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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. STUPAK).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*September 23, 2008.*

I hereby appoint the Honorable BART STUPAK to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

## THE ECONOMIC TRAIN WRECK: IT MATTERS WHO IS IN THE WHITE HOUSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it has been a painful experience for all of us watching this slow-motion economic train wreck get worse and worse.

One of the lessons over the last dozen years that I have been in Congress is that it matters deeply who is in the White House. One can just look at the bankruptcy legislation, the so-called ''reform,'' as it worked its way through Congress getting actually worse in various iterations. When Bill Clinton was no longer there to veto it, it was embraced by the Bush administration and enacted into law to the detriment of the vast majority of American citizens.

One looks at how for 13 years when the Fed Chairman refused to use the authority to reign in the subprime mortgage madness, the ''froth'' that Mr. Greenspan referred to. We went from the firm leadership of the Clinton White House Treasury Team of Rubin and Summers to the drift of the Bush Treasury with O'Neill and Snow.

I appreciate the efforts by Speaker PELOSI and Chairman FRANK to protect the taxpayers, to rein in the people who have driven these companies over the edge and our economy into the ditch, to assure that they don't profit from any Federal bailout, to stop the golden parachutes. This may seem to some to be relatively small potatoes given the hundreds of billions of dollars that are being tossed around, but it is incredibly important in terms of the signals we are going to send to people who are going to behave recklessly in the management of corporations. It is critical that we don't rub the nose of the public in this failure by rewarding people who have helped create this disaster.

It's important that we take the time to craft this properly, to have a shorter leash for the Treasury, particularly because there is such a dramatic difference that we are hearing on the campaign trail between a Senator MCCAIN, who has repeatedly said that the fundamentals of the economy are strong even as he has advocated policies and has been counseled by people like Phil Gramm who helped make those fundamentals weaker. Senator OBAMA has appropriately highlighted the problems, proposing reasonable solutions, while convening groups of people who understand the problem, who have credibility, and the reasonable principles and solution.

Some of the key elements that should be pursued from my perspective are, first and foremost, to not put the taxpayer on the hook for any more than is absolutely necessary. That sounds simple, but we see proposals coming forward that would have us not simply mark to market, to just buy the value of the damaged items but things that are going to actually accelerate the amount of loss. It is important that we get something in return, get back equity. This is not unprecedented. This is just what happened a few days ago with insurance giant AIG, and it should be a principle that is applied to any other institutions that are going to receive Federal assistance.

It is absolutely critical that we focus on two groups that we need to be more sensitive to than the reckless and the greedy: homeowners and retirees. It is important to stabilize the middle class housing market on which so much of not just our economy but the stability of our communities relies. Today's retirees are in danger of paying the greatest price of all. Many are already losing what they thought were lifetime guarantees of health care and pensions as corporations they retired from rewrite the rules. Too many have less saved, they have longer lives in retirement, and they are going to be forced to deal with more risk than ever before.

All of this suggests, while I think we are moving in the right direction changing some of these proposals, just because the Secretary of the Treasury and the Fed Chair made some rash comments about urgency, Congress should not rush it; it needs the time to get this right.



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## SECRETARY PAULSON AND THE BAILOUT LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, 2007 was a great year on Wall Street, 2007, bonuses of $38 billion to themselves. Secretary Paulson came to us just having received a $39 million bonus from Goldman Sachs, came here to the applause of the Wall Street elites and others.

His first crisis was Bear Stearns. He bailed out Bear Stearns, or he had them acquired with Federal guarantees. But he said, don't worry, the fundamentals of our economy are sound. Then along came Fannie Mae and Freddie Mac. He wanted Congress to give them an unlimited line of credit, but don't worry, it's only a crisis of confidence. Their fundamentals are sound. They probably won't even need the line of credit. Congress went along with that. I voted ''no.'' The fundamentals of America are sound, he said.

A month later he had to take over Fannie Mae and Freddie Mac, unprecedented, accumulating maybe $5 trillion of debt onto the books of the Federal Government all at once. But not to worry. We'll work our way through it. The fundamentals are sound.

Then came Lehman Brothers. It's just one firm, he says. Let 'em go, let the market work. Our fundamentals are sound. Two days later AIG, a big company, a lot of money in insurance, annuities, other things, too big to fail, broke a 50-year precedent, put Federal money into an insurance company. But not to worry, this is just a little blip. Our fundamentals are sound.

Then Thursday night he has a closed-door meeting with congressional leadership, and he says, if we don't do a bailout plan tomorrow, the economy is going to collapse.

Now, wait a minute. This guy has been consistently wrong and out of touch or he has been lying to Congress and the American people about how sound our fundamentals are. Now he wants us to trust him with the keys of the treasury and no restrictions on how he would spend the money in his next bailout. He is compromised, in my opinion, because of his relationship with Goldman Sachs and Wall Street, not with Main Street America. My small banks are not clamoring for this. My credit unions aren't clamoring for this. They are still making loans. They're saying there's a credit crunch. Guess what, if you've got good credit in Oregon, you can go to the credit union, you can go to a small bank, and then the small bank can sell the loan to the Federal Government, that is, Fannie Mae and Freddie Mac, thanks to Mr. PAULSON.

But he's saying to us here I've got a deal for you. Let's think of Henry Hank Paulson as a realtor. Here's the deal: He's got a great house he wants to sell you. Now, the thing about that is he can't give you an appraisal on the house. There are no market comparables. And he can't tell you what it's going to cost. But it is a great deal for you.

That is the bailout he is proposing, to take this junk from Wall Street that no one understands and put it on the Federal books. What if we spend, borrow $700 billion and the market continues to go down? That's what the Asian market said yesterday. They said, wait a minute, it sounded good at first, but where is the U.S. going to get the $700 billion? Who's going to lend it to them? Or are they just going to print it and cause inflation? And what if it doesn't work? What will they do then? We aren't dealing with some of the fundamental underlying problems that we have now.

And now I find out by reading the Washington Times that very quietly they have folded in all student loan debt, all automobile debt, and all credit card debt. So the Federal Government is now not only going to be in the housing business, it's not only going to be in the insurance business, suddenly we are going to be in the repo business, out there collecting cars around America so we can sell them to try to get back some of the taxpayers' money.

This is nuts. Congress should not do this this week. We need to understand what's going on. They can't be slipping in little things like this and trying to jam this bill through. This is way too much like the rush to war when Congress was under pressure to go home for elections. Forget about the elections. This is about the future of the United States of America and our financial system. And if we have to stay here every day in October to understand this and get it right, we should.

## THE BAD OLD DAYS

The SPEAKER pro tempore (Mr. CUELLAR). The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, in my Seventh Congressional District in Washington State, and in towns and cities across the United States, the American people are justifiably outraged and at the same time dumbfounded that the President would send the Treasury Secretary up here to Congress asking for a blank check, declaring the sky will immediately fall if he doesn't get it. With a straight face, but no straight talk, he demanded unchecked, unlimited power to spend $700 billion of taxpayer money any way he sees fit. From the moment this President took office 8 years ago, his administration has done everything possible to roll back the clock to the roaring '20s, and now they want to roll the American people to pay for it.

For the last 8 years, this administration rewarded Wall Street and ignored Main Street. For 8 long years, this administration encouraged practices that have taken America back to the finances of 1929. But now this administration wants the American people to pay $700 billion for Wall Street's ignorance and greed, and what are they going to do with it? The American people are asked to sacrifice, but what about Wall Street? What does the President ask of them? Wall Street lobbyists are here by the busload, trying to cut deals to sweeten the pot for the people who pay them millions. When someone suggested any potential bailout ought to include a provision to refinance some mortgages, the lobbyists declared the sky would fall. And when somebody declared that there would not be golden parachutes for executives who masterminded this mess, we were told that that would be punitive. And then when the White House relented and said they might give a little on golden parachutes, the American people are supposed to be thankful and give in.

In case anybody has forgotten, the golden parachutes originally pegged at $13 million for the chief executives of Freddie and Fannie were cut. They ended up only getting $9 million. Does that sound like sacrifice to you?

Friends and supporters of this administration have had 8 years of unregulated, unfettered access to the wallets of the American people. Their complex derivatives and mathematical formulas were used to create financial products that can best be described in a single phrase: house of cards. This administration permitted, encouraged, and now wants to mortgage this house of cards to the American people. They take no responsibility for their role in the crisis. Instead, they warn the American people that they might suffer mightily if they do not act within a week. Suddenly the administration and the Republican Party that regularly decry government intervention now clamor for it, but only because they can't find $700 billion anywhere else.

How do they propose to pay for it? Does the President offer to reduce the massive tax holidays enjoyed over the last 8 years by the rich? Did they offer something that would benefit the working Americans who don't want to pay for this?

To all the American families where the husband and wife work two, three, four jobs to make ends meet, to all the single moms and dads who play by the rules, the administration has offered you a threat and a share in paying this $700 billion mortgage on a house of cards. This administration has brought America to the brink of national bankruptcy, and they are banking on fear again. They used fear to go to war. They used fear to take away your civil rights and spy on you. And now they are using fear of financial collapse, and they are just trying to scare you into getting them to do whatever they want.

There's a line that aptly describes this situation: ''Fool me once, shame on you. Fool me twice, shame on me.'' Don't be fooled.

Mr. Speaker, remember, trust is something that is already bankrupt.

The bank of trust in this administration is absolutely bankrupt. They have misled, lied, misrepresented, whatever word you want to use, on issue after issue. And now they give us 7 days. Come back, take out your wallet, and give them everything that's in it, $700 billion. Well, actually, we don't have to give them anything. We're going to borrow it from the Chinese. Let's borrow our way.

When will they talk about how you pay for the profligacy of this administration?

## S.J. RES. 45, GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. STUPAK) for 5 minutes.

Mr. STUPAK. Mr. Speaker, today the House will vote on the Great Lakes-St. Lawrence River Basin Water Resource Compact. I am asking Members to vote ''no'' and slow down the approval of this compact.

I am deeply concerned that this compact would allow Great Lakes water to be defined as a ''product.'' By allowing water to be defined as a ''product,'' the compact could subject the Great Lakes to international trade agreements such as the North American Free Trade Agreement, NAFTA; or the World Trade Organization, WTO.

There is also no language in the compact that recognizes that Great Lakes water is held in public trust. The public owns the waters of the Great Lakes, and anything Congress passes should preserve this principle.

The compact was created in response to the first large-scale threat of privatization of the Great Lakes. In 1998 the Ontario Minister of Natural Resources granted a permit to a private firm, the Nova Group, to ship millions of gallons of Lake Superior water to China. I led the fight opposing the sale of our Great Lakes water, and we were successful in pressuring the Canadian Government to suspend this permit. This case exposed the region's vulnerability to private and public entities who wished to commercialize the world's largest body of fresh water for financial gain. While the original intent of the Great Lakes Compact was to protect our water from diversions, the compact the States have sent to Congress may unintentionally have the opposite effect and set a precedent that would open up the door to water diversions.

The Great Lakes Governors have spent more than 3 years addressing the local and State implications of the compact. Unfortunately, we have not undergone the same deliberative process. We have spent less than 20 legislative days since the introduction of this legislation. We have conducted no hearings to consider the Federal and international implications. Congress is rushing to a vote when one of our Nation's most precious natural resources, the Great Lakes, is at stake. So before we ratify the Great Lakes Compact, the following questions must be fully investigated:

First, how does the compact's exemption of water in containers smaller than 5.7 gallons affect the Federal prohibition on diversions under the Water Resources Development Act?

Second, will creating a Federal definition of Great Lakes water as a ''product'' subject it to international trade law or agreements such as NAFTA or WTO?

Third, what actions taken by the Great Lakes States to protect the Great Lakes from international commercial entities who seek to privatize the Great Lakes ever be subject to claims under GATT, the General Agreement on Tariffs and Trade; or the WTO?

I have asked these questions to the International Joint Commission, the United States Trade Representative, and the Department of State before Congress adjourned for the August recess. While these agencies have acknowledged my requests, they were unable to provide any substantive answers. Without answers to these questions, Members should vote ''no'' on this legislation. I do not know how any Member in good conscience could vote to approve legislation that may unintentionally open the Great Lakes water to diversions through privatization, commercialization, and exportation. So I urge my colleagues to slow this process down. There is no time limit on this agreement. We can take our time.

So I urge you to vote ''no'' on Senate Joint Resolution 45 so we may fully address the questions and pass a compact that truly protects the Great Lakes.

## THE BAILOUT LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 2 minutes.

Mr. WELCH of Vermont. Mr. Speaker, I want to read a letter from a Vermonter about this bailout. It's from a banker.

''I am a community banker who is irate about the recent developments on Wall Street and recent bailouts that our government has undertaken. The great, great majority of banks in this country never made one subprime loan, and 98 percent are well capitalized. We are working every day to serve our communities and provide loans to consumers and small businesses. Banks have paid tens of billions of premiums to fund the FDIC insurance fund, and we know we are going to have significantly increased premiums for years to come. We accept that and we don't ask for or need a bailout.

''Bear Sterns, Fannie Mae, Freddie Mac, and AIG are not banks. Yet we hear constant talk about 'bank problems' and 'bank bailouts.' Now Congress is going to vote on legislation to consider a fund with billions of dollars in it to buy distressed assets and some want to add amendments that will hurt my bank, the local community bank, such as changes in the bankruptcy laws.

''My bank is trying to serve its community and make loans, but it cannot do that when policymakers are adopting policies that may make it hard to lend and increase regulatory costs. While a stable financial system is essential, these measures cannot be done at the expense of community banks like mine. I implore you to please consider the impact of these proposals and oppose any effort to include provisions that would hurt our community banks.''

## BY HELPING MAIN STREET, WE CAN HELP WALL STREET

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. HOLT) for 2 minutes.

Mr. HOLT. Mr. Speaker, here's the problem as I understand it with the financial crisis that is called the worst in decades, maybe ever.

Time and complicated securities. The rescue must be done immediately or else the financial house will collapse, Paulson says. Second, the taxpayers say they don't know if they are getting anything of fair value for the $700 billion they are asked to put up. No one knows the value of these securities, and Paulson says there isn't time to find out. Trust him, he says. He won't pay too much. Maybe the market can even help him determine the fair value.

Yes, we may need to act quickly to staunch the crisis of confidence. Yes, the government may have to commit a lot of money to prop up the value of the investments. But rather than coming to the rescue by standing behind the investment paper, which is a mix of good and bad mortgages that have poisonous bad mortgages mixed with good, rather than committing $700 billion to something that Paulson and Bernanke and others say they don't really understand, why not stand behind the mortgages themselves? At least then the public will know what they are getting for their $700 billion and it will help the homeowner, the neighborhood, the community, and the investor.

There is an antecedent. The Home Owners' Loan Corporation of the 1930s through the 1950s helped people, individuals, with their mortgages. It was a Federal program that shored up a collapsing market. And, incidentally, when it finally went out of business, it showed a net plus for the taxpayer.

Let's take a breath, show the world that the Government of the United States will not let the financial house collapse. And let's go to the root of the problem.

I have been taking calls in my office from people who say ''help Main Street, not Wall Street.'' Well, in fact, by helping Main Street, we can help Wall Street. But by helping Wall Street, we don't necessarily help Main

Street. Bailing out those holders of financial paper does not stop the homeowner from the foreclosure. If we go to the root of the problem, we can help both.

## CALLING ON THE PRESIDENT TO TAKE RESPONSIBILITY AND DEMONSTRATE LEADERSHIP IN THIS TIME OF FINANCIAL CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Minnesota (Ms. MCCOLLUM) for 1½ minutes.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, our Nation is facing the most serious financial crisis since the Great Depression. Where is President Bush? The Republican President is asking every hardworking American taxpayer to pay $5,200 to rescue reckless banks and incompetent financiers.

If saving our economy demands such enormous sacrifices from the American taxpayers, then I urge the President to come before a joint session of Congress to ask the American people for their support. President Bush has an obligation to talk to the American people and their elected leaders. Only this President could explain why his $700 billion taxpayer-funded rescue package that calls for unprecedented government powers is needed.

President Bush is in New York today speaking before the United Nations. Why isn't President Bush speaking to the American people and this Congress? This time of crisis is no time for the President of the United States to be abdicating his duty. President Bush needs to take responsibility and demonstrate leadership.

## BAILOUT LEGISLATION: THE ADMINISTRATION IS SAYING TWO THINGS AND ONE OF THEM MUST BE FALSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 1½ minutes.

Mr. SHERMAN. Mr. Speaker, the administration is saying two things, and one of them must be false. In public they say the sky is falling. If you don't pass this bill immediately, the entire economy will be destroyed.

In private they say we're going to veto this bill, Democrats, if you try to put anything in it that we find difficult. That is like a man who claims to be desperate in the desert for water, throwing water back at your face, and demanding Perrier.

They have threatened two vetoes. First, if the administration doesn't get all the power. They will accept review oversight, which means we can look at their transactions after they are done. But they reject the idea of an independent board that has control, and determines whether or not the contract can be entered into.

Second, they reject any serious limitation on executive compensation. They reject anything other than a few tweaks on those with golden parachutes who are leaving, which means they want total compensation, in the millions of dollars, for the bailout executives who are staying.

How can the administration tell us that the sky will fall if we don't pass a bill, and then block the passage of a good bill by saying they are going to veto anything that doesn't put all the unfettered power in the administration, and all the money in the pockets of the Wall Street executives?

They are not telling us the truth.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 30 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

## PRAYER

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

Lord God, Your generosity of blessing has filled the Earth. We believe You have endowed this Nation with singular gifts and resources, especially its diverse people. Throughout our history, even to this day, we have been a grateful people, and our expressions of praise and thanks have shown us to be proud patriots, yet humble servants, always trusting in Your bountiful love.

Today, shower our Nation with renewed wisdom and understanding. Empower us to take bold but prudent steps to reestablish confidence in our financial markets and regulatory systems, that both here at home and abroad our transparency of truth and justice will reveal us as a people who find true freedom in being law-abiding citizens seeking the common good for all.

Lead and guide us, Lord, now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Pledge of Allegiance will be led by the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 6893. An act to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

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

H.R. 5834. An act to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

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

S. 1193. An act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico.

S. 3341. An act to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

S. Con. Res. 93. Concurrent Resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''.

S. Con. Res. 96. Concurrent Resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope.

## SUPPORT CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, later today, this House will consider H.R. 5244, the Credit Cardholders' Bill of Rights. It is landmark reform that will level the playing field between credit card companies and consumers.

For too long, card issuers have been able to do anything they want any time they want, and cardholders can take it or leave it. But credit cards have become an essential part of most households, and when rates are hiked retroactively, double-cycle billing charges interest on balances already paid, and when multiple over-limit fees are charged for just one over-limit transaction, something has gone haywire and consumers on Main Street often face the same kind of credit crunch that Wall Street is now coping with. Even the Federal Reserve calls these credit card practices ''unfair, deceptive, and anti-competitive.''

Every game needs an umpire, and today the House can help ''backstop''

American consumers with these reforms by passing the Credit Cardholders' Bill of Rights. I urge support for this important legislation.

## AMERICAN PEOPLE EXPECT BETTER

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

Mr. WILSON of South Carolina. Mr. Speaker, the American people expect better from their government. When high gas prices and electricity bills threaten families across this Nation, the American people expect Congress to get serious and get to work. When the financial markets began to shake and the economy slows down, the American people expect Congress to stop and properly weigh the consequences of taxpayer-funded bailouts before acting. When this Nation needs to fund programs that move our country forward in a responsible manner, that respects the wallets of American taxpayers, the American people expect Congress to consider each different spending bill on its own merits.

This Democrat-led Congress has not sent even one appropriations bill to the President for his signature. In the last week of the session, I sincerely hope the majority of this Congress will seek bipartisan cooperation to serve the American people better.

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

## ''WALL STREET DRUNK''—MR. PRESIDENT, YOU GAVE THEM LIQUOR CABINET KEYS

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

Mr. DOGGETT. Mr. Speaker, a few months ago, President Bush accurately diagnosed the problem he just dumped in the lap of Congress: ''Wall Street got drunk, and now it's got a hangover,'' he said.

Mr. President, you gave them the keys to the liquor cabinet by failing to enforce our laws, and now you are really demanding that Americans who didn't get invited to the party must pay for everything destroyed in the drunken brawl.

These late-night negotiators have not asked the President, ''where do we find $700 billion?'' It is time to demand that the bailout supporters outline the revenue measures necessary to pay for it, and the place to begin is with those who enriched themselves as Republicans removed the cop from the corporate beat.

We need an alternative to just raising the credit card limit, an alternative to more irresponsible borrow-and-spend policies from a President who has borrowed more from foreigners than all previous presidents in American history put together, and who seems determined to continue to mortgage America's future.

## DEMAND ACCOUNTABILITY IN THE BAILOUT PACKAGE

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

Mr. KIRK. Mr. Speaker, let me strike a more bipartisan tone. Given the dire economic warnings that we see, Republicans and Democrats in this House must pull together to save the jobs and the economy for working Americans. But if there is to be a bailout, it must be a bailout with consequences. We should include a prohibition on taxpayer dollars being used for senior officer salaries or golden parachutes and require the termination for senior officers who are receiving aid.

Federal regulators rightly blocked the golden parachutes for the failed leaders of Fannie Mae and Freddie Mac. We should now set that precedent into law. If you get a taxpayer bailout, you lose your job and your parachute.

In the Navy, we know how to deal with this. If a skipper runs his ship aground, he is immediately relieved of command.

## ANOTHER 4 YEARS OF FAILED POLICIES ARE NOT NEEDED

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

Mr. ALTMIRE. Mr. Speaker, while the $700 billion Wall Street bailout that we are considering this week is proof of the failures of the economic policies of the past 8 years, we should not forget the policies that President Bush and the Republicans tried unsuccessfully to enact.

Imagine what we might be facing now had Republicans been successful in privatizing Social Security and tying its benefits to the stock market. And it was none other than Senator JOHN MCCAIN who just this month said that the American health care system would be better off if it were run more like our banking and financial markets.

Well, thankfully we didn't follow Republicans in tying Social Security to the stock market, and we didn't take Senator MCCAIN's advice to run our health care system like we run our financial system.

Mr. Speaker, our Nation simply cannot afford another 4 years of the same failed policies that got us into this mess in the first place.

## ASSOCIATED PRESS SHOWS BIAS

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

Mr. SMITH of Texas. Mr. Speaker, the Associated Press is one of the largest and most influential news organizations in the world. It serves thousands of newspapers, radio stations and TV outlets. Americans expect the AP to be fair and unbiased in its reporting. Unfortunately, all too often it has fallen short.

For example, a comparison of AP news stories following the announcement of each vice presidential running mate shows that while dozens of AP stories characterized Governor Sarah Palin as ''conservative,'' only three described Senator BIDEN as ''liberal,'' even though the National Journal ranked him as the third most liberal Member of the U.S. Senate.

This is one example of a much larger media slant problem. In interviews, articles and news analysis, the media have grilled one side and coddled the other. The American people want the media to apply the same rules to both political parties in this election.

## RECOGNIZING HENRY CEJUDO, 2008 BEIJING OLYMPICS GOLD MEDALIST

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

Mr. BACA. Mr. Speaker, I stand here to share with you the history of Henry Cejudo, a true believer in the American dream.

Henry Cejudo proudly represented the United States in the 2008 Beijing Olympics in China, winning a gold medal in free-style wrestling. Henry was the youngest American wrestler in history to do this.

Overnight, Henry became a beacon of hope for so many in sports and wrestling in the United States. He is now also a beacon of hope for so many Latino immigrants. As the son of an immigrant mother from Mexico, Henry's story of struggle and sacrifice embodies what so many immigrant families have done every day.

Thanks to Henry, America has an Olympic gold medal in free-style wrestling. Thanks to Henry, the story of an immigrant's story for the American dream is still alive.

The contributions of immigrants throughout history for this country cannot be and must not be denied. I urge my colleagues to join me in this serious discussion of comprehensive immigration reform to help families like Henry's.

## HONORING OLYMPIAN DAVID PAYNE

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

Mr. CHABOT. Mr. Speaker, today I have the honor of recognizing Olympian David Payne, who hails from the Cincinnati suburb of Wyoming, on his remarkable athletic accomplishment in the 2008 Beijing Olympics. David brought home a silver medal in the 110 meter hurdles. He leaned across the finish line in an outstanding time of 13.17 seconds, really a tremendous effort.

Yet his road to the Olympics and the medal was not an easy one. David overcame a number of adversities in order to attain this goal.

In February, he had surgery to his appendix, had it removed. A month later, he bruised his heel bone, only to find out 6 weeks later that he had a stress fracture in the left tibia. ''It hurts when I train,'' he said, ''but it is an Olympic year, and in an Olympic year like this, you push until you can't push anymore.''

David is just one class short of earning his degree from the University of Cincinnati and intends to return during the 2008 winter indoor season to finish.

Good luck, David, and congratulations on your outstanding performance.

□ 1015

## REPUBLICAN ECONOMIC PHILOSOPHY PRODUCED OUR NATION'S ECONOMIC CRISIS

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

Mr. CARNAHAN. Mr. Speaker, from 2001 to 2007, President Bush, Senator MCCAIN, and the Republican Congress had the opportunity to finally implement the conservative economic ideas they have been talking about for decades.

During that 6-year period, Republicans controlled every branch of government. They instituted their plan that eliminated government regulation of big business. That's the Republican philosophy. Get government out of the way and let big business have their way.

Well, Wall Street had their way. For 6 years, large financial institutions were allowed to trade, to borrow, to loan funds to Americans and other institutions without anyone watching. That's the way Washington Republicans wanted it. Now we are seeing the results, the financial crisis on Wall Street and more pain on Main Street.

Today, the Bush administration wants this Congress to approve a Wall Street recovery package to the tune of $700 billion with no strings attached. We simply cannot give this administration a blank check on the backs of American taxpayers, and their children, and their grandchildren.

## DEMOCRATS WANT TO WORK IN A BIPARTISAN WAY TO INSULATE MAIN STREET FROM WALL STREET

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the financial crisis on Wall Street did not happen overnight. For 8 years, this Bush administration refused to regulate the very financial institutions that they are now asking American taxpayers to bail out.

Congressional Democrats want to work in a bipartisan fashion to clean up this mess and to insulate Main Street from Wall Street. We will not be pressured into approving a $700 billion blank check for Wall Street that does not include any safeguards or any independent oversight.

We simply cannot hand over $700 billion of the American taxpayers' money to the Department of Treasury and hope for the best. Any bailout package needs to ensure that the actions of the administration are being watched by an independent observer who can report back to both Congress and the American taxpayer.

We also need to include some protections for homeowners who are in danger of losing their homes and some reasonable limits to the executive compensation for CEOs and top executives.

House Democrats will work in a bipartisan fashion to improve the economic recovery package.

## GREED HAS CREATED A FINANCIAL CRISIS

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

Ms. SHEA-PORTER. Mr. Speaker, greed has created a financial crisis. I don't believe I have heard one single CEO from Wall Street apologize for the mess they put this country in. But if we are going to help Wall Street, we need to help Main Street as well.

This country lost more than 600,000 jobs last year. We need to be investing in our infrastructure so we can create jobs again. We also need to extend unemployment benefits so those who are looking for jobs will be able to pay for their families in the interim.

Because of the high energy prices, we are now going to have to provide more fuel heating assistance so that families won't have to choose between eating, or paying their rent, or their mortgage or their bills this month or next month or the next year, while we bail this country out.

We have an opportunity, finally, to look at Main Street. While we do this work for Wall Street, let's keep in mind the people of Main Street who pay the bills.

## HONORING CINTHIA REYES

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

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize a very special young lady, Cinthia Reyes. I had the opportunity of meeting Cinthia, who recently enrolled in Long Beach City College, at a cancer walk-a-thon in my district. Her compelling story began when she was only in sixth grade, and she was diagnosed with a tumor, ovarian cancer, something much older women usually, unfortunately, have to face.

She had to miss school for 1 month, but she bravely faced that battle. Yet, now again, in her junior year high school, while most 11th graders are thinking about their local prom, in November of 2006 she was faced with another tumor in her appendix.

But I have a good story to tell about Cinthia. Despite two major surgeries, she has had a bright, positive outlook on life. She has inspired many children and befriended those at Long Beach Memorial and Children's Hospital, and she plans on being a nurse. How blessed would this country be.

Please join me as we fight the battle of having adequate health care for all Americans. In the United States, ovarian cancer is the eighth most common cancer among women, but it's usually diagnosed at about the age of 63.

## DEMOCRATS WILL WORK WITH ADMINISTRATION, BUT CEO ACCOUNTABILITY IS NEEDED

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

Mr. ARCURI. Mr. Speaker, as Congress and the Bush administration continue to discuss a proposal to help turn Wall Street around, it is important that the administration know that this Congress is not going to just hand over $700 billion without any accountability or oversight.

The administration's proposal is a nonstarter, because it does not hold Wall Street executives accountable for their bad decisions. The crisis on Wall Street did not just happen. CEOs and other executives at the financial institutions made bad decisions, and we need to ensure their bad decisions are not rewarded.

