roll No. 350. **Pages H4457–68**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, June 4th. **(See next issue.)**

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 2008. **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on page H4778.

Senate Referrals: S. Con. Res. 85 was held at the desk.

Quorum Calls—Votes: Six yea-and-nay votes and eleven recorded votes developed during the proceedings of today and appear on pages H4467–68, H4468, H4469, H4654–55, H4655–56 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 10:35 p.m., pursuant to the provisions of H. Con. Res. 355, the House stands adjourned until 2 p.m. on Tuesday, June 3, 2008.

Committee Meetings

CAPITOL VISITOR CENTER

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on Capitol Visitor Center. Testimony was heard from Office of the Architect of the Capitol: Stephen Ayers, Acting Architect; Terrie Rouse, CEO, Visitor Services; and Bernie Ungar, Project Executive, both with the Capitol Visitor Center; and Terry Dorn, Director, Physical Infrastructure Issues, GAO.

U.S. MAINLAND EXOTIC DISEASE RESEARCH

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Germs, Viruses, and Secrets: Government Plans to Move Exotic Disease Research to the Mainland United States." Testimony was heard from Nancy R. Kingsbury, Managing Director, Applied Research and Methods, GAO; Bruce I. Knight, Under Secretary, Marketing and Regulatory Programs, USDA; Jay M. Cohen, Under Secretary, Science and Technology Directorate, Department of Homeland Security; and public witnesses.

CONFORMING LOAN LIMIT INCREASE

Committee on Financial Services: Held a hearing entitled "Impact on Homebuyers and Housing Market of Conforming Loan Limit Increase." Testimony was heard from Heather Peters. Deputy Secretary, Business Regulation and Housing, State of California; and public witnesses.

OIL PRICES AND HOMELAND SECURITY

Committee on Foreign Affairs: Held a hearing on Rising Oil Prices: Declining National Security? Testimony was heard from David Sandalow, former Assistant Secretary of State; and public witnesses.

U.S. HUMAN RIGHTS/DEMOCRACY PROMOTION

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on City on the Hill or Just Another Country? The United States and the Promotion of Human Rights and Democracy. Testimony was heard from John Shattuck, former U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor and former U.S. Ambassador to the Czech Republic; and a public witness.

BORDER SECURITY CHALLENGES

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing on The Border Security Challenge: Recent Developments and Legislative Proposals, focusing on the following bills: H.R. 5662, Putting Our Resources Towards Security (PORTS) Act; H.R. 5552, Border Accountability Act of 2008; H.R. 4088, SAVE Act of 2007; and H.R. 3531, Accountability in Enforcing Immigration Laws Act of 2007. Testimony was heard from Representatives Reyes, Bilbray, Ginny Brown-Waite of Florida; Giffords, and Shuler; and the following officials of the U. S. Customs and Border Protection, Department of Homeland Security: Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations; Chief David V. Aguilar, Office of Border Patrol; and MG Michael C. Kostelnik, USAF (Ret.), Assistant Commissioner, Office of Air and Marine.

GAS PRICES AND OIL INDUSTRY COMPETITION

Committee on the Judiciary: Task Force on Competition Policy and Antitrust Laws held a hearing on Retail Gas Prices, Part 2, Competition in the Oil Industry. Testimony was heard from public witnesses.

EARTHQUAKE HAZARDS PROGRAM

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on The United States Geological Survey's Earthquake Hazards Program—Science, Preparation, and Response. Testimony was heard from David Applegate, Senior Science Advisor, Earthquakes, U.S. Geological Survey, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 5511, Leadville Mine Drainage Tunnel Remediation Act of 2008; and H.R. 5710, Eastern New Mexico Rural Water System Authorization Act.

IRAQ FUNDING ACCOUNTABILITY LAPSES

Committee on Oversight and Government Reform: Held a hearing on Accountability Lapses in Multiple Funds for Iraq. Testimony was heard from the following officials of the Office of the Inspector General, Department of Defense: Mary L. Ugone, Deputy Inspector General, Auditing; Patricia Marsh, Assistant Inspector General; and Daniel Blair, Deputy Assistant Inspector General, Defense, both with the Defense Financing Auditing Service Directorate.

MORTGAGE CRISIS-AFFLICTED NEIGHBORHOODS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy, and the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, joint hearing on Neighborhoods: Targeting Federal aid to neighborhoods distressed by the subprime mortgage crisis. Testimony was heard from Todd M. Richardson, Director, Program Evaluation Division, Office of Policy Development and Research, Department of Housing and Urban Development; and public witnesses.

U.S. JOBS/TECHNOLOGY GLOBALIZATION IMPACTS

Committee on Science and Technology: Subcommittee on Investigation and Oversight held a hearing on American Decline or Renewal?—Globalization Jobs and Technology. Testimony was heard from public witnesses.

REAL ESTATE SETTLEMENT PROCEDURES ACT

Committee on Small Business: Held a hearing entitled "RESPA and its Impact on Small Business." Testimony was heard from Ivy Jackson, Director, Office of Real Estate Settlement Procedures Act and Interstate Land Sales, Department of Housing and Urban Development; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 5001, amended, Old Post Office Building Redevelopment Act of 2008; H.R. 6109, Pre-Disaster Mitigation Act of 2008; and H.R. 6003, amended, Passenger Rail Investment and Improvement Act of 2008.

VETERANS BENEFITS ADMINISTRATION OUTREACH

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on Examining the Effectiveness of VBA Outreach Efforts. Testimony was heard from Diana Rubens, Associate Deputy Under Secretary, Field Operations, Veterans Benefits Administration, Department of Veterans Affairs; the following officials of the Department of Defense: Leslye Arsht, Deputy Under Secretary, Military Community and Family Policy; and Kevin Crowley, Deputy Director, Manpower Personnel, National Guard Bureau; and representatives of veterans organizations

VETERANS HEALTH ADMINISTRATION HUMAN RESOURCES CHALLENGES

Committee on Veterans Affairs: Subcommittee on Health held a hearing on Human Resources Challenges within the Veterans Health Administration. Testimony was heard from Joleen Clark, Chief Officer, Workforce Management and Consulting, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

BRIEFING—COUNTERNARCOTICS PROGRAM

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Counternarcotics Program. The Subcommittee was briefed by departmental witnesses.

ADMINISTRATION'S ENERGY POLICY

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''Oversight of the Bush Administration's Energy Policy.'' Testimony was heard from Samuel W. Bodman, Secretary of Energy.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D638)*

H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment. Signed on May 21, 2008. (Public Law 110–233)

COMMITTEE MEETINGS FOR FRIDAY, MAY 23, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Friday, May 23

Senate Chamber

Program for Friday: Senate will meet in pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, June 3

House Chamber

Program for Tuesday, June 3rd: To be announced.

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