For years, CEOs have been walking away from faltering companies with millions of dollars in compensation. Last year, the CEO of Merrill Lynch resigned after the company lost $10 billion, and its stock lost 45 percent of its value. Despite these failures, the CEO walked away with $161 million retirement package.

In any Wall Street recovery package, we need to ensure that the CEOs are not rewarded for their poor decisions with bonuses and other large compensation packages. They need to be held accountable. This is the taxpayers' money.

## NO GOLDEN PARACHUTE

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

Mr. HALL of New York. Mr. Speaker, there are millions of Americans across this country who have lost a house, lost a job or lost their investments through no fault of their own, and they don't have a rich corporate bonus. They don't have a golden parachute or a bailout plan.

The idea that the well-paid executives who contributed so much to put

us in this mess could walk away, while making millions of dollars, getting bailed out by the same taxpayers who are struggling thanks to their negligence, is totally absurd and cannot be allowed. Whatever we do this week, as we help out Wall Street, we should throw a lifeline to Main Street where people are really hurting.

We need to help them keep their homes, hold on to their jobs and make ends meet. We must act to ensure that these problems never happen again by including rigorous new government control and oversight into all of the securities and institutions that have been operating outside regulatory authority.

If we act in the right way, I have no doubt we can pass a bill that will rescue the economy and at the same time prevent this same mess from happening again. We must pass the right bill.

## SENATOR McCAIN IS OUT OF TOUCH ON THE ECONOMY—THE FUNDAMENTALS ARE NOT STRONG

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

Mr. ELLISON. Mr. Speaker, the Bush administration, Senator McCAIN and congressional Republicans need to realize that economic hardship does not end on Wall Street. For 8 years now, Washington Republicans have been implementing policies that have also hurt Main Street.

Today, middle class workers are struggling to make ends meet on paychecks that are, on average, $300 smaller a year than they were back in 2001 when President Bush took office. Meantime, grocery prices have increased by more than $800, home energy prices are up $300, and health care costs are up more than $2,000.

In total, American families are paying $4,000 a year more for these basic necessities than they did during the Clinton administration. No wonder the American people are feeling financially squeezed.

Senator McCAIN said he doesn't really understand economics very well, and he proved it when he said that the fundamentals of the economy were strong. How can Senator McCAIN turn our economy around if he doesn't even recognize that we are in trouble?

## CONGRATULATING JOHN DEERE & COMPANY

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

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate Deere & Company on their 90th anniversary in Waterloo, Iowa. John Deere has been in Waterloo since March 14 of 1918, when it bought the Waterloo Gasoline Engine Company, maker of the ''Waterloo Boy'' two-cylinder tractor, for $2.35 million. That model is still located at the Smithsonian Institution.

Today Deere's facilities in Waterloo include a foundry, the engine works, and the tractor assembly plant, making Deere & Company a multibillion-dollar corporation.

Over the past 90 years, John Deere has been an integral part of the Waterloo economy. The company employs thousands of Iowans and is currently the largest manufacturing employer in Waterloo. John Deere is in the midst of a fifth consecutive year of record earnings. If that continues, it would match the previous 5-year record run in the nineties and would have produced record earnings 10 times in the past 15 years.

That's quite a feat for a company that was down and out during the 1980s farm crisis, which saw mass layoffs at its facilities. A strong John Deere is fundamental to promoting a healthy and stable economy in the Cedar Valley.

Due to its successes, Deere has been able to give back to the community in a big way, and I congratulate them on their successes.

## AMERICA HAS DEFAULTED ON ITS PROMISSORY NOTE

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

Mr. JACKSON of Illinois. Mr. Speaker, in 1963, Martin Luther King, Jr., said, ''In a sense we have come to our Nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

''It is obvious today that America has defaulted on this promissory note. Instead of honoring this sacred obligation, America has given us a bad check, and it has come back marked insufficient funds.''

Dr. King went on to say, ''As a nation, we can spend billions of dollars to put a man on the Moon and a war in Vietnam, but we can't put a man on his own two feet right here in America.''

Last week this Congress could not provide money for community health care centers. They couldn't find money for day-care programs, for community policing, for crumbling schools, but this week we found $700 billion to bail out incompetence on Wall Street. For months, President Bush has refused to sign appropriations bills that exceeded his budget request. This week he wants the Treasury, with bipartisan support of the Congress, to give him maybe up to $1 trillion.

Stop defaulting on the American Dream. Stop issuing promissory notes.

Mr. Speaker, I too have a dream: Let's bail out homeowners and Main Street before Wall Street.

## CUBA

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

Ms. SOLIS. Mr. Speaker, I rise today to discuss the humanitarian aid situation in Cuba. Earlier this month, Cuba was struck by Hurricanes Gustav and Ike, which devastated the lives of about 11 million citizens of Cuba.

These hurricanes wiped out towns and destroyed about 500,000 homes, crops, roads, electrical service, water and other key infrastructure on that island. It's estimated that the damage will be anywhere from 4 to $10 billion. I just happened to be in south Florida this weekend and heard from many in the community, many Cuban Americans, who don't like the politics there, but understand that there has to be something done.

But because of a travel restriction implemented by the Bush administration in 2004, Cuban Americans in the United States are unable to send money back home or even travel. They are restricted by that travel. These restrictions do not reflect, in my opinion, the family values upon which our Nation was founded. Instead, they unfairly target families in need of this dire assistance.

We must temporarily lift these travel restrictions and remittances so that money can go to those families that are in so desperate need of assistance at this time. I ask for at least a temporary lifting of travel and remittances for at least 3 months.

## McCAIN DEREGULATION AGENDA WOULD BE DISASTROUS FOR MIDDLE CLASS AMERICANS

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

Mr. PERLMUTTER. Mr. Speaker, while years of deregulation policies have caused the biggest financial crisis in decades, Senator McCAIN is touting himself as the greatest deregulator.

The Senator has called government regulations unnecessary and burdensome, and has said they should be eliminated. Now he wants to extend his deregulation agenda to the health insurance industry, writing in an opinion op-ed this month, that, ''Opening up the health insurance market to more vigorous nationwide competition, as we have done over the last decade in banking, would provide more choices of innovative products less burdened by the worst excesses of State-based regulation.''

For 8 years now, the Bush administration has turned a blind eye to all the trading, lending and borrowing that is now responsible for the Wall Street crisis.

Senator MCCAIN now wants to extend that same strategy to the health insurance industry? Our Nation's health care system has enough problems, and we don't need to exacerbate them by implementing Senator MCCAIN's dangerous new deregulation idea.

□ 1030

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

## FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008, PART II

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6984) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6984

*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 Aviation Administration Extension Act of 2008, Part II''.

**SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2008'' and inserting ''March 31, 2009''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2008'' and inserting ''March 31, 2009''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2008'' and inserting ''March 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

**SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2008'' and inserting ''April 1, 2009'', and

(2) by inserting ''or the Federal Aviation Administration Extension Act of 2008, Part II'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking the date specified in such paragraph and inserting ''April 1, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

**SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by inserting after paragraph (5) the following:

''(6) $1,950,000,000 for the 6-month period beginning on October 1, 2008.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2009, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2008, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2009 were $3,900,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''September 30, 2008,'' and inserting ''March 31, 2009,''.

**SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.**

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''September 30, 2008.'' and inserting ''April 1, 2009.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2008'' and inserting ''2009''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''November 30, 2008,'' and inserting ''March 31, 2009,''; and

(2) by striking ''December 31, 2008,'' and inserting ''May 31, 2009,''.

(d) Section 44303(b) of such title is amended by striking ''March 31, 2009,'' and inserting ''May 31, 2009,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2008.'' and inserting ''April 1, 2009.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2009 ending before April 1, 2009,'' after ''2008,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2008.'' and inserting ''March 31, 2009.''.

(h) Section 49108 of such title is amended by striking ''October 1, 2008,'' and inserting ''March 31, 2009,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''fiscal year 2008,'' and inserting ''fiscal year 2009 before April 1, 2009,''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2009 ending before April 1, 2009,'' after ''2008,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2008.'' and inserting ''September 30, 2009.''.

(l) The amendments made by this section shall take effect on October 1, 2008.

**SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.**

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by inserting after subparagraph (D) the following:

''(E) $4,516,364,500 for the 6-month period beginning on October 1, 2008.''.

**SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) $1,360,188,750 for the 6-month period beginning on October 1, 2008.''.

**SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (11)(K);

(2) by striking the period at the end of paragraph (12)(L) and inserting ''; and''; and

(3) by adding at the end the following:

''(13) $85,507,500 for the 6-month period beginning on October 1, 2008.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6984.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 6984, the Federal Aviation Administration Extension Act, Part II. I want to thank Chairman OBERSTAR for bringing this legislation to the floor today, as well as Chairman RANGEL and Ranking Members MICA and PETRI.

The Aviation Trust Fund was created to fund the development and improvement of our airport and airway system, make critical investments to the air traffic control facilities, and to ensure the safety of the flying public.

The trust fund provides revenue for the airport improvement program, which provides grants for construction and safety projects at airports; the facilities and equipment account, which funds technical improvements to the air traffic control system; and a research, engineering and development account. The fund also partially pays for the salaries, expenses, and operations of the FAA.

This trust fund is currently operating under a short-term extension that expires on September 30, 2008. In

order to continue to provide essential safety and capacity improvement funds to our airports, we must pass this extension.

While the House passed H.R. 2881, the FAA Reauthorization Act of 2007, which is a long-term authorization for the FAA programs, the Senate has yet to pass its version of the bill. Until H.R. 2881 becomes law, it is important that we extend the FAA's programs on a short-term basis.

To ensure continued FAA operations, H.R. 6984 would extend not only the aviation taxes and expenditure authority, but also the AIP contract authority until March 30, 2009.

Specifically, H.R. 6984 provides $1.95 billion in AIP funding for airports, which is based on the level of AIP funding we authorized in H.R. 2881 for fiscal year 2009, and is consistent with the fiscal year 2009 congressional budget resolution. These additional funds will allow airports to proceed with necessary safety and capacity enhancement projects.

Mr. Speaker, aviation is too important to our Nation's economy, contributing $1.2 trillion in output and approximately 11.4 million U.S. jobs, to allow the taxes or funding for critical aviation programs to expire.

While our economy has slowed and economic factors have created difficult times for the airlines and their passengers, Congress can provide some stability to the aviation system by passing this extension this week. I urge my colleagues to support the bill.

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

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

Mr. Speaker, in September 2007, the House considered and passed the FAA Reauthorization Act of 2007, H.R. 2881, which reauthorizes the FAA for the next 4 years.

Unfortunately, however, the Senate has not come to any agreement on its bill and so we are here today considering a fifth extension. H.R. 6984 would extend the taxes, programs, and funding of the Federal Aviation Administration through March of 2009.

This bill extends FAA funding and contract authority for 6 months, funds the airport improvement program at $1.95 billion through March of next year, extends the war risk insurance program, extends the small community air service development program, and extends application of the rule for measuring highway miles to determine eligibility for essential air service subsidies.

The bill will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted by the next Congress. As I have indicated many times since the passage of the House FAA reauthorization bill just over a year ago, we need to pass a long-term bill so we can meet the growing demands placed on our Nation's infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure needs to be one of our top priorities when Congress reconvenes in 2009. In that connection, I would observe recent statistics which indicate that our friends in China are spending some 9 percent of their GNP on infrastructure. We here in the United States are spending about 2.5 percent, most of that on maintenance, and we are falling behind even in that regard. In 20 years, who is going to be better prepared to conduct a modern economy, somebody who is spending 9 percent of their GNP building first-class infrastructure, or someone who is barely maintaining what they already have?

We need to step up to bat. This bill will do us good in the aviation sector, but we have a big job ahead of us in infrastructure generally as a Nation.

Clearly, there is much work to be done. This 6-month extension gives us time to revisit the FAA reauthorization bill early in the 111th Congress. I urge our colleagues in the other body to take up a comprehensive FAA reauthorization package as early as possible in the next year.

I support this extension as the best alternative to keep the FAA and the national airspace system running safely until the 111th Congress can take up and pass a bipartisan, bicameral bill that the President can sign. We should all commit to quickly passing a 4-year bill as quickly as possible next year.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 6984, the "Federal Aviation Administration Extension Act of 2008, Part II".

The previous long-term Federal Aviation Administration ("FAA") reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176) expired on September 30, 2007. On September 20, 2007, the House passed H.R. 2881, the "FAA Reauthorization Act of 2007", to reauthorize FAA programs for fiscal years 2008 through 2011.

Unfortunately, the Senate has been unable to complete action on a long-term FAA reauthorization bill. As a result, Congress has passed a series of short-term FAA extension acts. The current authority for aviation programs and taxes expires next week, on September 30.

H.R. 6984 provides a 6-month extension of aviation programs and taxes, through March 31, 2009.

H.R. 6984 provides $1.95 billion in contract authority for the Airport Improvement Program ("AIP"). The $1.95 billion provided for the first six months of fiscal year 2009 will enable airports to move forward with important safety and capacity projects, and is sufficient to meet all Letter of Intent ("LOI") commitments. When annualized, this level of AIP funding equals $3.9 billion, consistent with both the House and Senate FAA reauthorization bills, and the fiscal year 2009 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment ("F&E"), and Research, Engineering, and Development ("RE&D") programs.

In addition, H.R. 6984 extends the aviation excise taxes through March 31, 2009. These taxes are necessary to support the Airport and Airway Trust Fund, which in recent years has provided about 80 percent of the FAA's budget. With an uncommitted cash balance of just $1.4 billion estimated as of the end of fiscal year 2008, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 6984 extends the FAA's authority to make expenditures from the Airport and Airway Trust Fund, through March 31, 2009.

To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, H.R. 6984 also extends several other provisions of Vision 100.

I thank Chairman RANGEL, Chairman of the Committee on Ways and Means, for his assistance in ensuring the continued operation of aviation programs. I also thank my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 6984.

Mr. CLYBURN. Mr. Speaker, I want to add a few words about the Disadvantaged Business Enterprise (DBE) and the Airport Concessions Disadvantaged Business Enterprise (ACDBE) Programs. These programs are critically important tools in our Nation's ongoing efforts to eliminate discrimination against minority and women owned businesses. Sadly, the evidence makes clear that race and sex discrimination are still realities for many of the business owners who are working hard to support their families, grow their businesses and contribute to our national economy.

Many disparity studies detailing discrimination against minority and women business owners have been released in every region of the country. While each study is a little bit different, taken together, these studies illustrate that discrimination impacts business owners in every minority group including African-Americans, Hispanic-Americans, Asian Americans and Native Americans. The studies also show discrimination against women of every racial group. While hundreds of such studies have been conducted, I will mention just six of the many airport-related studies that have been produced, including: Dallas/Fort Worth International Airport Board Disparity Study Final Report, MGT of America, October 17, 2000; Final Report: Broward County Small Disadvantaged Business Enterprise (SDBE) Disparity Study, MGT of America, Inc., April 3, 2001; The City of Phoenix, Minority-Women-Owned and Small Business Enterprise Program Update Study: Final Report, MGT of America, April 21, 2005; Race, Sex and Business Enterprise: Evidence from the State of Maryland, NERA Economic Consulting, March 8, 2006; Race, Sex and Business Enterprise: Evidence from Denver, CO, NERA Economic Consulting, May 5, 2006; and Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport, (BNA), Griffin and Strong, PC, September 19, 2007. Let me be clear, these six studies represent a fraction of the airport-related studies that have been conducted—and yet even this small cross-section demonstrates the national scope of the problem and the breadth of its impact. These studies are too long to insert in the record in their entirety under House rules. However, I would

note that these studies were submitted to the record on September 11, 2008 in a hearing before the U.S. Senate Committee on Small Business and Entrepreneurship.

Disparity studies provide us with both statistical and anecdotal evidence. In other words, these studies illustrate both the broad-based statistical impact of discrimination and the personal accounts of discrimination by those who suffer its effects. It is the combination of these two types of data that helps us see how discrimination works and the problems it causes. The anecdotal accounts of discrimination provided in these studies demonstrate the various different ways that discrimination happens. Sometimes, discrimination is caused by prime contractors that simply refuse to work with businesses that are not part of established business networks—the old boy network, if you will. Other times, discrimination occurs in the bid process through bid shopping, uneven and untimely notice, and intentionally deceitful practices by prime contractors that approach DBEs and ACDBEs and ask them to prepare elaborate quotes and bids with no intention of actually using their services.

In other situations, the discrimination happens in access to capital. Just last week on September 11, 2008, the Chair of the Airport Minority Advisory Council, Don O'Bannon, provided testimony before the Senate Small Business Committee outlining the severe difficulty that minority and women owned businesses confront when attempting to obtain working capital. This is not all. Different forms of discrimination reach into every aspect of the efforts by minority and women businesses to participate in airport-related business. There has been discrimination by suppliers, by government officials, by trade associations and in all of the more informal networks through which businesses obtain work. Of course, in the private sector where many of these businesses must obtain the lion's share of their work, there are rarely programs like the DBE and ACDBE programs and, as a result, discrimination has an even larger impact.

The bottom line is this: The DBE and ACDBE programs are still vital to leveling the playing field for minority and women entrepreneurs in airport-related industries. I look forward to working with my colleagues to maintain and strengthen these programs to ensure that we continue the critical work of leveling the playing field to ensure that all American businesses have a fair chance to participate in the airport-related business opportunities.

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

Mr. COSTELLO. Mr. Speaker, I have no further requests for speakers, and so I yield back the balance of my time and urge passage of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 6984.

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

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 5244, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1476 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1476

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5244) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5244 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Armed Services may insert in the Congressional Record at any time during the remainder of the second session of the 110th Congress such material as he may deem explanatory of defense authorization measures for the fiscal year 2009.

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

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1476.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, H. Res. 1476 provides for consideration of H.R. 5244, the Credit Cardholders' Bill of Rights Act of 2008 sponsored by Congresswoman MALONEY. This rule provides for 1 hour of general debate controlled by the Committee on Financial Services. It also provides one motion to recommit with or without instructions.

Mr. Speaker, it is entirely appropriate that today, with the extraordinary spectacle of Wall Street titans coming to Congress hat in hand asking taxpayers for $700 billion, that we take up consideration of a bill of rights for Americans who hold credit cards. It is impossible for any of us who care to observe not to see the connection between the need for stronger consumer protections in the credit card industry today and the careless, reckless dismantling of consumer protections in the housing and financial markets in the past 30 years now known by the infamous term of ''deregulation.''

Mr. Speaker, as we know, credit serves a vital function in our economy. You cannot have a functioning capitalist economy without a functioning credit system. But the question that we face as elected representatives of the people who sent us here is whether or not we will act to provide a critical consumer protection to the credit markets and the protection to consumers who depend on them, or will we continue to leave this laissez-faire to the rules made up as they go along by the people in charge on Wall Street.

If this Congress had insisted on upholding consumer protections on Wall Street, if it had not simply stood aside to the proponents of the wild west, anything-goes markets that eviscerated the regulations, and instead kept consumers safe and the markets stable and strong, then we may well have averted the crisis that this House is now considering.

Maybe we would not be facing this extraordinary threat to the strength of the middle class who is working hard, paying their bills, but hanging on by their fingernails.

The challenge our economy faces now is largely a result of Wall Street abusing the credit system that we all need. And now ballooning credit card debt presents a similar threat to American consumers and possibly the markets.

Today, the House of Representatives will have the opportunity to adopt legislation sponsored by Congresswoman MALONEY that would prevent the reoccurrence of a crisis in credit cards that is happening in our housing industry.

Let's just look at the situation of consumer credit as it exists today. In 2007, Mr. Speaker, 5.2 billion credit card solicitations were put in the mail, 36 solicitations per household. There are 1.22 billion credit cards in the United States. Outstanding consumer credit in the United States is approaching $1 trillion, $969.9 billion, to be precise, and the average credit card debt per household that carries a balance as opposed to those who simply use the credit card as a convenience to pay bills, that average balance is $17,103.

Does that sound sustainable and does this sound familiar?

Congresswoman MALONEY's bill, H.R. 5244, institutes essential and overdue protections for the market and for the consumer by guarding against growing unmanageable debt and provides critical safeguards for consumers who have been relentlessly taken advantage of by credit card companies.

Specifically, the bill, among other things, ends unfair and arbitrary interest rate increases. Credit card companies raise interest rates at will, bait and switch, ends unfair penalties for cardholders who pay on time, requires fair allocation of consumer payments so that the payments are attributed to the highest interest rate first, protects cardholders from due date gimmicks, prevents companies from using misleading terms and damaging consumer credit ratings, protects vulnerable consumers from high fee subprime credit cards, and bars issuing credit cards to vulnerable minors.

The bill is the beginning of important reform in credit cards; the beginning of increased protection for consumers of credit card companies. H.R. 5244 is one side of the consumer protection coin.

□ 1045

The other side of the coin, which we're not taking up today but will hopefully get to, is for merchants who pay fees to credit card companies for every single credit card transaction, the so-called ''interchange fees.''

Mr. Speaker, in the United States, our credit card interchange fees are the highest in the entire world, accounting for as much as 2 percent of the cost of every credit card transaction, in some cases, a good deal more. By comparison, those interchange fees in the United States are almost three times what they are in Australia, four times what consumers and businesses pay in the United Kingdom.

These bloated interchange fees are passed on to the consumer. The average American family, in fact, pays an extra $300 a year on items they purchase as a result of credit cards. For example, interchange fees can add more than 8 cents to the price of a gallon of gas every time you fill up.

I and others have introduced legislation that may be considered at some future time, H.R. 6248, the Credit Card Interchange Fees Act, which would require credit card companies to disclose their interchange rates, terms and conditions to consumers, businesses and the public. In addition, the bill would empower the Federal Trade Commission to review these rates and rules and prohibit any practices that violate consumer protection and anti-competitive laws.

Mr. Speaker, Chairman CONYERS on the Judiciary Committee also has important legislation being considered, the Credit Card Fair Fee Act. In the next Congress we'll have an opportunity to take up the Conyers bill and perhaps the Welch bill.

But today we have the opportunity to take up the first step, the work of Congresswoman MALONEY, where she has scores of cosponsors, where she's worked tirelessly to bring this legislation to the consideration of the floor. I urge my colleagues to support this rule and to support this underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for extending me the time.

I rise in opposition to this new, record-breaking 62nd closed rule being offered by this Democrat-led Congress, and I object to the timing of bringing this underlying legislation to the floor at a particularly fragile and vulnerable time for American consumers, for American small businesses, and for the entire American economy.

As every Member of this House, in fact, probably every single person on this planet with a working television already understands and they're very acutely aware, the United States capital markets for commercial credit have been frozen. And later this week, this Congress is going to be asked to vote on a massive and currently unfinished proposal to try to stem this enormous threat to our economy and to prevent it from spilling over into everyday Americans' lives who are simply trying to make ends meet.

The enormity and complexity of this crisis and its corresponding legislative solutions makes me question why, Mr. Speaker, why, with all the other problems in our financial markets that require our immediate, fixed and unwavering attention, this House leadership would bring this bill to the floor under a closed rule, instead of focusing on the much larger problem that economists and editorial boards across this country believe has the potential to do catastrophic damage to global financial systems.

Additionally, Mr. Speaker, I'm confused as to why this Congress is choosing this path because, despite whether the House considers this Democrat majority's 62nd closed rule, or this legislation today, it makes no difference, absolutely no difference as to whether the issues contained in this legislation to protect consumers from unfair or deceptive practices will even be addressed in a timely fashion.

To protect consumers from questionable practices, the Federal Reserve has already proposed broad new rules. But rather than allowing the Fed to finish its job, this Congress thought it was important enough to pass a new law to give to them, and this Congress is passing a bill that preempts all of the work that Congress has asked these regulators to do, while doing nothing to strengthen the Federal Reserve's already existing consumer protection mandate.

Like every other Member of this House, I am concerned about the crushing economic impact that rising food and fuel prices are having on American families. I'm even more concerned that passing legislation like this will discourage investment in credit card lending to fewer consumers and smaller businesses getting access to the credit that they need to stay afloat.

Unlike the Democrat leadership bringing this bill to the House floor, I do not believe that it is wise policy to create a consumer credit crunch at the same time that our economy is already experiencing a massive commercial credit crunch. And I'm greatly concerned that current market conditions have the potential to greatly amplify the unintended consequences of this legislation at a time when families and small business need it the most. The ''it'' is credit.

Limiting the ability of consumer credit issuers to base their prices according to risk, as this legislation proposes to do, will only increase rates and fees for everyone, while also severely constricting the availability of credit to higher risk consumers altogether.

So, at a time when our constituents most need the flexibilities of these products, i.e., credit, this Democrat Congress is trying to preempt the focused efforts of three different regulators and restricting the access to credit card credit that is made available to American families and to small businesses.

Mr. Speaker, I believe a far more reasonable course of action would have been the one that was suggested by 14 members of the Financial Services Committee, a bipartisan group of seven Democrats and seven Republicans, when they asked the chairman of the committee to hold hearings on the Federal Reserve proposed rules before deciding whether passing legislation limiting consumer credit was necessary.

Mr. Speaker, I would like to insert into the RECORD a copy of this bipartisan letter to Chairman FRANK, as well as a copy of the administration's statement of administrative policy on this bill, which makes their concerns about unfair and deceptive practices as clear as their opposition to this underlying legislation that would ''result in less access to credit and higher interest rates for consumers.''

That is what the White House has said, and I will once again quote: This legislation will ''result in less access to credit and higher interest rates for consumers.''

Mr. Speaker, this comes at a particularly bad time, when consumers in our economy already have had enough stress to deal with without having to worry about unintended consequences of legislation passed by Congress that would make it even more difficult for families and small businesses to make ends meet.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, September 22, 2008.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 5244—CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

The Administration is concerned about unfair and deceptive credit card practices and supports efforts to protect consumers. Credit card plans have become more complex, and it is important that disclosures are transparent and clear so that consumers can understand their contracts and compare products. Transparency alone is insufficient to protect

consumers from all unfair credit card practices, and legislation likely to result in higher interest rates for consumers is not the answer; deceptive practices must also be prohibited.

The Federal Reserve, Office of Thrift Supervision, and National Credit Union Administration are currently finalizing regulations to prohibit unfair and deceptive credit card practices and make disclosures more transparent. The proposed regulations, which are expected to be finalized in December, address a number of goals of this bill. Those proposed regulations eliminate universal default, prohibit double-cycle billing, require advance notice of rate increases, and rein in over-the-limit fees. Regulations are better suited to addressing these problems than legislation because they can be adapted more readily to changes in market conditions. The proposed regulations are the result of extensive research and consumer input, have received extensive public comment, and should be finalized without legislation.

The Administration opposes H.R. 5244, particularly section 2 of the bill, because it would broadly constrain the ability of financial institutions to price risk, likely resulting in less access to credit and in higher interest rates for consumers. For the credit market to operate efficiently, creditors must have the flexibility to react to changes in customer risk and market conditions. Section 2 would restrict when lenders may change terms of the credit agreement, significantly constraining the ability of financial institutions to adapt to changing credit risks and market conditions.

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 23, 2008.*

Hon. BARNEY FRANK,
*Chairman, Financial Services Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On July 16, 2008 Federal Reserve Chairman Ben Bernanke testified before the Financial Services Committee and stated that the Federal Reserve had received over 20,000 comments on its proposed Unfair or Deceptive Acts or Practices rules for banks that issue credit cards. While we may support some of the policy changes these proposed rules address, we believe the Financial Institutions Subcommittee should carefully review these proposed policies and their impact on consumers and regulated industries. Therefore, we request that the Subcommittee hold a hearing on these proposed rules at its earliest convenience before further steps are taken on this important subject.

Sincerely,

Dennis Moore; Carolyn McCarthy; Timothy Mahoney; Michael N. Castle; Stephen C. LaTourette; Judy Biggert; Charlie Wilson; Ed Perlmutter; Gregory Meeks; Jon Gerlach; Christopher Shays; Shelley Moore Capito; Peter J. Roskam; Don Cazayoux.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit, and the sponsor of the bill, Mrs. MALONEY.

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership.

Mr. Speaker, I rise in support of the rule on H.R. 5244, the Credit Cardholders' Bill of Rights. The rule before us gives the House an opportunity to have a clear up-or-down vote on meaningful credit card reforms that will level the playing field between cardholders and credit card companies.

This legislation passed the House Financial Services Committee on July 31 on a vote of 39–27 and has the support of 155 cosponsors in this House.

For too long our constituents have found themselves on the wrong side of a very uneven playing field between them and their credit card companies. This bill restores fairness to credit cards and brings back the notion that a deal is a deal.

The bill that this rule will allow for consideration represents a work product that the committee and I started at the beginning of this Congress. We met with the stakeholders, issuers, consumer groups and the regulators and economists. We listened to real consumers and experts in consumer law and economics. We held six hearings in my subcommittee on the reforms contained in this bill and the reforms that are proposed by the Federal Reserve.

A year ago I held a round table which produced gold standard principles to guide voluntary issuer action. Several issuers announced changes in policy consistent with the principles, and I applaud their efforts.

In May, the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administrator released proposed rules to prohibit unfair and deceptive acts and practices that track the key provisions of my legislation. These regulations have received an astonishing, record-breaking 56,000 comments from consumers in support, the largest ever in history.

But without legislation, regulations can be stopped or scaled back, and lucrative abuse of practices will continue, and issuers who gave them up will lose profits and their market share. We need legislation to level the playing field for consumers and issuers so that the normal forces of the free market can work together again.

The bill has been endorsed by 12 consumer groups. I would like to place their names in the RECORD and applaud their hard work. Labor unions, including the AFL–CIO, and especially the SEIU, and civil rights organizations, the Leadership Council on Civil Rights, the NAACP, and the National Council of La Raza. Editorials and op-eds endorsing the need for credit card reform have run in more than 55 newspapers across the Nation, and these editorials can be seen on my Website. Commentators from Pat Robertson of Christian broadcasters and Lou Dobbs of CNN have consistently supported this effort. Senator BARACK OBAMA has called for a Credit Cardholder's Bill of Rights, and Vice Presidential candidate Sarah Palin has said that Republicans should get on this issue and not leave it to Democrats. So it is a bipartisan effort.

Even four of the five banking regulators have called for the specific reforms contained in this bill. I say this because some on the other side may argue against this rule. But I want the American people to understand all of the work that has gone into this work product. This bill, this process has been open and bipartisan.

Today, with the rule now before us, we get to preserve the core principles of this legislation, and this rule gives us a chance to have a clean up-or-down vote on meaningful credit card reform. I support this rule and look forward to the underlying debate.

I would like to conclude by saying that it is now clear that in the area of consumer credit, the same lack of reasonable regulations, transparency and prudent lending has led to a level of pain on Main Street that matches or exceeds the pain on Wall Street. This is our chance to do something about it.

We are called upon to come forward with a $700 billion backstop for Wall Street. This legislation gives a backstop and support to Main Street.

I urge my colleagues to support this legislation.

H.R. 5244—THE CREDIT CARDHOLDERS' BILL OF RIGHTS

There are 155 Cosponsors, 153 Democrats, 2 Republicans.

Passed House Financial Services Committee on July 31st on vote of 39–27.

Endorsed by consumer groups, labor unions, civil rights organizations and editorial boards from across the nation.

Consumer Groups: U.S. Public Interest Research Group, Consumers Union, Consumer Action, Center for Responsible Lending, National Consumer Law Center, Dēmos: A Network for Ideas & Action, Consumer Federation of America, ACORN, National Association of Consumer Advocates, National Association of Neighborhoods, and National Fair Housing Alliance.

Labor Unions: American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) and Service Employees International Union.

Civil Rights Organizations: Leadership Conference on Civil Rights, National Association for the Advancement of Colored People (NAACP), National Council of La Raza.

Editorial Boards: New York Times, Frederick News Post, Detroit Free Press, Minneapolis Star Tribune, Staten Island Advance, The Miami Herald, The Philadelphia Inquirer, San Gabriel Valley Tribune (California), Sun-Sentinel (Fort Lauderdale, Florida), The Boston Globe, The Herald (SC), Buffalo News (New York), Knoxville News-Sentinel (TN), The Columbus Dispatch (OH), The St. Petersburg Times (FL), Daily and Sunday Review (PA), The Lebanon Daily News (Pennsylvania), Asbury Park Press (New Jersey), Newsday (NY), The Charleston Gazette (W. VA), The Dallas Morning News, The Baltimore Sun, The Times Union (Albany, NY), The Toledo Blade (OH), The Burlington Free Press (Vermont), St. Paul Pioneer Press (Minnesota), Brattleboro Reformer (Vermont), The Ithaca Journal (New York), The Macon Telegraph (Georgia), The Kansas City Star, Pittsburgh Post-Gazette (Pennsylvania), The Denver Post, The Record (Bergen County, NJ), Lowell Sun (Massachusetts), The Oregonian (Portland, Oregon), The Columbus Dispatch (Ohio), St. Louis Post-Dispatch (Missouri), San Diego Union Tribune, Albuquerque Journal (New Mexico), Portland Press Herald (Maine), USA Today, The News & Observer (Raleigh, North Carolina), The Olympian (Washington), Morning Call (Allentown, Pennsylvania), The Cincinnati Enquirer (Ohio), The Seattle

Post-Intelligencer, Grand Rapid Press (Michigan), The Providence Journal (Rhode Island), The Detroit News (Michigan), The Roanoke Times (Virginia), Lancaster New Era (Pennsylvania), The Myrtle Beach Sun-News (South Carolina), and The State Journal-Register (Springfield, IL).

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. We're often accused of, when a rule comes up, of bringing up something that doesn't relate to the rule at all or speaking on something completely different. I'm here because something has been added to this rule that shouldn't be in this rule at all that bears no relation to this rule.

□ 1100

In this rule, for a bill on credit cards, there was an attachment which would allow the chairman of the Armed Services Committee to insert a joint explanatory statement for the defense authorization act, that he would be allowed to file that at any time between now and the end of the 110th Congress. That's important because in the joint explanatory statement is when you learn sometimes about what earmarks have been added to the bill, and you're supposed to get that report and that explanation and statement before you consider the bill on the floor.

We will be considering the bill on the floor later today or tomorrow, I guess, under a suspension of the rules with no ability to amend or to question anything in the defense authorization bill. That bill, when it came to the House floor earlier this year, contained more than 500 earmarks.

This is the defense authorization bill that we learned of just a day before it came to the floor. It came to the floor under a closed rule—or under a rule which allowed me to offer just one amendment—more than 500 earmarks, one amendment. There were a lot of Democratic earmarks; there were a lot of Republican earmarks. The majority saw fit to only allow me to question one Republican earmark. No coincidence there.

And yet even worse—at least then we knew when the bill came to the floor we really couldn't do anything about it, but we knew which earmarks were in the bill. Now there's a possibility that there could be dozens, hundreds, maybe 10, we don't know. We don't know how many earmarks have been air-dropped into this legislation, or if any have, and we likely won't know—we just don't know because this rule on a credit card bill allows the chairman of the Armed Services Committee to file at any time between now and the end of the 110th Congress which earmarks were in the bill.

Theoretically, the President could even sign this legislation in a couple of weeks or a couple of months, and we would only learn after that what earmarks were in the bill or those earmarks, theoretically, could even be added after the President signs the bill into law. I don't know how that could be stopped under this rule.

I just wonder how the majority—and I would love to yield time to the Rules Committee to explain how we are doing this, how this squares with the statements earlier this year or earlier this Congress that, according to the majority, according to the Speaker of the House, we will bring transparency and openness to the budget process into the use of earmarks.

I would be glad to yield 30 seconds to the Rules Committee to explain why this provision was added to the rule.

Mr. WELCH of Vermont. I thank the gentleman from Arizona.

Here is my understanding. The gentleman raises, I think, a good point.

The Armed Services Committee is working, as I understand it, on a bipartisan Department of Defense authorization bill. My understanding is the conclusion of the people who are most responsible on both sides of the aisle for that, on our side, expect that the Senate will not participate in a conference, so it will be a single bill that would be presented to this body under suspension.

So my understanding is that the folks who represent us, both sides of the aisle on the Armed Services Committee, have come to the conclusion that given the way the other body is going to handle this, that this is the most practical and effective way to proceed.

Since it's coming up under suspension, it's going to take a two-thirds vote, obviously. So whatever the reasons are that Members may want to reject that, they're going to have an opportunity to do it.

I will go on if you want, but I don't want to take too much of your time.

Mr. FLAKE. I thank the gentleman.

We're being asked to take—it is our understanding that this will happen. We're probably to understand that, yeah, they'll file something before we do a suspension bill that we couldn't amend or question even if we didn't like what was in there.

Again, Mr. Speaker and Members here, this just doesn't square with the commitments that we have made on both sides of the aisle to have an open and transparent process. Like I said, it's bad enough to just learn before bills come to the floor that you've had a couple hundred earmarks added. But in this case, we're giving the authority to the authorizing committee to let us know about which air-dropped earmarks have been added after we pass the bill, after it's too late; theoretically, after the President even signs the legislation.

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

Mr. SESSIONS. I would like to yield the gentleman an additional 3 minutes.

Mr. FLAKE. Here, like I said, we're being asked to give authority to actually not explain which earmarks have been added until after the bill has passed. I just can't see how that represents good government in any sense, how in the world we can say that we are having an open and transparent process when we have bills that come like this.

Now with prior bills, we had a defense authorization bill that came to the floor a while ago that we only got the list of earmarks that were added after the deadline passed to file amendments to actually strike those earmarks.

So we have had a number of these cases throughout this Congress. But I can tell you nothing compares to this. Nothing compares to having an unrelated provision added to a credit card rule, a rule to a bill to allow the authorizing Committee of Armed Services to, up to the end of this Congress, to wait a couple of months after the bill passes—after a bill that was passed under suspension of rules, I might add—to add an explanation as to which earmarks are in the bill.

So I just want to register my objection there, and I would hope that Members would vote down this rule. We can't do business like this, particularly at a time when we have a financial meltdown, we have legislation on the floor this week to spend $700 billion. If that's not bad enough, here we have a situation where we're simply hiding—I don't know how else to say it—but hiding what we have done in the committees and on the floor and not letting Members of this body actually exercise the responsibility that we have here.

With that, I register my objection. I thank the gentleman for yielding, and I urge a ''no'' vote on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, this credit card bill is extremely important, and I would like to just express appreciation to my colleague for having the vision to bring it forth.

People all over the country, the majority of the people around this country, are concerned about what is happening to them with regard to credit cards. I think that this is a week in which we need to all be concerned about what the consumers are feeling. In particular, I'm interested in the fact that we were not, at least in terms of statute, prohibiting what could happen to underage consumers.

In our committee, I produced a letter received by a 15-year-old boy offering him a credit card. The father of that boy works here on the Hill and brought the letter to the committee.

This bill, if approved, would provide that no credit card may be knowingly issued to or open-end credit plan established on behalf of a consumer who has not attained the age of 18 unless the consumer is emancipated under applicable State law.

Mr. Speaker, we have, in this country, right now over a billion credit cards. We have young people going to

college receiving credit cards. We had testimony before our committee that in colleges, the administration will quite often allow credit card companies to come in on enrollment day. They offer the students a sandwich at one of the local fast food restaurants in exchange for them applying for a credit card. This has got to stop.

China has almost a 22 percent savings rate. The United States is negative .6. We are training our kids to go off to college where that is becoming increasingly expensive and then go out and get a credit card without having any source of income.

This has to stop, and I would like to commend my colleague for introducing this legislation and for doing things that I think the public expects us to do as elected officials.

Mr. SESSIONS. Mr. Speaker, I would like to inquire of my colleague, the gentleman, Mr. WELCH, if he has additional speakers. I, at this time, do not appear to have any additional speakers.

Mr. WELCH of Vermont. I have at least two speakers at this point.

Mr. SESSIONS. Mr. Speaker, I would like to reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise as an enthusiastic supporter of the legislation that has been prepared by the gentlewoman from New York. Credit card abuse is rampant, and her legislation helps us to correct some of the most egregious abuses.

I have just come from the Subcommittee on Health on which I serve. It's well known that the number one item in terms of credit card debt is for medical bills and that health care costs are the number one cause of personal bankruptcy in this country.

When we wrote the bankruptcy bill a few years ago, what began as a reasonable reform to deal with problems with debtors became an entirely one-sided piece of legislation that ignored these rampant abuses in the credit card industry. So it's appropriate here, under new leadership and a Democratic Congress and the leadership of the gentlewoman from New York, we are finally belatedly addressing some of these abuses.

But all of this will be for naught unless this measure becomes part of the great Wall Street bailout that the President has proposed. Once again, the proposal being advanced from this administration, not unlike our old debate about the bankruptcy laws, is all one-sided: give to those who cause the problem, give taxpayer money to those who cause the problem, and let those who cause the problem decide how that money is distributed. It's all one-sided.

If such a bill in any form is to be passed—and I think there's great debate about the wisdom of approving anything in this area of the type that has been advanced—but if such a measure is to be approved, it is essential that we do just a little bit for the consumers who have been entrapped, in many cases, with massive amounts of credit card debt. And incorporating the modest but very important reforms that the gentlewoman from New York has advanced into this legislation is absolutely essential.

We need not negotiate just over the unsatisfactory proposal that was advanced by the Treasury Department.

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

Mr. WELCH of Vermont. Mr. Speaker, I will yield the gentleman an additional 30 seconds.

Mr. DOGGETT. We need not be limited by just trying to improve an unsatisfactory proposal advanced by the administration; we need to add to that negotiating list key consumer reforms like this so that the protection is just not for the wrongdoers on Wall Street, but it's for the average consumer struggling to make ends meet with a huge credit card debt. And I applaud the gentlewoman from New York for her leadership.

Mr. SESSIONS. Mr. Speaker, we reserve our time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, a member of the Financial Services Committee, Mr. ELLISON.

Mr. ELLISON. Mr. Speaker, let me start by thanking Chairwoman MALONEY and Chairman FRANK for their continued commitment to this much-needed credit card reform legislation. I'm proud and honored to have worked with both of them to ensure the financial security of working families across America.

As co-chair of the Congressional Consumer Justice Caucus, I'm strongly in favor of H.R. 5244, the Credit Card Holder's Bill of Rights.

Mr. Speaker, today we have an opportunity to stand up for working families across America by passing legislation that will ensure the prosperity of the working class. And this legislation, Mr. Speaker, needs to be part of the financial markets' rescue plan. As we move forward to try to help people on Wall Street, we cannot leave alone the people on Main Street. Americans are suffering under tremendous weight of this credit crisis. We have to do something, and this is what we can do about it: giving people relief from these incredible abuses in the credit card industry.

The debt crisis inundating so many Americans is in large part due to the result of an industry with few regulations and little oversight. Consumers with credit cards nationwide are facing excessive credit card fees, sky-high interest rates, and unfair incomprehensible agreements that credit card companies can revise at will.

In short, American families are suffering while credit card companies are making record profits, Mr. Speaker. In 2007, credit card issuers imposed $18.1 billion—that's billion with a ''B''—in penalty fees on families carrying credit card balances for more than 50 percent since 2003. This accounts for nearly half of the $41 billion industry profits.

This year, credit card companies will break all record fees for late fees, over-limit charges, and other penalties pulling in more than $19 billion.

□ 1115

H.R. 5244 bans unfair and deceptive practices that have resulted in billions of dollars in fees drained from hard-working families for the credit card industry.

Also included in the bill is a ban on universal default. Last May, I introduced legislation to ban this unfair and ethical practice, and I'm pleased to see it included in the bill.

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

Mr. WELCH of Vermont. I yield the gentleman an additional 30 seconds.

Mr. ELLISON. Universal default is the popular term for a practice that allows creditors to increase the rate on your credit card to the default rate, even when you haven't missed a single payment on that card. This means that we're going to look at real reform with this important piece of legislation.

Mr. Speaker, I want to thank Chairwoman MALONEY, again, for her valiant advocacy, and this does need to be a part of the rescue package.

Mr. SESSIONS. Mr. Speaker, it's my understanding that the gentleman from Vermont is through with his speakers at this time, if I could confirm that.

Mr. WELCH of Vermont. That is correct.

Mr. SESSIONS. I thank the gentleman.

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

Mr. Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibility to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that Americans are facing today, and no doubt, part of the credit crunch that we are facing today and credit card costs that Americans are facing today is as a result of the high cost of gasoline right now that all Americans are paying.

By going on vacation for 5 weeks over August, while I and 138 others of my Republican colleagues stayed in Washington to talk about real solutions for American families, this Democrat majority has proven that they do not believe that the energy crisis facing American families and business was important enough to cancel their summer beach plans or book tours to get the job done.

So, again, today, the Republicans are here on the floor of the House of Representatives asking each of our colleagues to vote with me to defeat the previous question. If the previous question is defeated, I will move to amend the rule to allow this House to take up a measure that will allow Members to be able to vote for a pro-energy bill and

prevent Members from going home to campaign for reelection without actually passing a bill which will pass and have meaningful reform so that we can lower the price of gasoline at the pump.

This legislation that I will be proposing that can be voted on today and that would turn into law would allow States to expand the exploration and extraction of natural resources along the Outer Continental Shelf. Not allowed in the Democrat bill that passed one week ago.

It would open the arctic energy slope and oil shale reserves to environmentally prudent exploration and extraction. Not included in the Democrats' bill of a week ago.

It would extend expiring renewable energy incentives. It would encourage the streamlining approval of new refining capacity and nuclear power facilities. Not included in the Democrat bill of a week ago.

It would encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies, which was not included in the Democrat bill a week ago.

Perhaps most of all, it would minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production. Not included in the Democrats' bill of a week ago.

Mr. Speaker, this requirement would finally force the Democrat leadership to take positive, meaningful action to increase the supply of American energy. It would reduce the price at the pump for American families and use, what we term in the Republican Party, an all-of-the-above strategy combining increased supply of American-made energy, improved conservation and efficiency, and provide for new and expanding energy technologies to achieve American energy independence.

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

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, we're here on the floor debating a bill today that may have unintended consequences of drying up the ability that families have and people have and small businesses have for getting credit.

I do acknowledge, I think every Member of this House acknowledges, that gasoline prices, energy prices are way too high. Food prices are way too high. But people who are trying to live their lives need the opportunity to have credit, the opportunity to be able to have a credit card, and to be able to place those expenses on their credit card, and then manage their own ability to pay back. That is the essence of what we should be about is trying to help people do that today.

Not about creating another credit card crunch. Not about creating credit cards where people don't know whether they're going to be able to get credit or not, and perhaps, more importantly, the opportunity for us to give this marketplace for American consumers stability where they know what they can count on and move forward to take care of their families and their small businesses.

Mr. Speaker, I would like to say also that we believe that the provisions that were put in the rule specifically addressing the earmark reform or earmarks is unacceptable. It's unacceptable to say that this House will quite likely be voting on a massive bill only to find out weeks later we'll find out what was in the bill and those earmarks that accompany that.

As the gentleman from Arizona (Mr. FLAKE) noted, that is disappointing. It's disappointing because this House was advised over 2 years ago that this would be the most honest, open, and ethical Congress in history.

Mr. Speaker, I have seen very little to no action on behalf of this new Democrat majority that is open about what they do, that is transparent in what they do. And once again, today, with a record shattering breaking new closed rule, we find that they aren't even willing to take ideas from people in their own party, and I think that's disappointing.

As we wind down this last week that we're here before the election, we find that there are new tricks of the trade that take place in this Rules Committee. I'm disappointed that this new Democrat majority continues that. I support the gentleman from Arizona (Mr. FLAKE) and what he said; and, Mr. Speaker, I would say that that's why I'm asking Members of this body not to support this rule and the underlying legislation.

I yield back my time, Mr. Speaker.

Mr. WELCH of Vermont. Mr. Speaker, I want to make three points.

First, in response to the concerns expressed by the gentleman from Arizona (Mr. FLAKE), I want to assure him, as well as my colleagues, that the Armed Services Committee intends today to file their explanatory statement. This is on the, incidentally, Duncan Hunter defense authorization bill. They want to file their explanatory statement before the bipartisan DOD authorization is considered on the floor. So Members are going to have an opportunity to read in the CONGRESSIONAL RECORD all the information that they want, including anything related to so-called ''earmarks.''

Second, I want to speak to the energy concerns that were discussed by the gentleman from Texas. I understand the argument he's making. It's been made by him and his colleagues, and in fact, many of the arguments that were made were incorporated into the energy legislation that did pass this House for an all-of-the-above approach to energy, and I can appreciate that some Members here do believe that drilling is the way to go and almost the only way to go. And I can understand the political appeal that has been embraced by my friends on the other side to use every occasion to speak, whether it is on a credit card bill, whether it's on a veterans bill, doesn't matter the nature of the bill that they want to give their pitch about oil. And they've done it. We've listened, and we've passed legislation that does incorporate all of the above.

But the third point I want to make is this: this legislation that has been brought to the floor by Congresswoman MALONEY raises a fundamentally, profoundly important question for this Congress. Are we going to stand by hands off while the credit industry, most recently exhibited by Wall Street, basically plunders our economy, picks the pockets of consumers, has their way, tramples on the rights of individuals and families, disregards the needs of the middle class, all in the name of whatever it is in and however much money it is they can make? Or is Congress going to assert its role as the representatives of the people and establish a level playing field so that people can have access to the credit that they need in a way that companies are going to make a fair profit, the old, the elderly, the people on the margin aren't going to be ripped off?

It's really that simple, and we can debate about what the fine points are in any kind of consumer protection legislation, and reasonable people can disagree on both sides of the aisle. But the fundamental question for this Congress is, are we going to do anything or not? And the whole reason we have this extraordinary spectacle of these Wall Street titans, billionaires, now coming in to Congress saying they're going broke and give us $700 billion, and oh, it's not for us, it's because we want the economy to work for the people who are on the dead-end side of these mortgages, why did that happen?

It happened because in many ways the Federal Trade Commission, the Federal Reserve, the Office of Thrift Supervision, the executive branch of government abdicated any responsibility that it had to stand up for people who needed an active government on their side.

What Congresswoman MALONEY's legislation says very simply is, Enough. Enough. Enough abuse. It's over; the free ride is over. We're going to have some fair rules, consumer protections. You get notice of what your bill is going to be. You can't change the interest rate arbitrarily. A contract is a contract both ways, and if there's an obligation to pay your credit card, which there is, there's an obligation on the part of the credit card company to abide by explicit terms and conditions in a contract.

So this legislation is a first step, in my view long overdue, for Congress to stand up and say that there are going to be some basic rules of fairness, some

basic rules of the road that are going to protect everyday citizens. Credit is essential to our economy, and that's a point my friend from Texas made and he's right, and it's a useful and important tool for individuals and families.

But there have to be fair rules, and one family up against a monolith of the credit card industry, there's got to be somebody on the side of that family, and that's got to be the United States Congress.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1476 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 4. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. WELCH of Vermont. 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. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1476, if ordered; and the motion to suspend the rules and pass S.J. Res. 45.

The vote was taken by electronic device, and there were—yeas 221, nays 192, not voting 20, as follows:

[Roll No. 619]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
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
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

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
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
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
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Cooper
Cubin
Davis, Lincoln
Giffords
Gonzalez
Gordon
Graves
Herseth Sandlin
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Moran (VA)
Neugebauer
Pearce
Pryce (OH)
Reyes
Rush
Salazar
Tierney
Udall (NM)

□ 1153

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

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 220, noes 194, not voting 19, as follows:

[Roll No. 620]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
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
Mitchell
Mollohan
Moore (KS)
Moore (WI)
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
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)
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—194

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
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
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
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
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
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Bean
Cooper
Cubin
Davis, Lincoln
Giffords
Gonzalez
Gordon
Hulshof
Jackson-Lee (TX)
Johnson (IL)
LaTourette
Moran (VA)
Neugebauer
Pearce
Pryce (OH)
Reyes
Rush
Tierney
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain.

□ 1201

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.

## GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate joint resolution, S.J. Res. 45.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 45.

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. STUPAK. 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 390, nays 25, not voting 18, as follows:

[Roll No. 621]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa

Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
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)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—25

Altmire
Berry
Braley (IA)
Broun (GA)
Burton (IN)
Capuano
Cazayoux
Chandler
Childers
DeFazio
Doolittle
Ellison
Kaptur
Kucinich
Lewis (GA)
McCollum (MN)
McDermott
Melancon
Mollohan
Poe
Shuler
Stupak
Tancredo
Welch (VT)
Whitfield (KY)

NOT VOTING—18

Cooper
Cubin
Davis, Lincoln
Giffords
Gonzalez
Gordon
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Lampson
Linder
Musgrave
Neugebauer
Pearce
Pryce (OH)
Reyes
Rush
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1209

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

Mrs. MALONEY of New York. Madam Speaker, pursuant to House Resolution 1476, I call up the bill (H.R. 5244) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5244

*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 ''Credit Cardholders' Bill of Rights Act of 2008''.

**SEC. 2. CREDIT CARDS ON TERMS CONSUMERS CAN REPAY.**

(a) UNIVERSAL DEFAULT ELIMINATED.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 127A the following new section:

**''§ 127B. Additional requirements for credit card accounts under an open end consumer credit plan**

''(a) UNIVERSAL DEFAULT ELIMINATED FOR CREDIT ALREADY OUTSTANDING.—No creditor may use any adverse information concerning any consumer, including any information in any consumer report (as defined in section 603) or any change in the credit score of the consumer, as the basis for increasing any annual percentage rate of interest applicable to the outstanding balance on a credit card account of the consumer under an open end consumer credit plan at the time of any such increase, other than actions or omissions of the consumer that are directly related to such account.''.

(b) ANY-TIME ANY-REASON CHANGES IN TERMS ELIMINATED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (a) (as added by subsection (a)) the following new subsection:

''(b) ANY-TIME ANY-REASON CHANGES IN TERMS ELIMINATED.—

''(1) IN GENERAL.—No creditor may change any term of the contract or agreement applicable with respect to any credit card account of the consumer under an open end consumer credit plan until renewal of the contract or agreement except for the specific material reasons, and subject to specific limitations, that are contained in the contract or agreement with respect to such term at the time the account is opened.

''(2) EXCEPTION FOR INCREASES IN CREDIT LIMIT.—Paragraph (1) shall not apply with respect to any increase in the amount of credit authorized to be extended under an account described in such paragraph.''.

(c) ADVANCE NOTICE OF CREDIT CARD ACCOUNT RATE INCREASES AND RIGHT TO CANCEL ACCOUNT.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (b) (as added by subsection (b)) the following new subsection:

''(c) ADVANCE NOTICE OF CREDIT CARD ACCOUNT RATE INCREASES AND RIGHT TO CANCEL ACCOUNT.—

''(1) ADVANCE NOTICE OF CREDIT CARD ACCOUNT RATE INCREASES REQUIRED.—In the case of any credit card account under an open end consumer credit plan, no increase in any annual percentage rate of interest, for any reason other than an increase due to the expiration of any introductory percentage rate of interest, or due solely to a change in another rate of interest to which such rate is indexed, may take effect before the end of the 45-day period beginning on the date notice of such increase is sent to the cardholder.

''(2) RIGHT TO CANCEL WITHOUT INCREASE IN APR ON OUTSTANDING BALANCE.—Any consumer who receives a notice from a creditor pursuant to paragraph (1) with respect to a credit card account under an open end consumer credit plan shall have the right—

''(A) to cancel the credit card, by mail, telephone, or electronic communication and without penalty or the imposition of any fee with respect to such cancellation, at any time during the period beginning on the date the consumer receives the notice pursuant to paragraph (1) and ending on the date the consumer receives the third periodic statement with respect to such account after the effective date of the increase; and

''(B) to pay any outstanding balance on the credit card account that accrued before the effective date of the increase at the annual percentage rate and repayment period in effect before the notice was received.

''(3) NOTICE REQUIREMENTS.—

''(A) INITIAL NOTICE REQUIREMENT.—The notice required under paragraph (1) with respect to an increase in any annual percentage rate of interest shall—

''(i) be made in a clear and conspicuous manner; and

''(ii) contain a brief statement of the right of the consumer to cancel the account and pay the balance at the annual percentage rate in effect before the increase in accordance with paragraph (2) and the mailing address, telephone number, and Internet address and Worldwide Web site at which the consumer may make any such cancellation.

''(B) SUBSEQUENT NOTICES REQUIRED IN PERIODIC STATEMENTS.—Each periodic statement provided to the consumer with respect to the credit card account after a notice is provided under paragraph (1) until the third periodic

statement with respect to such account after the effective date of the increase shall also contain the information required in such notice.

''(C) PRO FORMA NOTICES DO NOT MEET NOTICE REQUIREMENT.—A notice that terms may change, or will change, for any or no reason does not constitute a notice for purposes of this subsection.

''(4) PAYMENT OF POST-INCREASE EXTENSIONS OF CREDIT.—If any consumer obtains an extension of credit on a credit card account on or after the effective date of the increase in the annual percentage rate for which a notice was provided in accordance with paragraph (1) and subsequently cancels the account under paragraph (2), the outstanding balance of such credit that was extended on or after the effective date of the increase shall be subject to repayment at the increased rate in effect at the time of the extension of credit.''.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after the item relating to section 127A the following new item:

''127B. Additional requirements for credit card accounts under an open end consumer credit plan.''.

**SEC. 3. CLEAR EXPLANATION OF ACCOUNT FEATURES, TERMS, AND PRICING REQUIRED AT RELEVANT TIMES.**

(a) DOUBLE CYCLE BILLING PROHIBITED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 2(c)) the following new subsection:

''(d) DOUBLE CYCLE BILLING PROHIBITED.—If an open end consumer credit plan provides a time period within which a consumer may repay the credit extended without incurring an interest charge, and the consumer repays all or a portion of such credit that is subject to such time period within the specified time period, the creditor may not impose or collect an interest charge on the portion of the credit that was repaid within such specified time period.''.

(b) LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.—Section 127B is amended by inserting after subsection (d) (as added by subsection (a)) the following new subsection:

''(e) LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.—

''(1) IN GENERAL.—If the outstanding balance on a credit card account under an open end consumer credit plan represents an amount attributable only to accrued interest on previously repaid credit extended under the plan—

''(A) no fee may be imposed or collected in connection with such balance; and

''(B) any failure to make timely repayments of such balance shall not constitute a default on the account.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as affecting—

''(A) the consumer's obligation to pay any accrued interest on a credit card account under an open end consumer credit plan; or

''(B) the accrual of interest on the outstanding balance on any such account in accordance with the terms of the account and this title.''.

(c) PAYOFF BALANCE REQUIRED ON EACH PERIODIC STATEMENT OF ACCOUNT.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (e) (as added by subsection (b)) the following new subsection:

''(f) EACH PERIODIC STATEMENT OF ACCOUNT REQUIRED TO PROVIDE NOTICE FOR OBTAINING PAYOFF BALANCE.—Each periodic statement provided by a creditor to a consumer with respect to a credit card account under an open end consumer credit plan shall contain the telephone number, Internet address, and Worldwide Web site at which the consumer may request the payoff balance on the account.''.

(d) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE IS PROVIDED OF OPEN ACCOUNT.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (c)) the following new subsection:

''(g) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE OF NEW ACCOUNT IS PROVIDED TO CONSUMER REPORTING AGENCY.—A creditor may not furnish any information to a consumer reporting agency (as defined in section 603) concerning a newly opened credit card account under an open end consumer credit plan until the credit card has been used or activated by the consumer.''.

(e) USE OF TERMS CLARIFIED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (d)) the following new subsection:

''(h) USE OF TERMS.—The following requirements shall apply with respect to the terms of any credit card account under any open end consumer credit plan:

''(1) 'FIXED' RATE.—The term 'fixed', when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period clearly and conspicuously specified in the terms of the account.

''(2) PRIME RATE.—The term 'prime rate', when appearing in any agreement or contract for any such account, may only be used to refer to the bank prime rate published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication).

''(3) DUE DATE.—

''(A) IN GENERAL.—Each periodic statement for any such account shall contain a date by which the next periodic payment on the account must be made to avoid a late fee or be considered a late payment, and any payment received by 5 P.M., Eastern Standard Time, on such date shall be treated as a timely payment for all purposes.

''(B) CERTAIN ELECTRONIC FUND TRANSFERS.—Any payment with respect to any such account made by a consumer on-line to the Web site of the credit card issuer or by telephone directly to the credit card issuer before 5 P.M., Eastern Standard Time, on any business day shall be credited to the consumer's account that business day.

''(C) PRESUMPTION OF TIMELY PAYMENT.—Any evidence provided by a consumer in the form of a receipt from the United States Postal Service or other common carrier indicating that a payment on a credit card account was sent to the issuer not less than 7 days before the due date contained in the periodic statement under subparagraph (A) for such payment shall create a presumption that such payment was made by the due date, which may be rebutted by the creditor for fraud or dishonesty on the part of the consumer with respect to the mailing date.''.

(f) PRO RATA PAYMENT ALLOCATIONS.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (h) (as added by subsection (e)) the following new subsection:

''(i) PRO RATA PAYMENT ALLOCATIONS.—

''(1) IN GENERAL.—Except as permitted under paragraph (2), if the outstanding balance on a credit card account under an open end consumer credit plan accrues interest at 2 or more different annual percentage rates, the total amount of each periodic payment made on such account shall be allocated by the creditor between or among the outstanding balances at each such annual percentage rate in the same proportion as each such balance bears to the total outstanding balance on the account.

''(2) ALLOCATION TO HIGHER RATE.—Notwithstanding paragraph (1), a creditor may elect, in any case described in such paragraph, to allocate more than a pro rata share of any payment to a portion of the outstanding balance that bears a higher annual percentage rate than another portion of such outstanding balance.''.

(g) TIMELY PROVISION OF PERIODIC STATEMENTS.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (i) (as added by subsection (f)) the following new subsection:

''(j) TIMELY PROVISION OF PERIODIC STATEMENTS.—Each periodic statement with respect to a credit card account under an open end consumer credit plan shall be sent by the creditor to the consumer not less than 25 calendar days before the due date identified in such statement for the next payment on the outstanding balance on such account.''.

**SEC. 4. CONSUMER CHOICE WITH RESPECT TO OVER-THE-LIMIT TRANSACTIONS.**

Section 127B of the Truth in Lending Act is amended by inserting after subsection (j) (as added by section 3(g)) the following new subsections:

''(k) OPT-OUT OF CREDITOR AUTHORIZATION OF OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

''(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, the consumer may elect to prohibit the creditor, with respect to such account, from completing any transaction involving the extension of credit, with respect to such account, in excess of the amount of credit authorized by notifying the creditor of such election in accordance with paragraph (2).

''(2) NOTIFICATION BY CONSUMER.—A consumer shall notify a creditor under paragraph (1)—

''(A) through the notification system maintained by the creditor under paragraph (4); or

''(B) by submitting to the creditor a signed notice of election, by mail or electronic communication, on a form issued by the creditor for purposes of this subparagraph.

''(3) EFFECTIVENESS OF ELECTION.—An election by a consumer under paragraph (1) shall be effective beginning 3 business days after the consumer notifies the creditor in accordance with paragraph (2) and shall remain effective until the consumer revokes the election.

''(4) NOTIFICATION SYSTEM.—Each creditor that maintains credit card accounts under an open end consumer credit plan shall establish and maintain a notification system, including a toll-free telephone number, Internet address, and Worldwide Web site, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection in accordance with paragraph (2).

''(5) ANNUAL NOTICE TO CONSUMERS OF AVAILABILITY OF ELECTION.—In the case of any credit card account under an open end consumer credit plan, the creditor shall include a notice, in clear and conspicuous language, of the availability of an election by the consumer under this paragraph as a means of avoiding over-the limit fees and a higher amount of indebtedness, and the method for providing such notice—

''(A) in the periodic statement required under subsection (b) with respect to such account at least once each calendar year; and

''(B) in any such periodic statement which includes a notice of the imposition of an over-the-limit fee during the period covered by the statement.

''(6) NO FEES IF CONSUMER HAS MADE AN ELECTION.—If a consumer has made an election under paragraph (1), no over-the-limit fee may be imposed on the account for any reason that has caused the outstanding balance in the account to exceed the credit limit.

''(7) REGULATIONS.—

''(A) IN GENERAL.—The Board shall issue regulations allowing for the completion of over-the-limit transactions that for operational reasons exceed the credit limit by a de minimis amount, even where the cardholder has made an election under paragraph (1).

''(B) SUBJECT TO NO FEE LIMITATION.—The regulations prescribed under subparagraph (A) shall not allow for the imposition of any fee or any rate increase based on the permitted over-the-limit transactions.

''(1) OVER-THE-LIMIT FEE RESTRICTIONS.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.''.

**SEC. 5. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.**

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''COLLECTION REQUIRED.—The Board shall'' and inserting ''COLLECTION REQUIRED.—

''(A) IN GENERAL.—The Board shall''.

(B) by adding at the end the following new subparagraph:

''(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, as of a date designated by the Board—

''(i) a list of each type of transaction or event for which one or more of the card issuers has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

''(ii) for each type of transaction or event identified under clause (i)—

''(I) each distinct interest rate charged by the card issuer to a cardholder, as of the designated date; and

''(II) the number of cardholders to whom each such interest rate was applied during the calendar month immediately preceding the designated date, and the total amount of interest charged to such cardholders at each such rate during such month;

''(iii) a list of each type of fee that one or more of the card issuers has imposed upon a cardholder as of the designated date, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

''(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during the calendar month immediately preceding the designated date, and the total amount of fees imposed upon cardholders during such month;

''(v) the total number of cardholders that incurred any interest charge or any fee during the calendar month immediately preceding the designated date; and

''(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest.''; and

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

''(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing estimates by the Board of the approximate, relative percentage of income derived by the credit card operations of depository institutions from—

''(A) the imposition of interest rates on cardholders, including separate estimates for—

''(i) interest with an annual percentage rate of less than 25 percent; and

''(ii) interest with an annual percentage rate equal to or greater than 25 percent;

''(B) the imposition of fees on cardholders;

''(C) the imposition of fees on merchants; and

''(D) any other material source of income, while specifying the nature of that income.''.

**SEC. 6. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ''FEE HARVESTER'' CARDS.**

Section 127B of the Truth in Lending Act is amended by inserting after subsection (l) (as added by section 4) the following new subsection:

''(m) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR 'FEE HARVESTER' CARDS.—In the case of any credit card account under an open end consumer credit plan the terms of which require the payment of fees (other than late fees or over-the-limit fees) by the consumer in the first year the account is opened in an amount in excess of 25 percent of the total amount of credit authorized under the account, the credit card may not be issued to the consumer and the opening of the account may not be reported to any consumer reporting agency (as defined in section 603) until the creditor receives payment in full of all such fees, and such payment may not be made from the credit made available by the card.''.

**SEC. 7. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this Act shall apply to all credit card accounts under open end consumer credit plans as of the end of the 1-year period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Board of Governors of the Federal Reserve System, in consultation with all Federal agencies referred to in any provision of section 108 of the Truth in Lending Act, shall prescribe regulations, in final form, implementing the amendments made by this Act before the end of the 6-month period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to House Resolution 1476, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5244

*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 ''Credit Cardholders' Bill of Rights Act of 2008''.*

***SEC. 2. CREDIT CARDS ON TERMS CONSUMERS CAN REPAY.***

*(a) RETROACTIVE RATE INCREASES AND UNIVERSAL DEFAULT LIMITED.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 127A the following new section:*

***''§ 127B. Additional requirements for credit card accounts under an open end consumer credit plan***

*''(a) RETROACTIVE RATE INCREASES AND UNIVERSAL DEFAULT LIMITED.—*

*''(1) IN GENERAL.—Except as provided in subsection (b), no creditor may increase any annual percentage rate of interest applicable to the existing balance on a credit card account of the consumer under an open end consumer credit plan.*

*''(2) EXISTING BALANCE DEFINED.—For purposes of this subsection and subsections (b) and (c), the term 'existing balance' means the amount owed on a consumer credit card account as of the end of the fourteenth day after the creditor provides notice of an increase in the annual percentage rate in accordance with subsection (c).*

*''(3) TREATMENT OF EXISTING BALANCES FOLLOWING RATE INCREASE.—If a creditor increases any annual percentage rate of interest applicable to credit card account of a consumer under an open end consumer credit plan and there is an existing balance in the account to which such increase may not apply, the creditor shall allow the consumer to repay the existing balance using a method provided by the creditor which is at least as beneficial to the consumer as 1 of the following methods:*

*''(A) An amortization period for the existing balance of at least 5 years starting from the date on which the increased annual percentage rate went into effect.*

*''(B) The percentage of the existing balance that was included in the required minimum periodic payment before the rate increase cannot be more than doubled.*

*''(4) LIMITATION ON CERTAIN FEES.—If—*

*''(A) a creditor increases any annual percentage rate of interest applicable on a credit card account of the consumer under an open end consumer credit plan; and*

*''(B) the creditor is prohibited by this section from applying the increased rate to an existing balance,*

*the creditor may not assess any fee or charge based solely on the existing balance.''.*

*(b) EXCEPTIONS TO THE AMENDMENT MADE BY SUBSECTION (a).—Section 127B of the Truth in Lending Act is amended by inserting after subsection (a) (as added by subsection (a)) the following new subsection:*

*''(b) EXCEPTIONS.—*

*''(1) IN GENERAL.—A creditor may increase any annual percentage rate of interest applicable to the existing balance on a credit card account of the consumer under an open end consumer credit plan only under the following circumstances:*

*''(A) CHANGE IN INDEX.—The increase is due solely to the operation of an index that is not under the creditor's control and is available to the general public.*

*''(B) EXPIRATION OR LOSS OF PROMOTIONAL RATE.—The increase is due solely to—*

*''(i) the expiration of a promotional rate; or*

*''(ii) the loss of a promotional rate for a reason specified in the account agreement (e.g., late payment).*

*''(C) PAYMENT NOT RECEIVED DURING 30-DAY GRACE PERIOD AFTER DUE DATE.—The increase is due solely to the fact that the consumer's minimum payment has not been received within 30 days after the due date for such minimum payment.*

*''(2) LIMITATION ON INCREASES DUE TO LOSS OF PROMOTIONAL RATE.—Notwithstanding paragraph (1)(B)(ii), the annual percentage rate in effect after the increase permitted under such subsection due to the loss of a promotional rate may not exceed the annual percentage rate that would have applied under the terms of the agreement after the expiration of the promotional rate.''.*

*(c) ADVANCE NOTICE OF RATE INCREASES.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (b) (as added by subsection (b)) the following new subsection:*

*''(c) ADVANCE NOTICE OF RATE INCREASES.—In the case of any credit card account under an open end consumer credit plan, no increase in any annual percentage rate of interest may take effect unless the creditor provides a written notice to the consumer at least 45 days before the increase takes effect which fully describes the changes in the annual percentage rate, in a complete and conspicuous manner, and the extent to which such increase would apply to an existing balance.''.*

*(d) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after the item relating to section 127A the following new item:*

*''127B. Additional requirements for credit card accounts under an open end consumer credit plan.''.*

***SEC. 3. ADDITIONAL PROVISIONS REGARDING ACCOUNT FEATURES, TERMS, AND PRICING.***

*(a) DOUBLE CYCLE BILLING PROHIBITED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 2(c)) the following new subsection:*

*''(d) DOUBLE CYCLE BILLING.—*

*''(1) IN GENERAL.—No finance charge may be imposed by a creditor with respect to any balance on a credit card account under an open end consumer credit plan that is based on balances for days in billing cycles preceding the most recent billing cycle.*

*''(2) EXCEPTIONS.—Paragraph (1) shall not apply so as to prohibit a creditor from—*

*''(A) charging a consumer for deferred interest even though that interest may have accrued over multiple billing cycles; or*

*''(B) adjusting finance charges following resolution of a billing error dispute.''.*

*(b) LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.—Section 127B is amended by inserting after subsection (d) (as added by subsection (a)) the following new subsection:*

*''(e) LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.—*

*''(1) IN GENERAL.—If the outstanding balance on a credit card account under an open end consumer credit plan at the end of a billing period represents an amount attributable only to interest accrued during the preceding billing period on an outstanding balance that was fully repaid during the preceding billing period—*

*''(A) no fee may be imposed or collected in connection with such balance attributable only to interest before such end of the billing period; and*

*''(B) any failure to make timely repayments of the balance attributable only to interest before such end of the billing period shall not constitute a default on the account.*

*Such balance remains a legally binding debt obligation.*

*''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as affecting—*

*''(A) the consumer's obligation to pay any accrued interest on a credit card account under an open end consumer credit plan; or*

*''(B) the accrual of interest on the outstanding balance on any such account in accordance with the terms of the account and this title.''.*

*(c) ACCESS TO PAYOFF BALANCE INFORMATION.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (e) (as added by subsection (b)) the following new subsection:*

*''(f) PAYOFF BALANCE INFORMATION.—Each periodic statement provided by a creditor to a consumer with respect to a credit card account under an open end consumer credit plan shall contain the telephone number, Internet address, and Worldwide Web site at which the consumer may request the payoff balance on the account.''.*

*(d) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE IS PROVIDED OF OPEN ACCOUNT.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (c)) the following new subsection:*

*''(g) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE OF NEW ACCOUNT IS PROVIDED TO CONSUMER REPORTING AGENCY.—*

*''(1) IN GENERAL.—A creditor may not furnish any information to a consumer reporting agency (as defined in section 603) concerning the establishment of a newly opened credit card account under an open end consumer credit plan until the credit card has been used or activated by the consumer.*

*''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a creditor from furnishing information about any application for credit card account under an open end consumer credit plan or any inquiry about any such account to a consumer reporting agency (as so defined).''.*

*(e) USE OF TERMS CLARIFIED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (d)) the following new subsection:*

*''(h) USE OF TERMS.—The following requirements shall apply with respect to the terms of any credit card account under any open end consumer credit plan:*

*''(1) 'FIXED' RATE.—The term 'fixed', when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period clearly and conspicuously specified in the terms of the account.*

*''(2) PRIME RATE.—The term 'prime rate', when appearing in any agreement or contract for any such account, may only be used to refer to the bank prime rate published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication).*

*''(3) DUE DATE.—*

*''(A) IN GENERAL.—Each periodic statement for any such account shall contain a date by which the next periodic payment on the account must be made to avoid a late fee or be considered a late payment, and any payment received by 5 p.m., local time at the location specified by the creditor for the receipt of payment, on such date shall be treated as a timely payment for all purposes.*

*''(B) CERTAIN ELECTRONIC FUND TRANSFERS.—Any payment with respect to any such account made by a consumer on-line to the Web site of the credit card issuer or by telephone directly to the credit card issuer before 5 p.m., local time at the location specified by the creditor for the receipt of payment, on any business day shall be credited to the consumer's account that business day.*

*''(C) PRESUMPTION OF TIMELY PAYMENT.—Any evidence provided by a consumer in the form of a receipt from the United States Postal Service or other common carrier indicating that a payment on a credit card account was sent to the issuer not less than 7 days before the due date contained in the periodic statement under subparagraph (A) for such payment shall create a presumption that such payment was made by the due date, which may be rebutted by the creditor for fraud or dishonesty on the part of the consumer with respect to the mailing date.''.*

*(f) PRO RATA PAYMENT ALLOCATIONS.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (h) (as added by subsection (e)) the following new subsection:*

*''(i) PRO RATA PAYMENT ALLOCATIONS.—*

*''(1) IN GENERAL.—Except as permitted under paragraph (2), if the outstanding balance on a credit card account under an open end consumer credit plan accrues interest at 2 or more different annual percentage rates, the total amount of each periodic payment made on such account shall be allocated by the creditor between or among the outstanding balances at each such annual percentage rate in the same proportion as each such balance bears to the total outstanding balance on the account.*

*''(2) ALLOCATION TO HIGHER RATE.—Notwithstanding paragraph (1), a creditor may elect, in any case described in such paragraph, to allocate more than a pro rata share of any payment to a portion of the outstanding balance that bears a higher annual percentage rate than another portion of such outstanding balance.*

*''(3) SPECIAL RULES FOR ACCOUNTS WITH PROMOTIONAL RATE BALANCES OR DEFERRED INTEREST BALANCES.—*

*''(A) IN GENERAL.—Notwithstanding paragraph (1) or (2), in the case of a credit card account under an open end consumer credit plan the current terms of which allow the consumer to receive the benefit of a promotional rate or deferred interest plan, amounts paid in excess of the required minimum payment shall be allocated to the promotional rate balance or the deferred interest balance only if other balances have been fully paid.*

*''(B) EXCEPTION FOR DEFERRED INTEREST BALANCES.—Notwithstanding subparagraph (A), a creditor may allocate the entire amount paid by the consumer in excess of the required minimum periodic payment to a balance on which interest is deferred during the 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.*

*''(4) PROHIBITION ON RESTRICTED GRACE PERIODS UNDER CERTAIN CIRCUMSTANCES.—If, with respect to any credit card account under an open end consumer credit, a creditor offers a time period in which to repay credit extended without incurring finance charges to cardholders who pay the balance in full, the creditor may not deny a consumer who takes advantage of a promotional rate balance or deferred interest rate balance offer with respect to such an account any such time period for repaying credit without incurring finance charges.''.*

*(g) TIMELY PROVISION OF PERIODIC STATEMENTS.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (i) (as added by subsection (f)) the following new subsection:*

*''(j) TIMELY PROVISION OF PERIODIC STATEMENTS.—Each periodic statement with respect to a credit card account under an open end consumer credit plan shall be sent by the creditor to the consumer not less than 25 calendar days before the due date identified in such statement for the next payment on the outstanding balance on such account, and section 163(a) shall be applied with respect to any such account by substituting '25' for 'fourteen'.''.*

***SEC. 4. CONSUMER CHOICE WITH RESPECT TO OVER-THE-LIMIT TRANSACTIONS.***

*Section 127B of the Truth in Lending Act is amended by inserting after subsection (j) (as added by section 3(g)) the following new subsections:*

*''(k) OPT-OUT OF CREDITOR AUTHORIZATION OF OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—*

*''(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, the consumer may elect to prohibit the creditor, with respect to such account, from completing any transaction involving the extension of credit, with respect to such account, in excess of the amount of credit authorized by notifying the creditor of such election in accordance with paragraph (2).*

*''(2) NOTIFICATION BY CONSUMER.—A consumer shall notify a creditor under paragraph (1)—*

''(A) through the notification system maintained by the creditor under paragraph (4); or

''(B) by submitting to the creditor a signed notice of election, by mail or electronic communication, on a form issued by the creditor for purposes of this subparagraph.

''(3) EFFECTIVENESS OF ELECTION.—An election by a consumer under paragraph (1) shall be effective beginning 3 business days after the creditor receives notice from the consumer in accordance with paragraph (2) and shall remain effective until the consumer revokes the election.

''(4) NOTIFICATION SYSTEM.—Each creditor that maintains credit card accounts under an open end consumer credit plan shall establish and maintain a notification system, including a toll-free telephone number, Internet address, and Worldwide Web site, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection in accordance with paragraph (2).

''(5) ANNUAL NOTICE TO CONSUMERS OF AVAILABILITY OF ELECTION.—In the case of any credit card account under an open end consumer credit plan, the creditor shall include a notice, in clear and conspicuous language, of the availability of an election by the consumer under this paragraph as a means of avoiding over-the limit fees and a higher amount of indebtedness, and the method for providing such notice—

''(A) in the periodic statement required under subsection (b) with respect to such account at least once each calendar year; and

''(B) in any such periodic statement which includes a notice of the imposition of an over-the-limit fee during the period covered by the statement.

''(6) NO FEES IF CONSUMER HAS MADE AN ELECTION.—If a consumer has made an election under paragraph (1), no over-the-limit fee may be imposed on the account for any reason that has caused the outstanding balance in the account to exceed the credit limit.

''(7) REGULATIONS.—

''(A) IN GENERAL.—The Board shall issue regulations allowing for the completion of over-the-limit transactions that for operational reasons exceed the credit limit by a de minimis amount, even where the cardholder has made an election under paragraph (1).

''(B) SUBJECT TO NO FEE LIMITATION.—The regulations prescribed under subparagraph (A) shall not allow for the imposition of any fee or any rate increase based on the permitted over-the-limit transactions.

''(l) OVER-THE-LIMIT FEE RESTRICTIONS.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

''(m) OVER-THE-LIMIT FEES PROHIBITED IN CONJUNCTION WITH CERTAIN CREDIT HOLDS.—Notwithstanding subsection (l), an over-the-limit fee may not be imposed if the credit limit was exceeded due to a hold unless the actual amount of the transaction for which the hold was placed would have resulted in the consumer exceeding the credit limit.''.

**SEC. 5. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.**

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''COLLECTION REQUIRED.—The Board shall'' and inserting ''COLLECTION REQUIRED.—

''(A) IN GENERAL.—The Board shall''.

(B) by adding at the end the following new subparagraph:

''(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, for the relevant semiannual period, the following information with respect each creditor in connection with any consumer credit card account:

''(i) A list of each type of transaction or event during the semiannual period for which 1 or more creditors has imposed a separate interest rate upon a consumer credit card accountholder, including purchases, cash advances, and balance transfers.

''(ii) For each type of transaction or event identified under clause (i)—

''(I) each distinct interest rate charged by the card issuer to a consumer credit card accountholder during the semiannual period ; and

''(II) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such accountholders at each such rate during such month.

''(iii) A list of each type of fee that 1 or more of the creditors has imposed upon a consumer credit card accountholder during the semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency.

''(iv) For each type of fee identified under clause (iii), the number of accountholders upon whom the fee was imposed during each calendar month of the semiannual period, and the total amount of fees imposed upon cardholders during such month.

''(v) The total number of consumer credit card accountholders that incurred any finance charge or any other fee during the semiannual period.

''(vi) The total number of consumer credit card accounts maintained by each creditor as of the end of the semiannual period.

''(vii) The total number and value of cash advances made during the semiannual period under a consumer credit card account.

''(viii) The total number and value of purchases involving or constituting consumer credit card transactions during the semiannual period.

''(ix) The total number and amount of repayments on outstanding balances on consumer credit card accounts in each month of the semiannual period.

''(x) The percentage of all consumer credit card accountholders (with respect to any creditor) who—

''(I) incurred a finance charge in each month of the semiannual period on any portion of an outstanding balance on which a finance charge had not previously been incurred; and

''(II) incurred any such finance charge at any time during the semiannual period.

''(xi) The total number and amount of balances accruing finance charges during the semiannual period.

''(xii) The total number and amount of the outstanding balances on consumer credit card accounts as of the end of such semiannual period.

''(xiii) Total credit limits in effect on consumer credit card accounts as of the end of such semiannual period and the amount by which such credit limits exceed the credit limits in effect as of the beginning of such period.

''(xiv) Any other information related to interest rates, fees, or other charges that the Board deems of interest.''; and

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

''(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing estimates by the Board of the approximate, relative percentage of income derived by the credit card operations of depository institutions from—

''(A) the imposition of interest rates on cardholders, including separate estimates for—

''(i) interest with an annual percentage rate of less than 25 percent; and

''(ii) interest with an annual percentage rate equal to or greater than 25 percent;

''(B) the imposition of fees on cardholders;

''(C) the imposition of fees on merchants; and

''(D) any other material source of income, while specifying the nature of that income.''.

**SEC. 6. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR "FEE HARVESTER" CARDS.**

Section 127B of the Truth in Lending Act is amended by inserting after subsection (m) (as added by section 4) the following new subsection:

''(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR 'FEE HARVESTER' CARDS.—

''(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan the terms of which require the payment of fees (other than late fees or over-the-limit fees) by the consumer in the first year the account is opened in an amount in excess of 25 percent of the total amount of credit authorized under the account, no payment of any fees (other than late fees or over-the-limit fees) may be made from the credit made available by the card.

''(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.''.

**SEC. 7. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.**

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following new paragraph:

''(8) EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.—

''(A) IN GENERAL.—No credit card may be knowingly issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 18, unless the consumer is emancipated under applicable State law.

''(B) RULE OF CONSTRUCTION.—For the purposes of determining the age of an applicant, the submission of a signed application by a consumer stating that the consumer is over 18 shall be considered sufficient proof of age.''.

**SEC. 8. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this Act shall apply to all credit card accounts under open end consumer credit plans as of the end of the 1-year period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Board of Governors of the Federal Reserve System, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall prescribe regulations, in final form, implementing the amendments made by this Act before the end of the 6-month period beginning on the date of the enactment of this Act, except that it is the sense of the Congress that no provision of this Act should impede the promulgation of regulations in final form under laws in effect on the day before such date of enactment and that such regulations should be prescribed in final form on or before December 31, 2008, and should apply to credit card transactions under any open end consumer credit plan after the end of the 30-day period beginning on the date such regulations are prescribed in final form.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. MALONEY) and the gentleman from California (Mr. CAMPBELL) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Madam Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5244 and to insert extraneous material thereon.

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

There was no objection.

Mrs. MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5244, the Credit Cardholders' Bill of Rights. I introduced this bill, together with Chairman FRANK. This important legislation has 155 cosponsors. A dozen national consumer groups have not only endorsed this legislation, but have made it one of their top priorities. The AFL–CIO and especially the SEIU have strongly supported the bill. Major civil rights groups saw this bill as necessary to stop abuses to their constituents.

Over 50 newspapers from all over the Nation published editorials and op-eds in support of credit card reform, from California to Florida and even my own hometown paper, The New York Times.

The Federal Reserve, whose first priority is protecting the safety and soundness of our financial institutions and our economy, has called the credit card practices addressed in this bill ''anticompetitive for markets and unfair and deceptive to consumers.'' Some 56,000 Americans wrote in in support of the proposed Federal rule, more than any in the history of the Fed, commenting in support of this bill.

Rarely do we get an opportunity to vote for legislation with such deep and widespread support. In the midst of the financial turmoil in our markets, Congress has been asked to provide $700 billion for Wall Street. Now we have a chance with this bill to do something for Main Street.

Credit cards are an essential part of our economy, but for too long card issuers have been allowed to do whatever they want, any time, for any reason. A deal is a deal, but what sort of a deal is it when one side gets to make all the decisions? This bill will get credit card practices back to basic principles of contractual fairness.

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No other industry is allowed to raise the price of a product after the consumer has bought it.

Also, the credit card bill of rights bans ''any time any reason'' rate increases on existing card balances. It bans double cycle billing which charges interest on debt already paid.

It gives consumers 45 days notice of any rate increases so cardholders can decide whether to pay off their balances and shop for another card. The bill makes sure that consumers who borrow high rate balances such as emergency cash advances can pay them off by requiring issuers to credit some part of the payments to the high rate balances.

The bill stops due date gimmicks that trick cardholders into paying late and racking up unjustified fees. It prevents subprime cards from trapping the most vulnerable cardholders in a cycle of debt, and it prohibits issuing cards to vulnerable minors.

The bill will demonstrate, once and for all, that Congress is protecting working Americans, as well as large institutions, from the current financial storm. Unfair credit card debt is as toxic to ordinary citizens as subprime debt obligations are to investment banks.

This is an issue that cuts across social and economic groups. Everyone has a credit card, and too many have a credit card story of getting hit with an unfair or deceptive practice.

I expect opponents of reform will argue that we should wait for the Federal Reserve to act or, as they put it, Congress should defer to the Fed; but this Congress and this majority cannot abdicate our responsibilities. This country cannot afford to wait for this administration and its regulators any longer. We need to take action now on this critical issue.

I urge my colleagues to support this bill. Enough is enough. It is time to help consumers.

Madam Speaker, I reserve the balance of my time.

Mr. CAMPBELL of California. Madam Speaker, I yield myself such time as I may consume.

There is already existing law on this subject. This is clearly a critical subject. There has been discussion about unfair and deceptive practices, and I don't think there is any disagreement that unfair and deceptive practices exist in the credit card industry. The question is, how do we deal with it and what do we do with it?

Right now there is existing law. The existing law says that the Federal Reserve is supposed to crack down through regulation on ''unfair and deceptive acts or practices.''

To that end, the Federal Reserve in May issued proposed regulations to do exactly that, to try to stop those things that they determined were, at that time, unfair and deceptive. As the lady from New York correctly pointed out, there have been tens of thousands of responses and input to the Federal Reserve on their proposed regulations. The Federal Reserve has said that they will make those regulations final prior to the end of the year, which by the way, is more likely to be sooner than this legislation could possibly pass both Houses and perhaps be signed by the President.

I don't know why at this point we would want to interfere with this process, which appears to be working well. Clearly it is working well because the proposed bill is pretty much identical to the proposed regulations that the Fed put out in May.

Now the Fed may make some changes to those regulations based on the tens of thousands of responses that they got, which is how that process works. For us to come in and intercede in that process and overrule that process is, first of all, wrong; and, second of all, sets a bad precedent.

The reason that we often, in this situation and other situations in Congress, allow the definitions of these sorts of things to be done by regulators is that things change quickly. Congress doesn't act quickly.

Next year, there could be new deceptive practices. There could be some things out there this year that are in the proposed regulations that have been determined to actually not be deceptive or perhaps to interfere with the marketplace. By doing this, we are stepping in, and we are defining what these things are, and that is not something I believe we should be doing when the existing law is in process and appears to be functioning correctly.

Second of all, it is well known the major issue that we will be dealing with this week is the financial crisis in which the country finds itself gripped. This is clearly a very, very serious financial crisis and a very serious issue.

What are the ramifications? What are the manifestations of this financial crisis? Right now, credit is contracting. Currently, it is happening in the corporate and business markets, but it is also already extending, and has been, to home loans, car loans and, yes, credit cards.

We are in a financial crisis in which the availability of credit to Americans everywhere, in all forms, is becoming more difficult to get and more expensive. Clearly, the solutions to this crisis go way beyond the scope of this bill that we have before us today. But one thing we don't want to do is to further constrict credit markets that are already constricting and further increase the interest rates to consumers that are already going up.

This bill, by stepping in directly in this way and interfering with the process that the Federal Reserve has in place, has the potential to do that. I would say that before people vote on this bill, I think they need to consider carefully that if it becomes more difficult for people to get credit in the future, if in the next weeks or months it becomes harder to even get a credit card or the interest rates thereon go up, do you want to be a part of pushing that credit out and pushing those rates up, or do you want to be a part of looking at the solution to those issues?

Let's remember that many of the credit card issuing companies are those companies that are on Wall Street and that are in trouble. They are not making any money right now.

Now we are not here, and the purpose of credit cards is not to ensure that they make money through their credit cards, that is not where I am going. That is the market at work. That is their problem; that is their issue. But the fact is that when companies don't make money on something, they do less of it or they charge more for it, and that is where we appear to be headed now.

I strongly urge my colleagues to oppose this bill and suggest that you consider that if this bill does not pass, that still unfair and deceptive practices will be reined in by the Federal Reserve's regulations before the end of the year in a rational manner and hopefully we will then proceed to deal with, later this week, the issue of trying to make sure that credit and credit cards will be available.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. I would say to my good friend on the other side of the aisle, doing nothing and hoping that the Fed will act is an abdication of our responsibility, and that is not the way of this Congress. The Fed has called it unfair and deceptive practices, they have called it anticompetitive, and we should act to correct these abuses.

Madam Speaker, I yield 2 minutes to my friend and colleague, KEITH ELLISON, the gentleman from Minnesota, who is cochair of the Consumer Justice Caucus and has had a leadership role in passing this bill.

Mr. ELLISON. Let me thank the gentlelady from New York, who has done absolutely heroic work on this bill, and let me echo her words: no more abdication from Congress. We are a coequal branch of Congress, and it is time for us to do our job.

Americans all over this country want to know what does the Congress care about the debt that they are drowning in because of these credit card practices. If the Fed says they are deceptive practices, who are we to just let them go on and step back and say, well, somebody else will do it.

No, it is time for the Congress to do something about it now. To do otherwise is to abdicate our responsibility. Nobody at the Fed holds an election certificate. All of us do. It is time to take this thing by the charge.

The fact is, about $8,000 worth of credit card debt is what Americans are holding on average for people who have a revolving balance. That is a burden that people cannot sustain. The fact is, we would not be in this situation if we had the active regulation that Americans expect from their government.

We have seen now nearly 30 years of stagnating wages. Americans have had flat wages, on average, if you look at folks who are working hard every day to put food on the table. Because the wages have been flat, we haven't had the savings to buy the things that we need.

What has been happening is people have gone to their credit cards, and as we have gone to the credit cards, the credit card companies, some of them, have been using unfair, deceptive practices that have got to be brought to a stop now. If the Fed says they are wrong, they are wrong.

We shouldn't have to wait on them to tell us what to do. We should do our job.

I just want to thank Chairwoman MALONEY and Chairman FRANK for bringing this bill to the floor now. I hope this bill can be wrapped into the rescue that is being contemplated for the financial meltdown that is going on now.

This is what we should be doing, and it needs to go into effect now. We need to deal with the credit crisis now, and credit cards must be a part of it.

Mr. CAMPBELL of California. Madam Speaker, I yield myself 30 seconds. I would say, if the Fed is so unable to deal with this problem, then why does this bill basically parrot exactly what the Fed did in May?

Madam Speaker, I would like to yield 4 minutes to my friend and colleague, and a member of the Financial Services Committee, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman from California for yielding.

Let me first pay a compliment to the sponsor of the legislation. I worked with her through a number of the hearings on this situation with credit card companies. I think she heightened the awareness to do something about this. Maybe that's, in part, why the Federal Reserve has started to move forward. I think she deserves a great deal of credit for that.

Madam Speaker, I do not, however, support this legislation at this time for a lot of the reasons that have already been stated.

The Federal Reserve, as we all know, regulates in this area. This is not one of those unregulated banking areas. They have issued a rule on unfair and deceptive practices. They have received, as the gentlewoman has properly pointed out, over 50,000 comments concerning that. Those comments have come both in opposition to their rule and in support of it, and they are now going through all of that.

We anticipate that by the end of the year they will issue their final, what is known as UDAP, rules on this particular subject, dealing with these deceptive practices, which will guide the consumers, which will guide the credit card companies, in which a great deal of expertise and time has been put in. I am certain that a number of provisions that are in this legislation will be included in whatever the Fed people issue, but there also may be different ways of looking at problems, there may be different nuances. Frankly, I trust their expertise to be able to do that.

Plus, we have the ability as Congress, or at least the next Congress does, to come back and incorporate into law anything we feel should happen. I think by doing what we are doing now by trying to pass legislation at this point, regardless of whether it could pass in the Senate or not in the next few days, we are, indeed, taking the responsibility of doing something that the Fed is well prepared to handle. I think we should leave it to them to do that.

For that reason, I believe that this legislation should not have come up. I prefer not to oppose it, but in the circumstances that we are dealing with, I feel that we need to oppose it.

There are a few points here. There is a lot of competition out there and people can go from one credit card company to another. I do not necessarily think that we are abrogating our responsibility, as has been stated on the floor here, by not supporting this legislation at this time. As a matter of fact, I think we are doing the right thing as far as consumers, credit card companies and the economy is concerned.

I am also concerned about who is going to pay all of this. If some of these steps are taken and all of a sudden there are losses as far as the credit card industry is concerned, does that mean fees go up? Other people who were paying lower interest rates are going to pay higher interest rates? Will they charge more at the beginning? Various steps that I don't know if I have the economic sophistication to explain, but I have a gut reaction that the bottom line is that somebody is going to pay for it. They always do in some way or another, and that could be many consumers who are presently being responsible in terms of how they are handling their debt circumstances.

□ 1230

So for all of these reasons, it is my judgment that this is legislation better not done at this time. Could it come back in the spring in the form of incorporating what the Fed has done or incorporating and polishing what the Federal Reserve issues in their rules, yes, that would be something that we should do. I think we all agree there should be steps taken in this situation.

But I trust those who have received all of these comments and looked at all of this and have all of the expertise to make the decisions. I would hope that Members of Congress would withhold voting for this at this time and see what the Federal Reserve is going to issue.

I would just add, the statement was made by the sponsor, I believe, that hoping that the Fed will act is an abrogation of our responsibility. The Fed has acted. They have issued a rule. They are getting comments. They are going to issue a final rule. I don't think there is any doubt in anyone's mind that the Fed has acted in this circumstance, so I urge defeat of this legislation if it is going to move forward.

Mrs. MALONEY of New York. I yield such time as he may consume to the Chair of the Committee on Financial Services, BARNEY FRANK, and congratulate him on his hard work on this piece of legislation and so many other areas.

Mr. FRANK of Massachusetts. I thank the gentlewoman who has been the spark plug here. I think it is an important day, that we are dealing in a rational way with credit card legislation.

I appreciate the reasonable tone of my friend from Delaware. We disagree some. I don't think anyone could reasonably characterize this as some assault on the free enterprise system. It

understands the importance of credit cards and tries to work within that framework.

It is important to note that what this bill does is essentially protect consumers against retroactive unfairness. When it comes to rate setting, this bill, to the disappointment of some, doesn't limit future rates. As far as the future is concerned, if proper notice is given, this bill is not restrictive. It does deal essentially with retroactivity and with honoring the consumers' wishes.

The thing I want to address is one thing which seems to be a little upside down, and that is we should defer to the Federal Reserve. I want to say to some of my Republican friends, that sounds a little odd to me after hearing for years that the people must be allowed to decide, that we shouldn't defer to unelected bureaucrats. The notion that we, the elected Representatives, should defer to the Federal Reserve not on monetary policy but on a public policy matter involving what institutes fairness with credit cards, it is not an argument that I have often heard on that side.

Now I understand there is nothing in the Constitution or the rules of the House that requires consistency, but I would hope we would at least note there is an element of convenience in the invocation of this argument at this point, let's defer to the Federal Reserve. No, let's exercise the powers given to us under the Constitution. And there has been a lot of talk about the Federal Reserve doing too much. Well, I think sometimes they have to act because we don't. But here we are willing to do it.

But again, I want to stress the reasonableness of these proposals. They deal with retroactivity and unfair billing practices. If a credit card company follows the rules set here, they are not prohibited or restricted going forward with setting whatever conditions they think ought to be set. That, I think, is the essence of fairness, and I hope the bill is passed. I again congratulate the gentlewoman from New York for taking the lead.

Mr. CAMPBELL of California. How much time remains?

The SPEAKER pro tempore. The gentleman from California has 19 minutes and the gentlewoman from New York has 20 minutes.

Mr. CAMPBELL of California. Madam Speaker, I yield myself 2 minutes to respond to the chairman of the Financial Services Committee.

I would argue that this bill already defers to the Federal Reserve because it basically parroted the proposed regulations that the Federal Reserve put out in May. So this bill basically says okay, we are going to take what you guys proposed and we are going to make it law, not regulation which can be changed, not making any changes based on the 50,000 or 40,000, we are going to make it law.

Second, on this side we are not deferring to the Federal Reserve; we are deferring to existing law. And the will of the people based on existing law was that it is best that these sorts of determinations and definitions, which is what is unfair and what is deceptive, be handled on a regulatory basis, than that it is that Congress come back every year or 2 years or 6 years or whatever and try and determine what is new out there in the marketplace that is now determined to be unfair.

I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I thank the gentleman for his comments, but I introduced my bill in February after many legislative hearings and meetings that involved Members on the other side of the aisle, stakeholders, consumers, and everyone concerned about this problem. We drafted and put in our bill in February. In May, the Federal Reserve came back with recommendations that mirrored our bill almost completely.

I would like to point out to him that the Federal Reserve is not in the Constitution, and we didn't leave it up to the regulators in the foreclosure crisis. We passed a bill to help homeowners stay in their homes. As we have seen Wall Street under attack, we are not leaving things up to the regulators. We passed legislation giving new direction to the Treasury to help the GSEs, investment banks, and insurers. So you are very selective on your comments that we should step back and let the Fed do everything.

I now recognize an outstanding member of our committee, the gentleman from Texas (Mr. HINOJOSA) who is co-chair of the Literacy Caucus on the Financial Services Committee.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of H.R. 5422. I want to commend Chairwoman MALONEY for introducing H.R. 5422, the Credit Cardholders' Bill of Rights Act. I am proud to be a cosponsor of this legislation which is supported by many organizations, including the National Council of La Raza, LULAC, MALDEF, and many others.

As chairman of the Subcommittee on Higher Education, I am concerned that thousands of students each year do not enroll in higher education institutions because of financial barriers. I am equally concerned about the amount of debt that students are incurring while attending institutions of higher education.

I have been working diligently with our Democratic leaders to make college more affordable and accessible. We are tackling that issue as well as trying to ensure that students graduate with the least amount of debt possible.

I am interested in the relationship between institutions of higher education and credit card companies. Many receive revenue from credit card deals. I want to know the nature of the deals, how much the credit card companies make from those deals, how they market those credit cards to students, and whether the institutions approach the credit card companies or vice versa. We need to address this issue and find out how widespread the practice is and whether it is national in scope.

This legislation will eliminate unfair and arbitrary interest rate increases, end unfair penalties to cardholders who pay on time, and require the fair allocation of consumer payments. Moreover, it will help college students reduce their debt.

Madam Speaker, I want to take this opportunity to again thank Chairwoman MALONEY for introducing the Credit Cardholders' Bill of Rights legislation, and I support it.

Mr. CAMPBELL of California. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I recognize the gentleman from North Carolina, WALTER JONES, for 1 minute, an outstanding member of the Committee on Financial Services.

Mr. JONES. Mrs. MALONEY, thank you for your hard work on this important legislation.

I stand here with great pride and respect that I support this legislation. Approximately 145 million Americans, about half the population, own credit cards. Americans in the year 2001 paid $50 billion in finance charges; $50 billion.

A GAO study on credit cards found there are many new types of fees, new types of fees on cards, and they have risen much faster than inflation. The GAO also found that fees and penalties are buried in statements making it hard to understand when they will be levied on cardholders.

Madam Speaker, I don't know how anyone could be opposed to the American people fully understanding the charges on their credit card bills, and that is exactly why I stand here today in strong support and I ask my colleagues on the Republican side to join in supporting this bill.

Mr. CAMPBELL of California. Madam Speaker, I continue to reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I recognize the gentleman from North Carolina (Mr. PRICE) for 3 minutes.

Mr. PRICE of North Carolina. Madam Speaker, I rise to engage in a colloquy with the Chair of the subcommittee. I thank her for bringing this bill to the floor and her hard work in protecting the interests of credit card holders.

As the House considers this bill, I want to make this body aware of a related bill I have introduced, along with a number of cosponsors, the Credit Card Repayment Act, H.R. 1510, which would require lenders to give cardholders more information on their monthly statements. For example, how long would it take the consumer to pay off their entire balance making only the minimum monthly payment, and how much would they pay over that time, including principal and interest?

The bill has been endorsed by the Center for Responsible Lending, the

Consumer Federation of America, Consumer Action, and the National Council of La Raza. The bill is not part of the legislation we are considering today, but these kinds of disclosure requirements complement the bill currently on the floor, and they can be a valuable part of our efforts to help protect consumers. I ask the chairwoman to work with me to incorporate these provisions into the legislation as it moves forward.

I would appreciate the chairwoman's response, but I first yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. And I want to thank the gentlewoman from New York and the gentleman from North Carolina. While most credit card holders know it is difficult to pay off the balance while only making the minimum payment, they do not know the actual cost. Consumers have a right to know the true cost of making minimum payments, and I look forward to working with my colleagues to implement these important changes.

Mr. PRICE of North Carolina. I am happy to yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend, the gentleman from North Carolina. I am embarrassed to admit that I have been periodically suggesting this provision since I was on the Banking Committee 18 years ago. It is a deceptive billing practice, and all we are asking is that the consumer know how much they will wind up paying and how long it will take them to pay it. And if they knew they would be paying much more than the original purchase, and they will be paying it for the rest of their lives, they might do the right thing. It would be the right thing for the committee to pass this kind of legislation at the next opportunity.

Mr. PRICE of North Carolina. I yield to the chairwoman of the subcommittee.

Mrs. MALONEY of New York. I thank the gentleman for his comments. I have been a supporter of transparency and fairness for consumers in the financial services area since I came to Congress. I believe consumers should have complete information so they can decide how to manage their money more efficiently and better.

I commend the gentleman from North Carolina for his efforts to provide consumers with robust information, and I would be happy to work with him on including these provisions.

Mr. PRICE of North Carolina. I thank the gentlewoman.

Mr. CAMPBELL of California. Madam Speaker, I yield myself 2 minutes just for a brief response.

In listening to the arguments on the other side, it sounds as though they are debating for changing certain things in credit cards as though we are debating against that. We are not.

What we are here saying is simply that this kind of thing is better done by regulation than it is by proscriptive statute, which is what this bill would do. And actually, it would be more effective in protecting the consumers if there is a regular regulatory process and review and so forth, not just this year but ongoing forward, than if Congress keeps stepping in and interfering with and, in fact, probably slowing down that particular regulatory review and process.

That is what we are talking about here, in addition to the fact that the other very important thing to keep in mind is that we have the availability of this credit going forward given the current crisis in which we find ourselves.

I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, in response to my good friend's comments, the bill is very close to the rule, and opponents of the bill also oppose the rule. Industry opposes my bill and has filed arguments opposing the rule. The OCC opposes the bill and also opposes the Fed rule. The Federal Reserve and two other regulators support the substance of the bill. The administration opposes provisions of my bill that are identical to the Fed rule.

So it would be one thing if you supported the regulations you so passionately argue we should be waiting for; it is another thing to argue that we should wait for something that those who oppose protecting consumers, giving them information and providing fairness in the contractual agreement between credit card issuers and consumers.

I now yield 2 minutes to my good friend from the great State of Colorado, MARK UDALL, who has been a leader in this debate and has had constituents who have come before the committee to testify. We thank him for his leadership.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

□ 1245

Mr. UDALL of Colorado. I thank the chairwoman for yielding me time, and I rise in strong support of this legislation. The bill's purpose is to require more fair play for people with credit cards.

For many Americans, consumer credit is more than a convenience. They rely on it for everyday needs. And for them it's a necessity. But they aren't always treated fairly by the companies that issue the credit cards that they use.

As the chairwoman pointed out, I've heard from many people in my State of Colorado asking me to help level the playing field. They work to do the right thing and pay their bills on time, and they deserve to be treated in good faith by the credit card companies.

That's the reason I've been working to make some commonsense changes in the rules for credit cards over these last two Congresses. I introduced a bill in 2006, and then reintroduced it again this year. And I'm proud that it won the support of an array of consumer groups, as well as 39 cosponsors from congressional districts across the country.

Most of the provisions in my bill have been included in this bill, H.R. 5244, the Credit Cardholders Bill of Rights. This is a good, solid bill that will bring real reform without arbitrary rate caps or price controls that could backfire and make credit less available.

Now later this week we'll be debating on how to respond to the problems in the credit markets. This debate will focus on a financial market crisis that's brought on, in part, by the reckless practices of lenders who thought the use of complicated financial engineering would make risky loans safe.

Across the country, people worry that we will be too concerned about rescuing the reckless and not concerned enough about fairness for hard working Americans who may be called upon to pay the tab. So it's appropriate, as we prepare for that debate, that we start by acting and bringing greater fairness to the millions of Americans who need and use credit cards.

I urge passage of the bill. I thank the chairwoman again for her leadership on this important measure.

Madam Speaker, as a proud cosponsor of this legislation, I rise in strong support of it as a way to add some common-sense rules to the laws governing issuance of credit cards.

Later this week, we will be debating how to respond to problems in the credit markets. As we all know, that debate will focus on a financial-market crisis brought on, in large part, by reckless practices of lenders who thought the use of complicated financial "engineering" would make risky loans safe.

Understandably, many in Colorado and across the country are concerned that Congress may be too concerned about rescuing those who took excessive risks and not concerned enough about fairness for hard-working American taxpayers who will be called on to pay the tab.

So it is appropriate, as we prepare for that debate, that we start by acting to bring greater fairness to the millions of Americans who need and use credit cards. I have heard from constituents across Colorado, asking me to help even the playing field on this issue.

They benefit from the widespread availability of consumer credit, and their use of that credit has been important to our economy. In fact, for many Americans, consumer credit is more than a convenience. It is something that many people need to use to pay for their everyday needs. For them, it is a necessity.

Of course, another word for credit is debt—and credit card debt has increased considerably in recent years. Overall, during the last decade, total credit-card debt rose by about 70 percent, and this clearly has an effect on consumers.

Some polls have reported that about 70 percent of surveyed families said the quality of their lives is adversely affected by the extent of their debts, and young people are more worried about going deeply into debt than about a terrorist attack.

Some have argued that much of this debt was caused by recklessness and an erosion

of financial responsibility. That was one of the main arguments advanced in support of the recent changes in the bankruptcy laws.

But while there was something to that argument, it was not the whole story and it put too much emphasis on borrowers alone. Instead of just focusing on borrowers, Congress should also do more to promote responsibility by those who provide the credit—and one place to start is with credit card companies.

That's the reason I have been working to make some common-sense changes in the rules for credit card companies.

I first introduced a bill to do that back in 2006, and reintroduced it again last year with our colleague, the gentleman from Missouri, Mr. CLEAVER. I'm proud it won the support of an array of consumer groups as well as 39 cosponsors from Congressional Districts across the country.

Now, I have joined as an original cosponsor of H.R. 5244, the Credit Cardholders' Bill of Rights, which includes many provisions based on my bill.

It includes protection against arbitrary interest rate increases. It will prevent cardholders who pay on time from being unfairly penalized. It will bar excessive fees and will require more fairness in the way payments are handled. And it would prohibit the use of "universal default" clauses—provisions that allow card issuers to impose a new, higher interest rate on a credit card account if there has been any change for the worse in the cardholder's credit score—even if the change is unrelated to the credit card account.

In short, H.R. 5244 is a good, solid bill that will bring real reform without arbitrary rate caps or price controls that could backfire and make credit less available.

It deserves passage today and prompt enactment into law.

Mr. CAMPBELL of California. I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I yield 2 minutes to LORETTA SANCHEZ, who has been involved in the drafting and the movement of this bill. I congratulate her on her leadership.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I want to thank Mrs. MALONEY of New York for coming up with this, for working with so many of us, because we have heard from so many of the people we represent asking for just some better and fairer types of practices for credit cards. I rise today as a cosponsor of this bill.

While the economic crisis on Wall Street is on the front page of every newspaper, many American families are actually dealing with their own crisis at home, and that is this crisis of how they get credit and how they manage credit.

Credit card debt in the United States has reached a record high, nearly $1 trillion, and unfortunately, many Americans are subjected to these excessive credit card fees and unfair interest rate increases with no warning, among other misleading and questionable tactics.

This legislation today would end practices that would require credit card companies to provide 45 days' notice before interest rate increases, and mailing billing statements 25 calendar days before the due date, instead of only 14.

In addition, this bill would prohibit double cycling billing so that companies cannot charge consumers interest on debt that they actually have already paid on time.

This legislation provides consumers with needed protections, while allowing credit card companies to balance the financial risk of the consumers they lend to. I think that's what's important, that the credit card companies also have to take responsibility for the type of credit risk that they're taking on.

We're talking so much today about credit risks. Well, this is one of the areas that is incredibly important. This has been going on for too long. Credit card companies just give credit to anybody, and they're really not taking the responsibility of what type of risk is there.

We have to protect the access to credit, but we also have to take into account and protect Americans against some of these bad practices.

Mr. CAMPBELL of California. I continue to reserve the balance of my time.

Mrs. MALONEY of New York. May I inquire as to how much time remains.

The SPEAKER pro tempore. The gentlewoman from New York has 8 minutes remaining. The gentleman from California has 15½ minutes remaining.

Mrs. MALONEY of New York. I yield 1 minute to KEITH ELLISON, Congressman ELLISON from Minnesota.

Mr. ELLISON. Madam Speaker, the gentleman from California has made the point that if this bill passes, that interest rates will go up and that credit availability will decline. Is the Congressman saying that credit card companies will retaliate against consumers with higher rates if Congress proscribes practices that even the Fed considers deceptive?

Mr. CAMPBELL of California. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from California.

Mr. CAMPBELL of California. Yes. What I said was that they may. And it would not be a retaliatory basis. It would be because the credit markets are currently in great turmoil. And because they are in great turmoil already, credit is restricting and the rates are going up. That is happening not just with credit card debt, but with car loan debt.

Mr. ELLISON. Reclaiming my time, so for practices the Fed says are deceptive, if they are proscribed, you believe that is something that the credit card companies will react with interest rate increases on consumers for?

Mr. CAMPBELL of California. No. What I am saying is that we should, as I've said——

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

Mr. CAMPBELL of California. Madam Speaker, I yield myself a minute just to respond to that, that what we have here is that the unfair and deceptive practices should stop. The Federal Reserve is probably going to do that. But by stepping in now, they will be considering all of the responses they got, and by the way, the lady from New York mentioned about the credit card companies are against the Federal Reserve proposal. I'm sure they are. But the Federal Reserve will make the decision they believe is right based on the statute which says they are supposed to crack down on those unfair and deceptive practices. And they will do that.

But what we don't want to do is send more messages to the marketplace now that we are stepping in to do things that may include some things that aren't unfair and deceptive, or that may mess with the financial markets because they are very, very fragile at the moment.

I reserve the balance of my time.

Mrs. MALONEY of New York. In response to my good friend and colleague, there is no evidence to support that claim. The argument that this will raise the cost of credit and restrict access to credit is an assertion that has absolutely no basis in fact. We asked the industry, at our six hearings, for some evidence to support this claim, and they had none.

The Federal Reserve and the General Accounting Office have said in reports that there is no evidence to support the argument that these abuses have lowered rates or increased access to credit. And these reports are on my Web site and also on the industry's Web site.

Getting rid of anticompetitive practices will increase access to credit. The Federal Reserve has called these practices anticompetitive. Getting rid of them will not hurt the market. Getting rid of these practices will help competition and increase, not decrease, access to credit.

As I mentioned earlier, we had a roundtable where many of the issuers participated, and some of them voluntarily started following the proposals, voluntarily. And they tried to move to the higher goal standards, and they were turning their backs on these unfair and deceptive practices. But they found that they were losing profit and market share. So we need to level the playing field not only for consumers, but for the industry itself.

I would now like to yield 2 minutes to my distinguished colleague from Connecticut, CHRISTOPHER SHAYS, who is a member of the Financial Services Committee.

Mr. SHAYS. Thank you, Madam Speaker, and to my colleague, CAROLYN MALONEY, for introducing this bill and encouraging me to cosponsor it. I'm grateful I did, and I'm here to encourage its passage.

I rise in support of the Credit Cardholders Bill of Rights.

Loose mortgage underwriting standards and interest rate resets have helped cause the housing market to deteriorate. This could have been avoided

had we acted earlier by establishing reasonable safeguards.

With this legislation, we are acting responsibly, in my judgment, to address a credit problem. In an effort to make credit easily available, credit has been overextended, and many consumers can't afford significant interest rate increases.

Consumers need fair, accurate, and transparent information to make informed choices regarding their credit card company or bank. This legislation gives consumers several long overdue protections, which include preventing sudden interest rate increases on existing loans, stopping the practice of universal default, and ensuring consumers have time to pay their bills.

I hope we synchronize our efforts with the Federal Reserve to set some reasonable limits on consumer credit to protect our economy.

Mr. CAMPBELL of California. I reserve the balance of my time.

Mrs. MALONEY of New York. I yield 1 minute to my colleague, Congressman ELLISON.

Mr. ELLISON. Madam Speaker, thank you again for allowing me to address this final point.

This issue that I put to our colleague and friend, Mr. CAMPBELL, regarding whether or not deceptive practices, practices that have been deemed to be deceptive by the Fed and that are proscribed in this legislation today, whether these things will result in rate increases or lack of availability.

In fact, they will do the opposite, Madam Speaker. They will provide transparency, they'll provide fair rules, and most importantly, they will help to keep good lenders good.

If you have a good lender, a good credit card company who is playing fair and acting ethically, and yet their competitors are allowed to engage in universal default and things like this, the net result will be that they will be at a competitive disadvantage when they don't do these unethical practices, things that the Fed has deemed to be unfair. So it's very important that we keep a nice level playing field and maintain the high standards in the industry.

This is actually a bill that will help the credit card industry because it will send a signal that the rules are fair, even, and ethics are the priority.

Mr. CAMPBELL of California. Madam Speaker, I would like to point out that Fed Governor Randy Kroszner, in testimony, said that he did believe that the regulations promulgated by the Fed would, in fact, raise interest rates for some and restrict credit for some, talking about his own proposed regulations. So there is at least some authoritative belief that that will happen.

I would now like to yield 4 minutes to a member of the Financial Services Committee, the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from California for his leadership, for what he's doing on this bill. He's a remarkable talent, and we're well served by Mr. CAMPBELL.

Madam Speaker, I rise in opposition to this bill that's before this body. Given the current instability in our credit markets and, Madam Speaker, given the pressing need for this United States Congress to focus on the financial services bailout that is now before us, this bill is simply not what the United States Congress should be debating today. In fact, this bill is just another example of how this Congress far too often charges ahead without full contemplation of the consequences of its actions.

In today's global marketplace, Madam Speaker, consumers are paying for products and services more and more with credit and debit cards, rather than with cash payments. It's a completely different way today that we have of doing business. In fact, electronic payments now account for more than half of all consumer purchases here in the United States.

With the increasing role that credit cards play in the everyday lives of most Americans, it's both timely, and appropriate that we update and improve standards to protect those American consumers from unfair and deceptive credit card practices.

I also believe, Madam Speaker, that it's imperative that we improve access to useful, understandable and complete disclosure about the terms and conditions that govern credit card use here in our country.

□ 1300

The Federal Reserve Board has made a proposal. They proposed a rule known as Regulation Z which prescribes uniform methods for computing the cost of credit for disclosing credit terms and for resolving errors on certain types of credit accounts. This proposed rule is virtually identical to H.R. 5244, the Credit Card Holder's Bill of Rights Act of 2008.

While both Regulation Z and this bill are offered with the best of intentions, both could have very serious unintended consequences, and they could pose potentially significant, unnecessary costs on consumers and the United States economy. Goodness knows we don't need that right now.

Madam Speaker, Congress should absolutely allow the Federal Reserve Board's rulemaking process to play out before we rush to codify this proposed rule into law. The public comment periods, the public notice both serve a very important role that I think we all agree that will ensure that this government carefully considers every angle before we jump to regulatory change.

I'm very actually sorry to see the House Financial Service Committee hastily move to implement H.R. 5244 before the rulemaking process even had time to play out. It seems like that's the game now in Washington, DC: rush to judgment. Quick, hasty moves before the public even has time to weigh in. That's not democracy at its best, Madam Speaker, because this action shut out the comments of consumers. It shut out nonprofit organizations. It shut out industry representatives. It's certainly not in the best interests of credit card holders.

We all know that when Congress moves too quickly and bypasses important parts of the process, that it often does more harm than good. Take a look at this week. Take a look at what we're about to do: put the American consumer on the hook for almost another trillion dollars in bad debt.

This Congress has a responsibility to the people that we serve and to businesses to analyze this proposal's overall effectiveness and the effect on the cost of credit and market liquidity. Let's remember, the underlying, underpinning of this current crisis is the lack of liquidity. In other words, money into the marketplace. And that's very true today.

Ironically, the premise of this new $700 billion bailout is to restore that form of liquidity.

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

Mr. CAMPBELL of California. I would like to yield the lady 1 more minute.

Mrs. BACHMANN. Why would Congress dismiss outside input from the experts? Are we so smart that we don't need that outside input? I think experience proves otherwise, Madam Speaker. Should we not hear from those who are impacted most from these stressful times? We are imprudent, to say the least, if we do not allow for that comment.

I could not support this bill, Madam Speaker, when it moved out of committee because it was imprudent to jump ahead; and given this new instability that's broke out in the last 2 weeks, I absolutely in good conscience cannot support this measure now. Congress should exercise prudence—wouldn't that be a novel idea?—and allow the Federal Reserve Board to finalize this proposal before we codify it with a vote of Congress.

I want to thank you, Madam Speaker. I want to thank the gentleman for his absolutely supreme work that he's doing on this bill.

Mrs. MALONEY of New York. In response to my good friend on the other side of the aisle, this has not been a rush to judgment. Democrats have been working on this bill for well over 2 years. My subcommittee has held 6 hearings, numerous meetings, roundtable discussions with consumers and issuers. The gentlelady claims that Reg Z is the bill. Reg Z is not at all the same as this bill. Reg Z from the Federal Reserve deals just with disclosure, and the Federal Reserve has said disclosure is not enough. They have called the practices unfair, deceptive, and anti-competitive, and have come forward with recommendations that, in many ways, resemble the bill that is before us today.

I reserve the balance of my time.

Mr. CAMPBELL of California. Madam Speaker, may I inquire as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 10 minutes remaining. The gentlewoman from New York has 2 minutes remaining.

Mr. CAMPBELL of California. Madam Speaker, I would like to yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), also a member of the Financial Services Committee.

Mr. HENSARLING. I thank the gentleman for yielding. I thank him for his leadership.

I certainly understand the intent and the purpose of the gentlelady's bill, and her intent is good. Unfortunately, I believe the policy is bad.

It is entitled the Credit Card Bill of Rights Act. I fear, if enacted, it will prove to be a ''credit card bill of wrongs'' for credit card holders all over America. I view it as a most decisively anti-consumer piece of legislation.

Madam Speaker, I believe that this piece of legislation helps turn back the clock to a different era in America where there is little competition for credit cards, where a third fewer Americans had access to credit cards which so many now view as a necessity of everyday economic life. Those people in this previous era who did have credit cards universally paid a high, high interest rate.

I believe this bill also represents another assault on our personal economic freedoms and will exacerbate the credit crunch that we see today. Why would we want to bring a bill to the floor that could make credit even less accessible and more expensive at a time when Americans are struggling to pay their bills?

This bill ultimately would limit the ability in some instances to charge interest; it would limit the ability in some respects to change terms; limit the ability to impose certain late fees; limit the ability to impose over-the-limit fees. Essentially, it erodes what we call risk-based pricing.

And what has risk-based pricing and competition brought us? Number one, what we have seen is where interest rates used to be in the 20 percent range, they have now fallen below the 15 percent range. We have seen a virtual disappearance in our entire economy of the dreaded annual fees, which typically most cards had charged anywhere from $20 to $50. We have seen a flowering, a myriad of benefits that are now available from product protection to free plane tickets because of the competition, and an unprecedented surge in credit card use from under 300 million a day to almost 700.

Credit cards are just an absolutely vital tool for the small business in America, which is the job engine in our Nation. Madam Speaker, I hear from a lot of hardworking small business people in my district, the Fifth Congressional District of Texas that I am proud to represent. I hear from the Mayhall family that runs a small business in Athens, Texas. They write, ''Dear Congressman. I run a small business, and I do not have very good credit. I have four credit cards which have very low limits. I try not to use them very often, but sometimes the cash flow isn't there, and I have to have something for my business. Without access to this credit, I would not be able to purchase the items for my business when I need it.

''Please do not make it more difficult for me to run my business. I have enough problems.''

I don't want to tell the Mayhall family of Athens, Texas, that maybe their small business just won't have access to one of those credit cards any more. I don't want to have to tell them that they may have to pay more. That simply isn't right.

Now I don't come here today to defend credit card companies and all of their practices. There is one certain credit card company that my wife and I just refuse to do business with. We don't like them. We've changed our main credit cards several times because we didn't like some of the provisions. But we had that choice, Madam Speaker. We had that choice in a competitive economy.

We should also mention a phrase that is rarely used in the Halls of Congress, and that is ''individual responsibility.'' We all bear some individual responsibility for knowing what is in our credit card bills.

Now listen. If we don't know what the terms are, either, one, we've been misled by a credit card company—and, Madam Speaker, it happens. There are some misleading and fraudulent practices, and they need to be cracked down on. That's why we have the Truth in Lending Act, that's why we have the Unfair and Deceptive Practices Act, that's why we have the Fair Debt Collections Practices Act, the Fair Credit Billing Act, and others.

Another reason that we don't know the terms, Madam Speaker, is because we didn't read them, in which case we have ourselves to blame. Another reason that people don't know their terms is because they're incomprehensible. We can't understand them because of too many crazy government mandates that give us voluminous disclosure written in legalese as opposed to effective disclosure written in English.

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

Mr. CAMPBELL of California. I yield the gentleman 1 more minute.

Mr. HENSARLING. Madam Speaker, again, don't take my word for it, but the nonpartisan Congressional Research Service has written that if restrictive proposals like these were to become law, ''credit card issuers could also respond in a variety of ways. They may increase loan rates across the board on all borrowers, making it more expensive for both good and delinquent borrowers to use revolving credit. Issuers may also increase minimum monthly payments, reduce credit limits, or reduce the number of credit cards issued to people with impaired credit.''

Madam Speaker, we have seen a similar piece of legislation across the pond in the U.K. Britain decided that credit card default fees were too high. They ordered credit card issuers to cut them or face legal action, and guess what happened? Two of the three biggest issuers imposed annual fees on their credit card holders, 19 have raised interest rates, and we have seen studies that 60 percent of new credit applicants are being rejected. I don't want to repeat that experience in the United States of America in the midst of a credit crunch.

We should reject this legislation.

Mrs. MALONEY of New York. Madam Speaker, I have no further speakers. Does the gentleman from California have any further speakers?

Mr. CAMPBELL of California. I have one more speaker, a repeat speaker, and then I am prepared to close after that.

I would like to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I again thank the gentleman from California for yielding.

I would like to take up a couple of points that the sponsor of the bill raised.

One is the credit card companies in general oppose what is happening at the Federal Reserve and thereby also oppose her legislation which is here. That may be accurate to a degree, but there are a couple of factors in this. One is that many of the better credit card companies—''better'' being the ones that are paying attention to the practices—have already made a number of the changes proposed both by the Federal Reserve and what is in this legislation.

Secondly, I certainly support the concepts of this legislation as well as support what has been recommended in the unfair and deceptive practices rule which hopefully will get even better with the 50,000-plus comments that will come out here again in the fall. I think that's a matter of good consumer adjustment that needed to be made.

I also hope that consumers in general will understand the significance of understanding what they're dealing with. What bothers me sometimes is people don't understand all of their practices, but we need to make sure it's clear before them. And so I, and I think many others on this side and even some of the better credit card companies, would be very supportive of a lot of these changes which are being made.

The other thing that concerns me somewhat is the statement that there is no evidence that this legislation may raise the cost of credit. That may be a correct statement. But I think it is also correct to say there is no evidence that it will not raise the cost of credit. I think that's a logical conclusion. If

you take away money in one way or another, they're going to have to make up for it, and they're probably going to do that by looking at fees charged, interest rates, or whatever it may be.

My bottom line is you are probably going to see increases if indeed the changes as proposed in this legislation are made.

Again, I would urge the bill to be withdrawn. I don't expect it today, but I would urge the bill to be withdrawn so we can allow the Federal Reserve to make its opinions known and then proceed from there.

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

The gentleman from California is recognized for 2 minutes.

Mr. CAMPBELL of California. Madam Speaker, for the reasons we have articulated, this is not the way to do this, nor is it the time to do it. This bill is very well intentioned, and I applaud my colleague from New York for her commitment to this issue and, frankly, for her tenacity with this issue.

But this bill, make no mistake, will not help consumers. It will hurt consumers. Unfair and deceptive practices will be dealt with on a regulatory basis as they should be by the Federal Reserve. And then hopefully this Congress will act this week in a bipartisan and reasoned manner to try and deal with the financial crisis so that credit availability for people is continued and assured. And then we can deal with this continuing issue, and it will be a continuing issue without the current environment of the potential shutdown of credit to availability. It is not the way. It is not the time to do this.

I urge a ''no'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 2 minutes.

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Mrs. MALONEY of New York. Madam Speaker, I would like to respond to my good friend and colleague on the other side of the aisle, Mr. CASTLE, for whom I have great respect, and we have worked together productively in many ways. If you support these reforms, as you have so stated, then you should vote for them, and you should not vote for delay and weakening by waiting for some action that may happen in the future. If you support these reforms that have been called unfair and deceptive, then I hope you will join us in a bipartisan effort to correct the system.

Now many of my colleagues on the other side of the aisle have said that we should not act. But how in the world can we not act now? We are providing a $700 billion rescue for banks. How can we not provide basic fairness to consumers and some help and rescue to Main Street?

These practices have been called by the Fed unfair and deceptive and anticompetitive. We are helping consumers and the market by getting rid of them. The current situation makes it more urgent that we do so, not less.

Many, many people worked long and hard on this bill, and I would like to first and foremost thank the chairman of this committee, BARNEY FRANK, for his consistent support and input; the 155 cosponsors of this legislation; other members of the Financial Services Committee that took a leadership role, KEITH ELLISON, EMANUEL CLEAVER, LINCOLN DAVIS; also MARK UDALL, PETER WELCH, and LOUISE SLAUGHTER for their leadership on the issue; WALTER JONES and CHRIS SHAYS who were supportive from the beginning; the many consumer groups without whom we could not have gotten the broad base of support for this legislation; the labor unions, the AFL–CIO, especially the SCIU, which made this a top priority, civil rights groups; and certainly, the staff: my own staff, Eleni Constantine and Edward Mills, who have poured their heart and intelligence into this effort for 2 years; and the staff of the full committee, Michael Beresik, Patience Singleton, Charles Yi and Rick Maurano. Thank you for your efforts.

I urge very, very strong support for this long overdue reform.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 5244, the Credit Cardholders' Bill of Rights Act. As a cosponsor of this legislation, I believe it is a sensible approach to reforming major credit card abuses and improving consumer protections for cardholders.

Credit cards have become an integral part of the American economy, offering consumers instant access to a convenient, flexible source of financing. Unfortunately, more and more Americans are turning to their credit cards to help pay medical and utility bills, buy groceries, and make ends meet in this troubled economy. Credit card debt now consumes a sizeable portion of the average family's income. To make matters worse, the playing field between card companies and consumers has become very one-sided in recent years. A credit card agreement is a contract between a card company and a cardholder, but these companies have taken advantage of their customers with deceptive billing practices and hidden fees. Meanwhile, money that families are forced to devote to these unfair rates and charges is money that is not being spent on goods and services that could help bolster our struggling economy.

Cardholders deserve more bargaining power, and the Credit Cardholders' Bill of Rights Act helps level the playing field. Cardholders are entitled to accurate information and the right to make decisions about their own credit. This bill will ban interest rate increases on an existing balance unless the borrower is 30 days overdue and require card companies to give cardholders notification 45 days before any interest rate increase. This legislation also protects vulnerable consumers from fee-heavy subprime cards and prohibits issuing cards to minors. H.R. 5244 would also ban ''universal default'', where a card company raises the interest rate on one card if the cardholder misses a payment on a separate credit card or their credit score lowers. All of the provisions in this bill are the result of careful study and analysis over the past year, and I believe this deliberative approach has produced a very balanced and moderate bill.

Madam Speaker, instead of looking the other way while Americans fall deeper into debt, Congress must protect their financial interests and put an end to the tricks and traps made by credit card companies that undermine a competitive market. The balanced reforms in the Credit Cardholders' Bill of Rights will help do just that, while also helping to foster fair competition and the values of the free market. I encourage all my colleagues to vote for H.R. 5244.

Mr. DINGELL. Madam Speaker, I am proud to be an original cosponsor of the Credit Cardholders' Bill of Rights Act of 2008, which will ban some of the worst credit card industry practices, provide important protections for consumers, and implement important reforms that will benefit working families.

The events of the past week have highlighted the problems caused by a lack of transparency and regulatory oversight in the financial industry. The same problems that have caused the current crisis on Wall Street also plague the credit card industry. Millions of Americans are struggling with the increased costs of groceries, gasoline, healthcare expenses, and other essential goods and services, while at the same time the average American worker has actually experienced a decline in real wages since President Bush took office. Many of these families are stretched thin, and have had to use credit cards to finance unforeseen expenses such as car repairs, or emergency room bills. Far too often these families are being forced to pay unfair late fees and arbitrary rate increases, or are being taken advantage of by high-fee subprime lenders.

The legislation before us today requires nothing more from the credit card companies than to treat customers who pay their bills on time fairly. Sadly, the credit card industry has increasingly resorted to unfair practices to exact late fees and higher interest charges from credit cardholders. In fact penalties have increased by more than 50 percent during the Bush Administration, and now make up more than half of the industry's $40 billion profits.

For example, this legislation will end the practice known as ''universal default,'' where a credit card company uses information about a cardholder's financial status, such as a change in his or her credit rating, to raise the cardholder's interest rate even though the cardholder has not defaulted or made any late payments to the credit card company. The bill will also ban what is known as ''double cycle billing,'' which is the collection of interest on amounts already paid. H.R. 5244 will also offer cardholders the right to cancel a card when faced with a rate increase so long as he or she agrees to pay off the existing balance at the rate they agreed to when they borrowed it.

This legislation is an important step towards reining in some of the worst excesses of the Bush administration's hands-off approach to the financial industry. I encourage my colleagues to support H.R. 5244, and protect consumers from further abuse against the most unscrupulous credit card industry practices.

Mr. BLUMENAUER. Madam Speaker, I opposed the 2005 Bankruptcy Act in part because of its egregious support for abusive credit card practices. H.R. 5244 works to

knock down some of those supports. This bill represents one step toward fixing some of the worst aspects of that bankruptcy bill and one step towards resolving the challenges facing our nation's consumers and I support it.

It is outrageous that as the financial crisis has spread, credit card companies have imposed higher delinquency fees. Double-cycle billing, unfair penalties, and arbitrary rate increases likely are also part of the credit card industry's response.

This bill would put a stop to many of the most egregious practices by credit card companies. This bill ends ''double-cycle billing,'' where consumers pay interest and fees even where they have paid their obligation fully and on time. This bill also requires that cards allocate consumer payments proportionally to debt carrying different interest rates—rather than allocating the payment to the debt carrying the lowest interest rate.

In short, I support this bill because it provides added protections for consumers, and I will continue to work to end abusive credit card and bankruptcy practices.

Ms. HERSETH SANDLIN. Madam Speaker, the House is considering today the Credit Cardholders' Bill of Rights. I believe it is critically important to ensure fairness and transparency for consumers engaged in credit card transactions, and I support many of the commonsense provisions included in this bill designed to prevent unfair and deceptive practices.

However, while ensuring basic consumer protections, we should also consider the full implications of potential new regulation for consumers. I have joined with the other members of the South Dakota delegation in expressing our concerns on this subject to the regulatory agencies that are already fully engaged in crafting new credit card regulations addressing many of the same issues addressed in this legislation.

We are concerned that, if enacted, this legislation would prohibit issuers of nonprime credit cards from charging deposits or fees to the card for the issuance of credit. Although well intentioned, this provision could have the unintended consequence of unnecessarily limiting credit for many of the more than 70 million consumers who are considered nonprime, and for whom subprime credit cards may be the only available source of credit. In a time of economic instability and decreasing credit availability, it is essential to consider the full potential impact of limiting access to credit.

Furthermore, the Federal Reserve Board of Governors and other agencies with significant expertise in this area are already working to implement new credit card regulations targeting many of the same practices this legislation seeks to address. These regulations are expected to be finalized before the end of this year and will reflect over 50,000 comment letters received by these agencies from consumers and representatives of the financial service industry. It should also be recognized that many issuers of credit cards have already initiated good faith steps to impose greater fairness, transparency and consumer protections in their industry.

For these reasons, while I fully support the goal of ensuring fairness in the credit card industry and protecting consumers from unfair and deceptive practices, I cannot support today's bill, which I believe should be improved before being passed by the House. As the legislative and regulatory processes progress, I will continue to work to ensure Congress fully considers the potential effect of these provisions on millions of consumers.

Mr. BACA. Madam Speaker, I rise as a proud cosponsor of the H.R. 5244, Credit Card Holder's Bill of Rights.

Access to fair and affordable credit cards is important for families entering the financial market for the first time, as well as those that rely on cards in times of financial emergency.

Credit card reform is vital to the Latino community.

Like most Americans, Latino families rely on credit to help them manage their monthly finances and purchase assets that will move them firmly into the middle-class.

Currently, 22 percent of Latinos do not have enough credit information available to generate a credit score, and more than one-third do not maintain traditional banking or savings accounts.

Because creditors generally rely on automated data mining, the fact that Latinos and immigrants are less likely to have robust credit files leaves them at a disadvantage.

As a result, issuers do not solicit our communities with their best priced credit cards. Instead, they offer high fee cards, with higher rates, and engage in other practices that regularly trap families in cycles of debt.

The Latino community is often targeted by ''affinity'' cards, cards that claim to be looking out for Latinos, but end up taking their money as an advanced loan scam, leaving consumers with no credit history and more fees than the card is worth.

Shopping for safe credit cards has become impossible, with mail solicitation rates rising 30 percent since 2006.

According to a Federal Trade Commission survey, 14.3 percent of Hispanics are victims of credit fraud, compared to 6.4 percent of non-Hispanic Whites.

Therefore, Latinos are hard hit by unfair credit card industry practices. Hispanic credit card users are more likely to be struggling to manage their debt, and are more susceptible to adverse industry practices.

Common abusive practices such as universal default, retroactive fees, no advance notice of changes in terms, and double-cycle billing make it hard for families playing by the rules to get ahead.

The Credit Card Holder's Bill of Rights, H.R. 5244, is important to Latinos and families across America for many reasons.

H.R. 5244 stops credit cards from changing their terms arbitrarily—instead, the bill requires up-front disclosures of all reasons for an increase in fees or changes in contract terms.

H.R. 5244 requires card companies to apply consumer payments to the highest interest balances first, making payments proportional and fair. Currently, many credit card companies apply payments first to lower-rate balances, preventing consumers from paying-off higher interest rate balances until the lowest rates are paid-off. This practice creates a situation where fees and finance charges accrue on the higher-cost balances, beginning a cycle of debt for many families.

H.R. 5244 stops universal default. Universal default is an unfair practice of many card companies, in which a consumer's rates can retroactively increase on a card that they have a perfect payment record with, if they have a decline in their credit score, or issues with an unrelated credit card. Minimum monthly payments can skyrocket, affecting a family's ability to successfully manage their debt and maintain financial stability.

H.R. 5244 ends unfair late fees on payments that were received on-time. Clearly outlined due dates that can not arbitrarily change will be made explicit to the consumer and companies must mail bills 25 days before their due dates.

The complaints of over 30,000 Americans have flooded the Federal Reserve Board in the last 2 months, urging the Board to make their recent credit card proposals permanent. H.R. 5244 will codify the Board's recent proposals so that they cannot be weakened. Congress can send a strong message of approval to the Board, encouraging them not to weaken their proposed protections for the American consumer.

I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Speaker, I am proud to stand, as an original sponsor, in strong support of the Credit Cardholders' Bill of Rights Act of 2008, a bill to prohibit creditors from using adverse information about a consumer or his credit as the basis for increasing his interest rate or fees.

Even in the best economic times, unexpected credit card fees can make it difficult for many strapped consumers to stay afloat. In the worst of times, these fees can push them over the edge into bankruptcy. For Americans struggling to keep pace with rising food costs and falling home values, this legislation equips consumers with significant new powers to help protect them from punitive credit card rate charges and fees.

The bill requires advance notice of credit card account rate increases and prohibits companies from imposing interest on credit repaid within the interest-free repayment time period.

The bill authorizes a consumer who receives a notice about a rate change to cancel the credit card without penalty or the imposition of any fee and allows consumers to pay any outstanding balance that accrued before the effective date of the rate increase.

The bill also authorizes a consumer to opt-out of over-the-limit fee programs and imposes restrictions on the frequency of over-the-limit fees.

Madam Speaker, this important bill comes before this House at an important time for American consumers. Our constituents need these protections. I urge my colleagues to join me in support of this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1476, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CASTLE. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CASTLE. Yes, in its current form, I am.

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

The Clerk read as follows:

Mr. Castle moves to recommit the bill H.R. 5244 to the Committee on Financial Services with instructions to report the same back to the House promptly with the following instructions:

Page 26, after line 9, insert the following new section:

**SEC. 9. TRIGGER FOR ENACTMENT.**

No provision of the Act shall take effect until a study to be completed by the Board of Governors of the Federal Reserve System makes a determination that the provisions of the Act will not result in a reduction in the availability of credit covered by this Act to small businesses, veterans, or minorities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware is recognized for 5 minutes in support of his motion.

Mr. CASTLE. Madam Speaker, I hope that we listened to the motion carefully. It pertains to the issue that's been raised a couple times in the discussion, the matter of credit.

And what we are simply trying to do in this is to make sure that there is not a reduction in the availability of credit covered by this act to certain groups, small businesses, veterans or minorities. There is a concern that as you start to make some of these shifts that you could have a credit increase, and even though the committee held several hearings on the bill before us today, not a single witness could reassure the committee that this bill would not result in a reduction of credit.

Given the current state of our financial system with available credit staying locked up on the sidelines, credit cards are becoming increasingly important to make ends meet for seniors, small businesses, and average Americans.

Should this bill be signed into law without an appropriate effort to evaluate the impacts, Congress will have been an accomplice to the reduction in credit.

This motion to recommit simply asks the Federal Reserve to study the effects of the bill, and if the conclusion is that this will damage our economy and reduce credit, then we would not enact these sweeping provisions.

There are more than 4 million minority-owned small businesses in America. SBA data shows that some 15 percent of the capital used to open a minority-owned small business comes from the use of credit cards. There are nearly 10.4 million firms owned by women employing 12.8 million people. However, these women-owned businesses had to make an average of four attempts to obtain bank loans or lines of credit and 22 attempts to obtain equity capital. So clearly the need is there.

Eleven percent of the capital for women-owned businesses comes from the use of credit cards. What if that number is reduced or eliminated due to a provision in the bill? The economy obviously would take a direct hit.

I would also point out in closing, Madam Speaker, that this hopefully is a motion to recommit that could be supported by everybody, even those in favor of the legislation, on the basis that we need to establish whether or not there's going to be a credit hit with respect to all this before such legislation would go into place.

I would encourage support from all the Members of the House for the motion to recommit.

I yield back the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Mrs. MALONEY of New York. Madam Speaker, I would like to ask the gentleman on the other side of the aisle if he would be open to a UC change to change the term ''promptly'' in the bill to ''forthwith.'' If this UC is agreed to, I would support it and accept the motion.

I yield to the gentleman from Delaware.

Mr. CASTLE. At this time, we will not accept the suggestion. I appreciate the kind offer, however, of the sponsor.

Mrs. MALONEY of New York. Then regretfully I oppose your motion to recommit because it would effectively kill the bill because we are in the last week of session, and it is yet another delay tactic. If this was a serious concern, you would have raised this in the committee, and it is obviously just another effort to kill the bill.

We are being called upon to help Wall Street. We should also help Main Street, and I would urge my colleagues to understand that this bill has been supported not only by 155 of their colleagues but over 52 major publications across this country in editorials or op-eds, every single consumer organization in this country, and three of the regulators, including the Federal Reserve.

Rarely are my colleagues on the other side of the aisle given an opportunity to vote against stopping unfair, deceptive, and anticompetitive practices that have been endorsed and called upon by many in this country to stop.

I urge a ''no'' vote on this motion to recommit. It is an effort to kill the bill. It is an effort not to help consumers, and it is an effort that would roll us backwards. They say they're for it. Well, we're giving them an opportunity to vote for consumers with this bill.

I urge a ''no'' vote on the motion to recommit. It kills the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to suspend on H.R. 6897.

The vote was taken by electronic device, and there were—yeas 198, nays 219, not voting 16, as follows:

[Roll No. 622]

YEAS—198

Aderholt
Akin
Alexander
Altmire
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
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro

Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
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
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Bachmann
Braley (IA)
Cooper
Cubin
Davis, Lincoln
Feeney
Gordon
Hulshof
Hunter
Johnson (GA)
Johnson, Sam
Musgrave
Neugebauer
Pryce (OH)
Reyes
Weller

□ 1345

Messrs. ACKERMAN and DOYLE and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. GALLEGLY, BURTON of Indiana, WELDON of Florida, FLAKE, CANNON, MILLER of Florida, KING of New York, YOUNG of Alaska and Mrs. DRAKE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELLER of Illinois. Madam Speaker, on rollcall No. 622, I was inadvertently detained. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. MALONEY of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 112, not voting 9, as follows:

[Roll No. 623]

AYES—312

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—112

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Davis (KY)
Davis, Tom
Deal (GA)
Doolittle
Dreier
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Putnam
Reynolds
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—9

Braley (IA)
Cooper
Cubin
Davis, Lincoln
Gordon
Hulshof
Neugebauer
Pryce (OH)
Reyes

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1358

Messrs. BOOZMAN, McCAUL of Texas, and PICKERING changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FILIPINO VETERANS EQUITY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6897, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6897, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 23, not voting 18, as follows:

[Roll No. 624]

YEAS—392

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
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
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
Spratt
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—23

Akin
Broun (GA)
Buyer
Campbell (CA)
Coble
Davis, David
Deal (GA)
Duncan
Everett
Flake
Foxx
Gingrey
Goode
Goodlatte
Kingston
Lamborn
Mica
Price (GA)
Scalise
Stearns
Taylor
Weldon (FL)
Westmoreland

NOT VOTING—18

Braley (IA)
Cooper
Cubin
Cummings
Davis, Lincoln
Dingell
Doggett
Gonzalez
Gordon
Hulshof
Neugebauer
Obey
Pryce (OH)
Radanovich
Reyes
Rush
Stark
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1405

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall 622, the motion to recommit H.R. 5244, the Credit Cardholders Bill of Rights Act of 2008, I was not present. If I had been there, I would have voted ''nay.''

On rollcall 623, on passage of H.R. 5244, the Credit Cardholders Bill of Rights Act of 2008, I was not present. If I had been there, I would have voted ''aye.''

On rollcall 624, H.R. 6897, the Filipino Veterans Equity Act 2008, I was not present. If I had been there, I would have voted ''yea.''

## PERSONAL EXPLANATION

Mr. NEUGEBAUER. Mr. Speaker, due to a family matter, I was absent for the following rollcall votes held September 22 and September 23, 2008. Had I been present, I would have voted as indicated for each rollcall listed: rollcall vote 616: ''nay,'' rollcall vote 617: ''nay,'' rollcall vote 618: ''yea,'' rollcall vote 619: ''nay,'' rollcall vote 620: ''no,'' rollcall vote 621: ''yea,'' rollcall vote 622: ''yea,'' rollcall vote 623: ''no,'' rollcall vote 624: ''yea.''

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on the postponed questions will be taken later.

## PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6983) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6983

*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 ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008''.

**SEC. 2. MENTAL HEALTH PARITY.**

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than

the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place that such appears; and

(ii) by striking ''and who employs at least 2 employees on the first day of the plan year''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6-year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by inserting after subsection (e) the following:

''(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, submit to the appropriate committees of Congress a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.

''(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate guidance and information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such guidance and information shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.'';

(7) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(8) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(b) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than

the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting before the period the following: ''(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an employer residing in a State that permits small groups to include a single individual)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6-year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan, and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits,

days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6-year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(g) CONFORMING CLERICAL AMENDMENTS.—

(1) ERISA HEADING.—

(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

**''SEC. 712. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Parity in mental health and substance use disorder benefits.''.

(2) PHSA HEADING.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

**''SEC. 2705. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(3) IRC HEADING.—

(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

**"SEC. 9812. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.".**

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Parity in mental health and substance use disorder benefits.''.

(h) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that analyzes the specific rates, patterns, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants' and enrollees' health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—Not later than 3 years after the date of the enactment of this Act, and 2 years after the date of submission the first report under this paragraph, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

**SEC. 3. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.**

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) TRANSITION.—Paragraph (7) of section 864(f) of such Code is amended by striking ''30 percent'' and inserting ''85 percent''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. STARK) and the gentleman from New Jersey (Mr. ANDREWS) each be permitted to control 6½ minutes of my time.

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

There was no objection.

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

Mr. Speaker, I rise today in support of the passage of H.R. 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, a comprehensive bill which will establish full mental health and addiction care parity.

We live in a time when discrimination in any form against any person should not be tolerated. One out of every five adults in the U.S. suffers from mental health or substance abuse disorders on an annual basis, and yet studies show that people with mental illnesses continue to face insurers and employers unwilling to provide them the same level of care they would for a medical problem.

The legislation before us will fully ensure equity in the coverage for mental illness and substance abuse disorders by requiring that group health plans with mental health coverage offer that coverage without the imposition of discriminatory financial requirements or discriminatory treatment limitations.

I want to recognize two of my colleagues, Representative PATRICK KENNEDY and Representative JIM RAMSTAD, who have worked tirelessly to bring this bill to the floor. We can't delay any longer. I strongly urge my colleagues to vote in favor of the passage of this important legislation.

I reserve the balance of my time.

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

Mental health deserves serious attention. We all share in this concern. The debate around mental health parity hinges on that principle, does government really know what is best? Isn't it better to allow consumers choice and not a one-size-fits-all government-dictated mandate? People should be able to decide if they want to pay more for health insurance.

We have been here before, and, from what I am told, this isn't the only time or possibility even this week that we will be considering a government-dictated mental health mandate.

Earlier this year, the House passed H.R. 1424, a bill that served as the House mental health parity bill for purposes of negotiation with the Senate. At the time, CBO estimated that H.R. 1424 would have increased premiums for group health insurance by an average of about four-tenths of 1 percent before accounting for the responses of health plans, employers and workers to the higher premiums. Those responses would include reductions in the number of employees enrolling in employer insurance, changes in the types of health plans that are offered, including eliminating coverage for mental health benefits and/or substance benefits, and reductions in the scope or generosity of health benefits, such as increased deductibles or higher copayments.

I opposed H.R. 1424 for these and other reasons regarding the offsets presented at that time, as well as many of my colleagues on Energy and Commerce.

The bill before us today is not H.R. 1424. It may be confusing to see this stand-alone mental health parity bill here today, since I know we just passed one a few months ago. After a little digging, I soon realized that this bill is a cut-and-paste of the same agreed-upon text from the tax extenders bill originating in the Senate to be sent over to this body to consider possibly as early as today or tomorrow. So what the majority has done is take language negotiated directly with the Senate without any House Democrats in the room and dropped into another stand-alone bill.

One has to wonder why we are considering this bill today, when the exact same language is on its way over to us pursuant to an agreement between the majority and the Senate. Is this just another political gimmick by the Democrat leadership?

This is a prime example of what happens when Democrats stop leading on issues and start politicking. The Democrat do-nothing Congress is doing something today. Instead of addressing outstanding issues our country faces, such as a need for real energy reform, they are hard at work to put in front of us a bill that already passed the House this year and will be arriving momentarily from the Senate. Are we really supposed to pass the same bill three times this year? That is not progress. That is a waste of taxpayer time.

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

Mr. ANDREWS. Mr. Speaker, I am pleased at this time to yield 2 minutes to the chairman of the Education and Labor Committee, the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in very strong support of this legislation. It is an important piece of legislation. It does some very important things for families and individuals with mental health problems.

H.R. 6983 amends the Employer Retirement Income Security Act to prohibit employers and group health plans from imposing mental health or substance abuse treatment limitations, financial requirements or out-of-network coverage limitations, unless comparable limitation requirements are imposed upon medical surgical benefits.

Under this provision, if a mental health plan permits individuals to go to an emergency room for a medical condition without prior authorization or an out-of-network hospital or treatment center at in-network rates for a medical condition, then the plan must apply the same rules to an individual suffering from mental illness or substance abuse.

However, if a group plan does offer mental health or substance abuse benefits, there must be equity between the mental health or substance abuse coverage and all comparable medical and surgical benefits in the plan. Nothing

in H.R. 6983 is intended to preempt the stronger State mental health and substance abuse parity laws.

Having said that, I want to pay tribute to two of our colleagues. JIM RAMSTAD, who has been tireless in his effort to see this measure become law, and hopefully with our actions today it will be on its way to the President's desk and become law. I just want to thank you on behalf of so many families, not just my constituents who have mental health illness problems in their families, but so many families in America and individuals, for your work on this legislation.

And to PATRICK KENNEDY, our colleague who again has just done a remarkable job of rounding up support and votes for this legislation and getting to people to explain it to them, to get them to understand it and appreciate the problems that these families have when they try to get services from the insurance plans, from their health networks, and the barriers that are erected in front of them.

Hopefully this legislation will do what it is supposed to do to make sure that they can get treatment, they can get care, and they don't have to run all of the gauntlet that they today encounter with those barriers.

So to Congressman RAMSTAD, thank you so very much for all of your work, and to PATRICK KENNEDY, thank you so very, very much for all of your advocacy on this legislation.

□ 1415

Mr. TERRY. Mr. Speaker, the Energy and Commerce Committee is not taking a position saying or encouraging other Members to vote for or against this bill. Our frustration is with the process on this bill.

At this time, I want to, seeing no other Energy and Commerce speakers here, yield the balance of my time to Mr. RAMSTAD of the Ways and Means Committee.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota will control the time.

There was no objection.

Mr. RAMSTAD. I thank the gentleman for yielding.

Mr. Speaker, we would not be having the debate here today without the compassionate leadership of the late Senator Paul Wellstone.

I want to thank the Speaker and majority leader, as well as Chairmen RANGEL, STARK, GEORGE MILLER, DINGELL, PALLONE and ANDREWS, for their key support.

The issue before us today is not just another public policy issue. The issue today before us is a matter of life and death for 54 million Americans suffering the ravages of mental illness and 26 million Americans suffering from chemical addiction.

Last year alone, more than 30,000 Americans committed suicide from untreated depression and 150,000 Americans died as the direct result of chemical addiction. On top of the tragic loss of lives, untreated addiction and mental illness cost our economy $550 billion last year, according to the Wall Street Journal. In fact, the Journal cited $70 billion was lost from our economy because of untreated depression alone.

I am alive and sober today only because of the access that I had to treatment following my last alcoholic blackout on July 31, 1981. I woke up that day in a jail cell in Sioux Falls, South Dakota, and I am living proof that treatment works and recovery is possible. But far too many people in our country don't have the same access to treatment that I and other Members of Congress, other Federal employees have.

A major barrier for thousands of Americans is insurance discrimination, plain and simple, against people in health plans who need treatment for mental illness or chemical addiction. The legislation my friend from Rhode Island (Mr. KENNEDY) and I have authored, H.R. 6983 before us today, would end this discrimination by prohibiting health insurers from placing discriminatory restrictions on treatment for people with mental illness or addiction.

No more inflated deductibles or copayments that don't exist for physical diseases. No more limited treatment stays that don't apply to physical ailments, no more discrimination against people with mental illness or chemical addiction.

I just want to say a word about the chief sponsor of this legislation, Mr. KENNEDY, who has worked tirelessly on this bill. We have worked together for many years now on this legislation since he first came to the House. I want to publicly acknowledge and thank Mr. KENNEDY, who has not only worked hard on this legislation, but has been an inspiration to literally hundreds of thousands of Americans as we traveled this country to 14 States, holding field hearings on this important legislation.

Simply stated, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, which has, by the way, 274 cosponsors from both sides of the aisle, simply stated, provides equal treatment for diseases of the brain with the body. Diseases of the brain should be treated the same as diseases of the body.

There is no government mandate. Nobody is mandated to insure anybody for treatment for mental illness or chemical addiction. There is no mandate in this bill. All it says is if your policy includes coverage for mental illness or addiction, then you cannot be discriminated against, that is, those ailments must be treated the same as physical ailments.

Providing treatment equity is not only the right thing to do, it's the cost-effective thing to do. Believe me, we have over the last 12 years assembled all the empirical data in the world, all the actuarial studies in the world, and they all showed the same thing, that equity for mental health and addiction treatment will save, not cost, but save, literally, billions of dollars nationally.

At the same time, treatment parity will not raise premiums more than two-tenths of 1 percent. That's according to the Congressional Budget Office. Let me repeat that. Premiums will not raise more than two-tenths of 1 percent.

So, in other words, for the price of a cheap cup of coffee per month, I am not talking about a fancy restaurant, I am talking about Pete's Diner, where many of us go, millions of people could receive treatment for chemical addiction and mental illness. In fact, 16 million people of the 26 million people in health plans could receive treatment under this bill.

When my friend from Rhode Island and I traveled this country holding field hearings on this legislation, we heard, literally, hundreds and hundreds of stories of human suffering that ripped your heart out, broken families, tragic deaths, ruined careers, shattered dreams, all because insurance companies would not provide access to treatment for mental illness and addiction for people who were in health plans. We could change that here today.

It's time to end the discrimination against people who need treatment for mental illness and addiction. It's time to prohibit health insurers from placing discriminatory barriers on treatment. It's time to join the coalition of insurance companies, yes, I said insurance companies. More than 10 of them now support this, as well as the major business groups who support parity. They know it's cost effective, they know parity saves health care dollars. It's time to make this bipartisan legislation the law of the land.

The people of America cannot wait any longer for Congress to act.

Mr. David Wellstone
Son of the late Senator Paul Wellstone
Co-Founder, Wellstone Action

STATEMENT FOR THE RECORD IN SUPPORT OF THE PASSAGE OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008, SEPTEMBER, 2008

I am pleased to speak in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. This legislation is critically important to the future of health care, and it is also very close to my heart. During my father's time in the Senate, he never stopped fighting for fairness in coverage and treatment for mental illness and substance use disorders. My family and I are grateful for the tribute that the Senate and the House have paid to my father's legacy by naming the bill after him, as well as his close colleague, Sen. Pete Domenici.

My brother and I founded Wellstone Action to carry on my father's work, and through this organization, thousands of people are trained each year to run for office and to develop grassroots skills in organizing and leadership. But nothing represents my father's passion and commitment more than his work to pass legislation that would end the discrimination against those with mental illness and substance use disorders. This

legislation is a major achievement and will do so much to end that discrimination.

For some time, I have been coming to Washington to speak on behalf of this legislation, but the fight for parity has a long history with many milestones: the 1996 federal law; the 1999 Executive Order that gave federal employees mental health and addiction parity benefits; the many successes at the state level to strengthen their parity laws; the times that Congress came very close to passing the expansion of the federal law; and the endorsement by President Bush in 2002. For my father, these milestones were very personal. His dedication stemmed from his personal observations of the terrible conditions in psychiatric institutions when his brother was hospitalized in the 1950s. These conditions, and the eventual catastrophic financial toll that my grandparents had to bear, inspired my father to do everything he could to make things right for those in similar circumstances.

The legislation that my father and Sen. Domenici passed in 1996 was groundbreaking and important, for it established in law an important first principle of parity: that those with mental illness should not be discriminated against in insurance coverage. But my father knew that it was not enough, and that is why this legislation is so necessary. It is the critically important next step toward ending the persistent discrimination against people who suffer from mental illness and addiction.

In the House, the tireless leadership of Congressman Patrick Kennedy and Congressman Jim Ramstad has been extraordinary, especially with the groundbreaking inclusion of substance use disorders in the parity bill and their protection of the rights of patients. They and the House Leadership, especially Speaker Nancy Pelosi and Majority Leader Steny Hoyer, should be proud of their efforts to make this legislation one that will strongly protect the needs of millions of Americans who have mental illness and substance use disorders. In the House, the efforts by the Chairmen of the Energy and Commerce, Ways and Means, and Education and Labor Committees should be proud of their successful efforts to fight for the rights of those with these illnesses. And, as I know well, nothing is accomplished without the unflagging commitment of hundreds of dedicated staff and advocates who have worked so hard to right the wrong of discrimination that has existed for so long in our country.

I also want to extend my deep gratitude to former First Lady Rosalynn Carter for her many years of leadership on this issue and many other problems related to mental illness. She and my father worked closely together on parity for many years, and he was always grateful for her support and leadership.

We know that mental illness is a real, painful, and sometimes fatal disease. It is also a treatable disease. My father used to say that the gap between what we know and what we do is lethal. Available medications and psychological treatments, alone or in combination, can help most people who suffer from mental illness and addiction. But without adequate treatment, these illnesses can continue or worsen in severity. Suicide is the third leading cause of death of young people in the U.S. Each year, 32,000 Americans take their lives, hundreds of thousands attempt to do so, and in 90% of these situations, the cause is untreated mental illness. This legislation will save lives. It will also go a long way toward ending the stigma that is behind the discrimination.

People have asked me why I am so involved in this issue. My first response is, ''Because of my father, of course''. I loved him and I miss him, and I have learned that many others here in Washington and throughout the country miss him too, especially his courage and his compassion. He fought hard for those who had no voice, and he had a strong personal commitment to helping those with mental illness and addiction. After he died, Congressional members honored him and my family by promising to name the parity bill after him, and this meant a great deal to my family. But I also knew the kind of man my father was, and the kind of parity bill he would have wanted finally passed into law, and I wanted to help ensure that the final bill was one worthy of his name. The safeguards for patients that have been included in this final bill, such as protections of stronger state laws, out of network benefits, oversight of diagnosis coverage, and transparency of medical necessity, are essential to a strong law. This Congress can be remembered as the one that had the courage and leadership to pass a strong parity bill, one where everyone's voices had a chance to be heard.

I, along with millions of Americans, look forward to the day when people with mental illness and substance use disorder receive decent, humane, and timely care. The passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 brings us so much closer to this day.

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

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume, and I will be brief.

I am here to establish my ranking among distinguished Members like Chairman DINGELL, Chairman PALLONE, Chairman MILLER, Chairman ANDREWS, Ranking Member MCCRERY, Ranking Member CAMP and all of my colleagues. We all get the title today as pieces of parsley on a platter of fish. We are here to garnish the work that JIM RAMSTAD and PATRICK KENNEDY, led by former Senator Wellstone and Senator DOMENICI, have accomplished with diligent hard work. Without it, we would not be here to protect the people and add the protection that people need.

I urge my colleagues to support the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, H.R. 6893, to honor PATRICK and JIM for the marvelous work they have done.

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

Mr. RAMSTAD. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Connecticut, who has been a long supporter of parity, Mr. SHAYS.

Mr. SHAYS. Mr. Speaker, I rise in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. Twenty-five percent of the U.S. adult population suffers from mental disorders or substance abuse disorders.

Yet despite the prevalence of mental disorders, there continues to be widespread misinformation and ignorance surrounding the condition. We need to ensure those who have treatment have access to care. At the same time, we need to increase biomedical research into the causes of and treatments for mental illness.

It is estimated 98 percent of private health insurance plans discriminate against patients seeking treatment for mental illness by requiring higher copayments, allowing fewer doctor visits or days in the hospital, or requiring larger deductibles than imposed on other medical illnesses. With passage of this legislation, we will end these discriminatory practices and bring mental health care on par with care for physical ailments.

I congratulate my friends, Congressman RAMSTAD and Congressman KENNEDY, for all their efforts to help the mentally ill.

I urge adoption of this legislation.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island, who has worked so tirelessly as a chief sponsor of this bill, Mr. KENNEDY.

Mr. KENNEDY. Mr. Speaker, I rise in support of H.R. 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

I would like to acknowledge the hard work of Chairmen DINGELL, RANGEL and MILLER, as well as subcommittee Chairmen STARK, PALLONE and ANDREWS, without whose unflagging commitment to this bill we would not be so close to sending it to the President's desk.

I would also like to thank Speaker of the House NANCY PELOSI, and our majority leader, STENY HOYER, and the whole Democratic leadership for their consistent support in making this bill a top priority.

I most would like to thank my good friend, JIM RAMSTAD. JIM is leaving this year, and there will be no greater testament to his devotion to those with mental illness and substance abuse disorders than to see this bill signed into law by President Bush this year.

Mr. Speaker, I have a letter in support of this bill from former First Lady Rosalynn Carter, who has been such a champion for this issue, and I will insert it into the RECORD.

STATEMENT FOR THE RECORD IN SUPPORT OF THE PASSAGE OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 BY MRS. ROSALYNN CARTER, FORMER FIRST LADY OF THE UNITED STATES, CHAIRWOMAN, CARTER CENTER'S MENTAL HEALTH TASK FORCE, ATLANTA, GEORGIA

I am pleased to have the opportunity to express my strong support for the passage of a critical health issue facing millions of Americans: parity for the treatment of mental illnesses and substance use disorders.

I have been working on mental health issues for more than 35 years. When I began no one understood the brain or how to treat mental illnesses. Today everything has changed—except stigma, of course, which holds back progress in the field.

Because of research and our new knowledge of the brain, mental illnesses now can be diagnosed and treated effectively, and the overwhelming majority of those affected can lead normal lives—being contributing citizens in our communities.

I join many individuals and hundreds of national organizations calling for an end to the fundamental, stigmatizing inequity of providing far more limited insurance coverage for mental health care than for treatment of any other illnesses. Again, I join

forces with my friend Betty Ford in urging action on this important issue.

Jimmy and I founded The Carter Center 25 years ago, and I have a very good mental health program there. Annually we bring together leaders to take action on major mental health issues of concern to the nation. We have focused many times on stigma and discrimination and the importance of insuring adequate, equitable coverage for people with mental illnesses.

To me, it is unconscionable in our country and morally unacceptable to treat 20 percent of our population (1 in every 5 people in our country will experience a mental illness this year) as though they were not worthy of care. We preach human rights and civil rights and yet we let people suffer because of an illness they didn't ask for and for which there is sound treatment. Then we pay the price for this folly in homelessness, lives lost, families torn apart, loss of productivity, and the costs of treatment in our prisons and jails.

I have always believed that if insurance covered mental illnesses, it would be all right to have them. This may be why the stigma has remained so pervasive—because these illnesses are treated differently from other health conditions.

All mental illnesses are potentially devastating. But today living a life in recovery from a mental illness is not only possible, but expected. We had an intern at The Carter Center this spring, for example, who has obsessive compulsive disorder and depression. While she was in high school, she once spent two solid weeks in her house, unable to leave or be with her friends. I am happy to say that she received treatment, is a college graduate with Phi Beta Kappa honors, and just got a job in Washington, DC. Without resources and support, she could still be sick and shut in her home, which is what happens to so many who do not get the help they need because of lack of the ability to pay for services. We as a country lose all the many contributions of these wonderful people.

I have the pleasure of being friends with Tom Johnson, the former publisher of the Los Angeles Times and former CEO of CNN and a person who has struggled with depression. He has been interested in the mental health benefits offered by employers in Atlanta. He and two other prominent CEOs in the Atlanta community—all of whom have suffered from severe depression and are now great leaders—have had an enormous impact on businesses in the area.

Through the research of people like Howard Goldman and Richard Frank, we know that parity in insurance benefits for behavioral health care has no significant increase in total costs when coupled with management of care. We also know that a number of enlightened companies such as AT&T, Delta Air Lines, Eastman Kodak, General Motors, and IBM have provided comprehensive coverage for their employees. (Report to the Office of Personnel Management, by Washington Business Group on Health)

Since the mental health commission we held during Jimmy's presidency, there have been several major reports released including the first Surgeon General's Report on Mental Health, President Bush's New Freedom Commission on Mental Health, and the Institute of Medicine included mental and substance use conditions in its series of reports on the quality of American health care. All of the reports reinforce the statement that effective treatments are available, but most people who need them do not get them.

The whole nation has learned a lot about the importance of mental health issues through the events of Hurricane Katrina and the needs of our returning soldiers and National Guard troops. We support our troops in the field, and it is critical that we continue to support them when they come home.

Finally, I would like to comment on the number of states that have moved ahead with parity. These have been long-fought battles with some states managing wonderful successes. It is so important that stronger state parity laws continue to improve the lives of people with mental illness and addiction. It is also critically important that plans not override the intent of this legislation by discriminating against those with certain diagnoses of mental illness and addiction in their coverage. I am glad to see that this legislation includes efforts to keep a close watch on this issue. The intent of this law is fairness, not discrimination.

After waiting for 15 years, we finally have mental health and addiction parity legislation in sight. If this legislation is passed, many of our citizens will be healthier, and our nation will be stronger, more resilient, and more productive.

On behalf of the millions of people affected by mental illnesses, I applaud your efforts to pass the mental health and addiction parity legislation. I know the work has been hard, but the benefits to our nation will be enormous.

We are bringing to the floor today a bill that is fully paid for, bipartisan, bicameral and a compromise, a mental health parity bill that has long been coming to this floor. It is the result of extensive negotiations between the House, the Senate, and is supported by the chairmen of the relevant House committees and subcommittees, as well as Senators KENNEDY, ENZI and DOMENICI.

We cannot afford one more day without parity, because each day five United States soldiers take their lives because of suicide. We cannot afford one more day without parity because each year $1.3 billion is lost because of those workdays due to mental disorders, more than arthritis, stroke, heart attack and cancer combined.

The World Health Organization in this chart shows you. It's hard for anyone to really understand until you see it in this chart.

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

Mr. RAMSTAD. I yield the gentleman 2 additional minutes.

Mr. KENNEDY. If you look at the comparison in illnesses by lost days, burden of illness, mental illness is amongst the worst; sure, cancer; sure, arthritis; sure, heart disease, but these are illnesses that capture people usually at the end of life. Mental illnesses, addictive disorders, really paralyze people from their beginning of life throughout their life. That's why it's such a burden of illness in our society.

It catches us in the Justice Department. Drug-related crime in our country costs us $107 billion a year. We cannot afford not to have parity because 80 percent of our trauma admissions in our emergency rooms are alcohol and drug related. We cannot afford not to have parity, because by denying an individual's treatment to their diseases, we are denying them the opportunity to live out their full potential and live a full and fulfilling life.

Treatment works, as my good friend from Minnesota has said. It has worked for those who have had the opportunity to seek it.

If you are a Member of Congress, you have treatment opportunities. Like my friend from Minnesota said, he has had it; I have had it. Recovery is possible.

We need to end the stigma against those with mental illness, but it isn't going to happen until we first outlaw, outlaw, the embedded discrimination in our laws. That is what we are about to do today by passing this legislation. We simply cannot afford to wait one more day.

In fact, just today the Administration released a Statement of Administration Policy concerning an identical policy provision in the Senate tax extenders bill which reads, "the Administration supports passage of mental health parity legislation included in the Senate amendments to H.R. 6049 that eliminates disparities between mental health benefits and medical and surgical benefits without significantly increasing health coverage costs." The mental health parity legislation that statement refers to is identical to the bill we are considering on the floor today.

In March, we passed H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. At that time, some of my colleagues on the other side of the aisle expressed a preference for the Senate mental health parity bill. I would urge those members to join with us now to pass this compromise bill.

Mr. Speaker, it is past time that we enact mental health parity into law.

Enacting mental health parity will affect nearly every individual in this country who has watched a friend or family member struggle with mental illness or addiction, or who has battled the disease themselves.

The bill we are passing today is one more step in the long struggle to ensure that all Americans have a chance to realize their dreams.

I ask all of my colleagues to join me in putting an end to the discrimination against mental illness. I urge a yes vote for H.R. 6983.

□ 1430

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

Mr. Speaker, I just want to take this opportunity, like the previous speaker, to thank Senators DOMENICI and KENNEDY. It has been a real privilege to work with such committed public servants on this legislation, and also the chief cosponsor in the House, the gentleman from Rhode Island, who just spoke so eloquently about this legislation.

I want to say, as I have said many times before as I have traveled this country, were the gentleman from Rhode Island's uncle, President Kennedy, still alive today, and were President Kennedy to write a sequel to his book "Profiles in Courage," there would be a complete chapter about his nephew, the gentleman from Rhode Island, PATRICK KENNEDY, because not only has he been right on the policy and has done a tremendous job over the past several years fighting for parity, but also his personal story, which he

shared with people all across this Nation, has literally inspired hundreds of thousands of people to get help. He has been a real profile in courage and a pleasure to work with.

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

Mr. ANDREWS. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the person who is being helped and touched by this bill is someone we all know. He is a person who comes home from work and is confronted with the heartache that his son or daughter is dealing with the ravages of clinical depression. And they are worried about it, but they feel secure because they say at least we are insured. At least we can take care of her.

Then they find out that there is a $10,000 deductible before the insurance company will pay for the visits. Or they find out there is a $5,000 limit on how much care can be received.

If their daughter had broken her knee, there would be a $100 deductible and no limit on the care. But because she is dealing with clinical depression or a substance abuse problem or another mental illness, they are conscripted and limited. This person is who will be helped by the efforts of Mr. KENNEDY and Mr. RAMSTAD.

This bill is long overdue, and it will save the system money. More importantly, it will bring justice and fairness to people like the family I talked about in these remarks here today.

I congratulate Mr. KENNEDY and Mr. RAMSTAD on bringing together this broad coalition. I urge both Republicans and Democrats to vote ''yes'' on this worthy legislation.

I reserve the balance of my time.

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

Mr. STARK. Mr. Speaker, at this time I would like to yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, it is time to remove the stigma and to destroy the barriers for individuals struggling with mental illness and addiction. Experienced by many of our returning brave soldiers, on the front page of USA Today, finally we have a breakthrough here.

A society of denial results in stigmatizing the admonition of emotional problems. For far too long we focused on the external injuries to the body and ignored the maladies of the mind. For too long it seemed as if we could not treat what we could not see. But modern medicine and science is showing us that these are real diseases with real treatments. It shows us that there is hope, as stated by Mr. KENNEDY and Mr. RAMSTAD.

Mr. Speaker, this is a civil rights issue. Parity removes the discrimination against a population that has been discriminated against and stigmatized. This is a humanitarian issue. Without parity, we allow those with illnesses to continue to suffer.

In closing, I would like to say that Paul Wellstone was a great and admirable man. He was a champion for this legislation. Today we honor him by passing this bill. The time is right. Let's pass this today.

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

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to my friend from Pennsylvania (Mr. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise for the purpose of a colloquy with the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS, I rise today in favor of a health care system that works for those in need. I am proud that this legislation promotes fairness for those with mental illness. I am also proud that it will not preempt stronger State laws, laws such as Pennsylvania Act 106 which has saved countless lives in our Commonwealth.

I stand with a leading Republican State representative from my district, Gene DiGirolamo, a leading advocate for mental health parity and someone who has worked tirelessly for health care laws that are fair and just.

Mr. ANDREWS, just to clarify, does the parity legislation leave intact Pennsylvania's Act 106 protections for those seeking treatment of substance abuse and similar protections in other States?

Mr. ANDREWS. If the gentleman will yield, that is correct. This bill will not preempt in any way the services and benefits provided to citizens of Pennsylvania Act 106 and similar legislation in other States. Some examples of the types of State laws that are not preempted by this bill include State laws that mandate minimum coverage, State laws that control access to benefits, and State laws that require access to out-of-network providers.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from New Jersey, and I urge my colleagues to vote in support of this bill.

Mr. RAMSTAD. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I am proud to rise in support of H.R. 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, which will permanently reauthorize and improve the Mental Health Parity Act of 1996. This legislation will put mental health and mental illness and substance-related disorders on the same footing as other medical and surgical disorders for health insurance benefits.

I would observe that we have much to thank our colleagues for. I particularly want to commend my colleagues, Representatives KENNEDY and RAMSTAD and Senators KENNEDY and DOMENICI, for their tireless efforts in crafting this important piece of legislation. They have been unwavering in their commitment to end the discrimination against those with mental health and substance abuse disorder.

I also want to congratulate and thank my friends, Mr. ANDREWS and Mr. PALLONE of New Jersey; and Mr. BARTON of Texas and Mr. DEAL, the ranking members of the Commerce Committee and of our Health Subcommittee and a superb staff on both the side of the majority and minority of the Commerce Committee.

I urge my colleagues to support the bill as it will create true parity of coverage for mental health and substance abuse disorders. I speak as one who has had to deal with the problem of mental health within the family of which I am a part, and I know the terrifying and awful consequences that exist not only to the person involved but to the whole family. So I hope that this legislation will go a long way to addressing the concerns millions of Americans have with regard to this terrifying disease.

I want to urge my colleagues to support this legislation, and note that in accordance with PAYGO rules, the bill is paid for with a worldwide interest allocation tax provision that delays a tax break for American companies that operate overseas. It is a good bill. I urge passage by the House.

Mr. RAMSTAD. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) has the right to close.

Mr. RAMSTAD. Are there speakers remaining?

Mr. STARK. I have two or three speakers remaining.

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

Mr. STARK. Mr. Speaker, I recognize for 1½ minutes the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, I first became involved with mental health services over 50 years ago when my beloved late wife, Vicki, worked in the network of child guidance clinics in Oakland County, Michigan. Those clinics tried to fill huge gaps in mental health services which in most cases were not covered by any insurance.

Since then the battle has ensued to provide mental health services on a parity with all other services in health insurance, private and public, including Medicare.

Twelve years ago, Congress and President Clinton came together to approve legislation that put this country on the road to mental health parity. It was a vital first step.

Today, we take another important step towards genuine mental health parity. Fifteen percent of Americans have no health insurance at all. Even Americans who do have health insurance often find themselves unable to receive care because of discriminatory policies in their health plans that require them to pay more and receive less for mental health care than for

other services. This bill will change that.

This bill is another milestone in the long battle that must continue until everyone has full access to mental health services in our beloved Nation.

The SPEAKER pro tempore. The Chair will advise the gentleman from Minnesota that he has 6½ minutes remaining. The gentleman from New Jersey (Mr. ANDREWS) has 2 minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 2 minutes remaining. And the gentleman from California (Mr. STARK) has 2½ minutes remaining.

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

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the authors of this wonderful piece of legislation, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. This action is long, long overdue.

As Chair of the Mental Health Caucus here in Congress, we have been working and dealing with this issue for over 10 years. Mental health and addiction services are decades behind other services. We must recognize that the brain is part of the body and it also has rights. Stigma has always been a part of what has prevented us from being able to move forward to work for the benefit of the people.

It used to be businesses indicated that family leave was going to be a detriment and costly. It turned out not to be. This has that same effect. It is going to be a saver.

It is my deepest hope that this will open the gates for further legislation addressing mental health, whether addiction or other issues. Suicide is the third leading cause of death in young people aged 10 to 24. It can lead to academic failure, family conflicts, substance abuse, violence, incarceration and alarming rates of suicide.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. RAMSTAD. I yield the gentlelady an additional minute.

Mrs. NAPOLITANO. I thank the gentleman.

The cost to society, to businesses and our families is unacceptable, and we need to move forward. Seventy-nine percent of those treated experience reduction of symptoms. We will continue to see these things crop up, whether it is veterans returning from Iraq, catastrophic happenings in our country such as 9/11, the hurricanes, the floods, the fires, all of that is going to cause us to continue to have a better, longer look at the effects it is costing our society, and the cost to our businesses and to our country. Our government cannot continue to ignore this issue. It affects our businesses and our health industry. They need to recognize this, and Congress has got to be able to recognize they can no longer ignore this. It affects the quality of life, and it is vital for the health and well-being of our communities and our schools.

I urge my colleagues to support this vital legislation. Let's move on and remove the stigma for mental health.

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

Mr. ANDREWS. Mr. Speaker, I am pleased to yield at this time 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman.

Today is a landmark day. Three cheers for PATRICK KENNEDY, JIM RAMSTAD and for the late Senator, my friend, Paul Wellstone. Today Congress makes clear that health is about more than having a healthy body, but being a complete individual from head to toe.

We know that mental illness is treatable, yet because maybe one-third of the people affected do not receive the needed treatments, mental illness remains a leading cause of disability and premature death. Untreated mental illness is costly to individuals, to families, to companies large and small; yes, to the entire society. But from now on, millions of Americans who suffer from mental illness will receive full access to the treatment they need and deserve without higher copays and treatment limits.

Finally, I am pleased to say that this bill protects States like New Jersey who go above and beyond coverage requirements that this legislation establishes. There is more to do, but this is a landmark, red letter day.

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

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I thank the gentleman.

Before coming to Congress, I spent 23 years as a clinical psychologist. Let me share with you two key points. One, mental illness is not only debilitating, it can be fatal. But we can treat mental illness. The treatment for mental illness is research based. It is effective, it is cost effective, and it saves the American people in terms of quality of lives and dollars, and it is long past time that we stop discriminating.

□ 1445

I want to commend PATRICK KENNEDY, JIM RAMSTAD, all the cosponsors of this bill, and all the associations and the individuals who have worked so hard to, at long last, see it pass.

Support this good bill. Make mental health parity reality at long last.

Mr. RAMSTAD. I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I would be happy to yield the balance of my time to the distinguished gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. EMANUEL. Mr. Speaker, the issue of mental health parity doesn't always grab the biggest headlines, but the hard work that Democrats and Republicans have done to pass this landmark legislation will not go unnoticed.

For too long, millions of Americans with treatable mental illnesses have gone without care. Some in the business community and the insurance industry said mental health parity simply costs too much, declined to provide that type of coverage, and patients and their workers and their families suffered.

As those that know, when one individual in the family has an illness, a mental illness, the whole family is affected. That wrong ends today with this legislation. It ends because Democrats and Republicans, under the leadership of PATRICK KENNEDY, TED KENNEDY and JIM RAMSTAD, came together to back this landmark legislation, and never gave up.

It ends because even once-skeptical insurance companies and the business community across the country, know that mental health parity is cost effective, and helps ensure that American workers and their families remain healthy and productive. And it is a tremendous victory for the millions of Americans who will finally have access to this type of care.

This issue might not always be on the front page of the newspaper, but millions of Americans will finally get care they need and they will remember the work of those of us who do this.

I'd also like to add a note that while I was campaigning for Congress, I wrote an op-ed on this issue because I had worked in a White House that through executive order, President Clinton signed, as you remember, legislation, JIM, that insured that Federal workers had this and set a model for Federal employees. Not one op-ed I had got more comment from people at the subway stops, at the grocery stores, people who wanted to usually talk about something else until you began that discussion, never really began this discussion, but it touched people of all walks of life, whether it was at the grocery store, on the way to work or on their front doorstep. They told you about what was going on in their family.

Again, it's not the biggest headline; it's not the greatest. It's an important piece of legislation to give people peace of mind that they don't have to hide given the illnesses of depression and other types of substance abuse that they are facing, they now have an insurance policy that allows them and, again I want to say, their family to get protection, because one sick member of a family, with this type of illness, the entire family is affected.

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

Mr. RAMSTAD. I yield an additional minute to the gentleman, Mr. Speaker.

Mr. EMANUEL. I would like to thank Mr. RAMSTAD for that. I will try to not use that whole time.

But this is the type of thing that you will find that people who normally wouldn't talk to you about it will tell

you stories of their family, their loved ones, their children who are facing illnesses, and you'll have done something to give them something; and it's ironic and I use this and I mean it when I say, a peace of mind. They will finally know that their sick child who is facing depression can get that care and it doesn't affect the whole family. And they know they got the type of care and they don't have to face a financial decision and being a good parent decision.

We're doing something that allows people to go on with their lives. I want to thank JIM and PATRICK and TED KENNEDY for never giving in. When all of us wanted to say, you know, it's just not the right time, it's too hard, the insurance industry doesn't like it. You never gave in. You never gave up. This is your day for making sure America lived up to its best potential. I want to thank you on a personal level from the floor. Thanks, JIM.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. RAMSTAD) has 4½ minutes left. The gentleman from New Jersey (Mr. ANDREWS) has 1 minute left. The gentleman from New Jersey (Mr. PALLONE) has 30 seconds left.

Mr. RAMSTAD. Mr. Speaker, in closing, I just want to thank all of those who have brought us to this point here today. As one who's worked on this legislation for 12 long years, it's truly been a team effort. I want to thank all of the organizations, all of the individuals, too many to mention here today, but I want to thank particularly David Wellstone and Allan Garrity from Senator Wellstone's staff who have kept the legacy of Paul Wellstone alive in terms of moving this mental health and addiction treatment parity legislation.

I also want to thank the 274 bipartisan cosponsors of the current bill. I want to thank the leadership of Speaker PELOSI, Majority Leader HOYER, because without their leadership we wouldn't be here today about to pass mental health parity.

I want to thank the distinguished chairmen of the full committees and the subcommittees and the other side of the aisle whose cooperation has been incredibly positive and helpful; and without their support, every one of you, without your support we wouldn't be here today as well.

I want to thank the leadership and the tireless efforts of my friend from Rhode Island, the chief cosponsor, PATRICK KENNEDY, who has worked so hard on this legislation from the minute he was sworn in as a Member of the House.

I want to thank all the staff from the full committees, the three full committees of jurisdiction, as well as the three subcommittees of jurisdiction.

And I particularly want to thank Karin Hope, my legislative director, who has worked on this legislation day and night for all 12 years that we've worked together.

Let me just wrap it up, Mr. Speaker, by saying that it's time for Congress to deal with America's number 1 public health problem. It's time for Congress to outlaw discrimination in treatment against people with mental illness and chemical addiction. It's time for Congress to pass mental health and chemical addiction treatment parity.

I yield back.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield the balance of our time to the gentlewoman from California (Mrs. DAVIS).

The SPEAKER pro tempore. The gentlewoman is recognized for 1 minute.

Mrs. DAVIS of California. Mr. Speaker, as everyone has said before, this bill is a victory. It may not be everything that everyone had hoped to get into this bill, but it is going in the right direction. It does ensure treatment, it does address the stigma associated with mental health disorders.

I just wanted to point out that we have so many of our servicemembers who are coming home who have fought in Iraq and Afghanistan. And they are coming home and transitioning to civilian life. But they are going to find some barriers as well. The barriers to mental health care are really playing themselves out today because I just talked to a family just a little while ago, and they felt that even though we're starting to put in some of those services, there's great resistance to people seeking that kind of care.

This bill begins to change that. It sends a very clear and a very direct message that mental health care is as important as physical care. We wouldn't stop people in the middle of their treatment for something of stomach ulcers. You cannot stop people in the middle of their treatment for mental health disorders.

Mr. Speaker, I'm pleased this bill is on the floor.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 30 seconds.

Mr. PALLONE. Mr. Speaker, this bill would allow those individuals and families struggling to cope with the diverse array of mental illnesses to have greater access to affordable care. We can't delay any longer.

I strongly urge my colleagues to vote in favor of the passage of this important legislation which will ensure access to equitable health coverage for the millions of American who suffer from mental illness.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 6983, the "Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008." I would first like to commend Representative PATRICK KENNEDY and Representative JIM RAMSTAD on their outstanding efforts and tireless work on this important issue.

For far too long too many individuals and families have struggled with mental health illness and substance abuse disorders and yet have faced a health care system that provided them with unequal access to care. This bill is a step in the right direction for our country as it provides another degree of fairness for our citizens.

In short, it ensures that group health plans can no longer charge people more for seeking treatment for mental health or substance abuse problems. It also provides that out of pocket and visit limits may be no different for mental health and substance abuse care than for other medical care.

According to a report by the Lieutenant Governor's Mental Health Cabinet in Connecticut, of the nearly 600,000 of our state residents who experience symptoms of mental illness, 135,000 suffer from a serious condition and 66,000 suffer from a severe condition. Countless others suffer from debilitating substance abuse disorders. These problems are every bit as serious as other medical conditions and must be treated by our health care system as such.

Again, I want to commend my colleagues who worked so hard on this issue to reach a bipartisan compromise and reiterate my strong support for this legislation.

Mr. COURTNEY. Mr. Speaker, stigmas surrounding mental health illness have negatively impacted disease acceptance, and in turn, access to quality care and treatment. For too long, members of our eastern Connecticut community and Americans across our nation have suffered the consequences of these inequalities in our health care system. Today, we have the opportunity to ease access to quality care and treatments for those with mental illness by passing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act (H.R. 6983).

In 1996, the Mental Health Parity Act codified the first national mental health parity requirements, mandating that annual and lifetime dollar limits on coverage for mental health treatment be no less than those for physical illness. While this legislation marked a monumental achievement with improving access to mental health care and treatments, more must be done.

Throughout the 110th Congress, the House and Senate have worked on mental health parity legislation that will extend coverage requirements beyond those established in the Mental Health Parity Act of 1996. The Mental Health Parity Act (S. 558) introduced in the Senate and the Paul Wellstone Mental Health Parity and Addiction Equity Act (H.R. 1424), which I cosponsored in the House, both extend coverage mandates to include equity in copayments, deductibles, as well as in- and out-of-network coverage. On March 5, 2008 and September 17, 2007, the House and Senate respectively passed H.R. 1424 and S. 558 with bipartisan support. The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act reflects a compromise between the House and Senate bills, and more broadly, an equitable standard for mental health care coverage.

Mr. Speaker, nearly one in four Americans suffers from a diagnosable mental disorder. By passing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act we recognize the prevalence and seriousness of mental health illness as well as the need for expanded coverage. I ask my colleagues to join me in voting in favor of this critical legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this long overdue bipartisan legislation, and I want to commend and thank

our colleagues, PATRICK KENNEDY and JIM RAMSTAD, for their leadership on this very important issue that is so important to millions of Americans around this country.

The bill before us today is the product of their determination, perseverance and passion. They traveled across this great land holding field hearings listening to Americans from all walks of life. I had the privilege of hosting one of those hearings in my congressional district. The message from that hearing, as with other hearings from around the country, was very clear—Congress needs to end insurance discrimination in mental health care.

Both common sense and simple fairness dictate that mental health diseases be treated on an equal footing with other conditions. Unfortunately, employer-provided health care set stricter treatment limits and imposed higher out-of-pocket costs for mental health care for many years. The Paul Wellstone and Pete Domenici Mental Health Parity Act of 2008 will reverse this practice and ensure that group health plans do not charge higher co-payments, coinsurance, deductibles, and do not lower day and visit limits on mental health and addiction care than for medical and surgical care.

Mr. Speaker, this bill is completely paid for. Let us honor the spirit of Paul Wellstone and pass this much-needed legislation. I strongly urge my colleagues to vote for it.

Mr. PALLONE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6983, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## RECOGNIZING THE 150TH ANNIVERSARY OF THE FOUNDING OF MACY'S, INC.

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1473) recognizing the 150th anniversary year of the founding of Macy's, Inc., as an American entrepreneurial success story and the role Macy's, Inc., plays in supporting America's small businesses and vendors, including those that are minority and women owned; celebrating the vision, innovativeness, and ingenuity of all of our Nation's small businesses.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1473

Whereas, on October 28, 1858, 36-year-old entrepreneur Rowland Hussey Macy opened a small dry goods store know as R.H. Macy & Co. at the corner of 14th Street and 6th Avenue in New York City;

Whereas the early struggles of R.H. Macy & Co. are representative of all American small businesses and indicate the intense drive and spirit of our Nation's entrepreneurs;

Whereas Rowland Hussey Macy adopted a red star as his symbol of success, dating back to his days as a sailor, and had first-day sales totaling $11.06;

Whereas, after the first full year in operation, R.H. Macy & Co. had gross sales of almost $90,000, and, by 1877, nearly 20 years after it was founded, R.H. Macy & Co. had become a full-fledged department store occupying the ground space of 11 adjacent buildings;

Whereas, as small businesses must evolve to remain competitive in the marketplace, Macy's is known for several firsts that changed the retail industry, including being the first retailer to promote a woman, Margaret Getchell, to an executive position, pioneering such revolutionary business practices as the one-price system, in which the same item was sold to every customer at one price, and quoting specific prices for goods in newspaper advertising;

Whereas the competitive pressures facing small retailers such as Macy's compelled it to pursue creative merchandising initiatives, including being the first to introduce such products as the tea bag, the Idaho baked potato, and colored bath towels;

Whereas, by November 1902, the small store had outgrown its modest storefront and moved uptown to its present Herald Square location on Broadway and 34th Street, establishing an attraction for shoppers from around the world;

Whereas, as Macy's, Inc., has grown, it has not forgotten its heritage as a small business and promoted small firms, pursued supplier diversity initiatives, and assisted in the growth of talented entrepreneurs by striving to purchase and support vendors who are certified as minority or women owned;

Whereas Macy's, Inc., purchases goods and services from these small business enterprises and encourages prospective suppliers to partner with it and take advantage of its Supplier Diversity Program and provides participating vendors with direction and guidance to help them plan and ready for the strategic demands of a larger-scale retail relationship; and

Whereas Macy's, Inc., held its first-ever national supplier diversity fair in New York City in August 2007 targeting the minority- and women-owned vendor community in the cosmetics and skincare categories with the goal of enhancing Macy's existing assortment for its diverse multicultural customer population: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes—

(A) the 150th anniversary year of the founding of Macy's, Inc., as an American entrepreneurial success story; and

(B) the role Macy's, Inc., plays in supporting America's small businesses and vendors, including those that are minority and women owned;

(2) celebrates the vision, innovativeness, and ingenuity of all of our Nation's small businesses that aspire to grow and prosper as Macy's, Inc., has over its 150-year history; and

(3) congratulates Macy's, Inc., as an American entrepreneurial success story.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of this resolution in celebration of Macy's 150th anniversary. Both the City of New York and the small business community have benefited immensely from the success and generosity of this American icon.

As anyone within the small business community will tell you, the best entrepreneurs are more than just businessmen. While it is obviously important to have a head for numbers and risks, there is another, more critical, element involved. In order for an entrepreneur to make history, in order to be truly great, he or she must also be an innovator. Roland H. Macy was just that kind of man.

Today, we are saluting the business that Macy founded 150 years ago, a company that began small but, through hard work and enormous innovation, has come to stand as a symbol of the American Dream.

When Macy opened a small dry goods store in 1858, he probably never expected it to become a multi-billion dollar business. After all, he first reported sales added up to a grand total of $11.06. Still, it didn't take long for Macy's venture to become a success.

□ 1500

A century and a half after it first opened its door, that little dry goods shop has grown to become a national department store chain.

Macy's remarkable growth stands for more than just hard work and good business sense. R.H. Macy, like any successful entrepreneur, was a tireless innovator. As chairwoman of the Small Business Committee, I see that same sense of innovation in the entrepreneurs I work with. It is the spirit that drives people to start businesses in the first place.

Macy's small business success was largely rooted in its ability to innovate. Indeed, the department store pioneered many of their retail practices we now take for granted. For example, it was the first to adopt the one-price system through which every item is assigned a single fixed cost.

Macy's has also consistently outshone its competitors by offering new and novel products. Take, for instance, color bath towels, or the Idaho baked potato, or the tea bag. None of these commodities were available to the mainstream until Macy's brought them to market.

As with any industry, great success brings great change. Macy's has obviously outgrown its ''small business'' label and has become a major player in the retail world. Its flagship store in my home City of New York has become a shopping destination for Manhattanites and tourists alike. It attracts visitors from across the country and around the world. And yet despite being a multi-billion dollar corporation, Macy's has never forgotten its entrepreneurial roots.

The retailer still strives to support the small business community by purchasing many of its products from small firms. Through its Supplier Diversity Program, the company makes a point of buying from and nurturing women and minority entrepreneurs. In 2007, it held its first diversity supplier fair to target these groups specifically.

Macy's embodies the great American story of a small business that made it big. Roland H. Macy and his legendary venture represent the dream of every entrepreneur. After 150 years, the retailer stands as a shining example of two fundamental American values—hard work and innovation. Those are the values that have driven the department store's achievements throughout the years. And those are the values that we are celebrating this afternoon.

The Macy's story is a great American story. It is based on the premise that any small business owner can become a big business success. After all, Macy's began as a modest dry goods store on the corner of 14th Street and 6th Avenue in Manhattan. Today, it is a multi-billion dollar corporation.

But while Macy's may be a Fortune 500 company, it has not forgotten its small business roots. Its Supplier Diversity Program, for example, nurtures women and minority entrepreneurs. Macy's clearly recognize the importance of giving back.

In celebrating Macy's, we are applauding its great achievements, and its dedication to invention. The company pioneered many practices and products that have since become American staples. For instance, the store first brought colored bath towels into the mainstream. But perhaps more importantly, we are also applauding Macy's commitment to small business development. It is a commitment to entrepreneurship. It is a commitment to innovation. It is a commitment to the American dream.

I would urge the adoption of this resolution.

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

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

As ranking member of the House Small Business Committee, I rise to support this resolution recognizing the 150th anniversary year of the founding of Macy's, Inc. I'm pleased to be joined by my good friend and distinguished chairwoman of the Small Business Committee, NYDIA VELÁZQUEZ of New York, in offering this legislation.

Mr. Speaker, American small business owners are the entrepreneurs who create the majority of American jobs, export American products, and generate America's economic growth. Small firms exhibit the best of American values: hard work, innovation, enthusiasm, and determination.

The story of Macy's is one of true entrepreneurship. Roland Hussey Macy started the small dry goods store in New York City in 1858 that would develop into one of the largest department store retailers in the world. It was Mr. Macy's perseverance, ingenuity, and determination that helped to spur that growth.

Many Cincinnatians remember the John Shillito Company—or Shillitos, as we called it—Cincinnati's first department store, which was founded in 1830. In 1929, Shillito's, F.&R. Lazarus in Columbus, Ohio, Brooklyn, New York-based Abraham & Straus and several other family-owned department stores formed a holding company called Federated Department Stores. In 1945, Federated moved its offices to Cincinnati, where Macy's primary headquarters operates today, and in 1994, Federated acquired Macy's.

Today Macy's operates over 810 stores in every major metropolitan area around the entire United States.

Small businesses are known for their ability to respond to the needs of the market. Macy's, which began as a small business, has always been innovative: it was the first American store with escalators, elaborate window displays, and an in-store Santa. Macy's also began what is now the Macy's Thanksgiving Day Parade. Macy's tenets that customers are paramount and that success comes from taking advantage of opportunity are principles that small firms still apply today.

I want to commend Macy's for its commitment to purchasing from small businesses, including women- and minority-owned enterprises, establishing supplier diversity initiatives, and encouraging its vendors to purchase from small firms. Macy's also has a strong history of corporate and foundation giving and encouraging employee community service.

Congratulations to Macy's on 150 years of growth, success, and philanthropy.

Finally, I want to again thank Chairwoman VELÁZQUEZ for working in a bipartisan way on this issue as she has done consistently throughout the last 2 years that she served as the chairwoman of the Small Business Committee. I appreciate her leadership. I think she's done an extraordinarily good job. It's been an honor to work with her over the last 2 years.

At this point, I would like to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire if the gentleman has any other further speakers.

Mr. CHABOT. We have no further speakers.

I yield back.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and agree to the resolution, H. Res. 1473.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## UNITED STATES-REPUBLIC OF KOREA DEFENSE COOPERATION IMPROVEMENT ACT OF 2008

Mr. HIGGINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5443) to improve defense cooperation between the Republic of Korea and the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5443

*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 ''United States-Republic of Korea Defense Cooperation Improvement Act of 2008''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Close and continuing cooperation in defense between the United States and the Republic of Korea continues to be in the national security interest of the United States.

(2) The Republic of Korea was designated a Major Non-NATO Ally in 1987, the first such designation.

(3) The Republic of Korea has been a major purchaser of United States defense articles and services through the Foreign Military Sales (FMS) program, totaling $6,900,000,000 in deliveries over the last 10 years.

(4) Purchases of United States defense articles, services, and major defense equipment facilitate and increase the interoperability of Republic of Korea military forces with United States military forces.

(5) Congress has previously enacted important, special defense cooperation arrangements for the Republic of Korea, as in the Act entitled ''An Act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea'', approved December 30, 2005 (Public Law 109–159), which authorized the President, notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), to transfer to the Republic of Korea certain defense items to be included in a war reserve stockpile for that country.

(6) Such actions by Congress and sales to the Republic of Korea enhance defense ties with that country and ensure favorable consideration by the Government of the Republic of Korea when it considers acquisitions of certain weapons systems.

(7) Enhanced support for defense cooperation with the Republic of Korea is important to the national security of the United States, including through creation of a status in law for the Republic of Korea similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, and New Zealand, with respect to consideration by Congress of foreign military sales to the Republic of Korea.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to the Republic of Korea under section 36(b) of the Arms Export

Control Act (22 U.S.C. 2776(b)) is fully consistent with United States security and foreign policy interests and the objectives of world peace and security.

**SEC. 4. AMENDMENTS TO ARMS EXPORT CONTROL ACT.**

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in section 3 (22 U.S.C. 2753)—

(A) in subsection (b)(2), by inserting ''the Government of the Republic of Korea,'' before ''the Government of Australia''; and

(B) in subsection (d)—

(i) in paragraph (2)(B), by inserting ''the Republic of Korea,'' before ''Japan'';

(ii) in paragraph (3)(A)(i), by inserting ''the Republic of Korea,'' before ''Australia''; and

(iii) in paragraph (5), by inserting ''the Republic of Korea,'' before ''Australia'';

(2) in section 21 (22 U.S.C. 2761)—

(A) in subsection (e)(2)(A), by inserting ''the Republic of Korea,'' before ''Japan''; and

(B) in subsection (h)—

(i) in paragraph (1)(A), by inserting ''the Republic of Korea,'' before ''Australia''; and

(ii) in paragraph (2), by striking ''or to any member government of that Organization if that Organization or member government'' and inserting '', to any member government of that Organization, or to the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel'';

(3) in section 36 (22 U.S.C. 2776)—

(A) in subsection (b)—

(i) in paragraph (1), by inserting ''the Republic of Korea,'' before ''Japan'';

(ii) in paragraph (2), by inserting ''the Republic of Korea,'' before ''Japan''; and

(iii) in paragraph (6), by inserting ''the Republic of Korea,'' before ''Australia'';

(B) in subsection (c), by inserting ''the Republic of Korea,'' before ''Australia'' both places it appears; and

(C) in subsection (d)(2)(A), by inserting ''the Republic of Korea,'' before ''Australia'';

(4) in section 62(c)(1) (22 U.S.C. 2796a(c)(1)), by inserting ''the Republic of Korea,'' before ''Australia''; and

(5) in section 63(a)(2) (22 U.S.C. 2796b(a)(2)), by inserting ''the Republic of Korea,'' before ''Australia''.

**SEC. 5. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.**

Section 656(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)(2)) by inserting ''Republic of Korea,'' before ''Australia''.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. HIGGINS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

I would first like to thank our distinguished colleague, Mr. ROYCE from California, for introducing this important piece of legislation.

For over 50 years, the United States and the Republic of Korea have enjoyed a strong security partnership and a close friendship. Our alliance helped check the spread of communism in Asia throughout the Cold War, and in the post-Cold War era, our relationship has continued to serve as a backbone of maintaining peace and security throughout the region.

As hosts to 28,000 United States military personnel that work side-by-side with the South Korean military, South Korea is a key element in the security presence of our Nation in Asia. We have continued to work closely with Seoul in Six Party Talks aimed at the denuclearization of the Korean Peninsula.

The bill before us strengthens the vital security relationship with our close friend by adding South Korea to the list of countries in the Arms Export and Control Act that receive expedited congressional review of armed sales of 15 instead of 30 days.

South Korea will now rightly be listed among our closest allies, including the NATO countries, Australia, New Zealand, and Japan, with respect to foreign military sales.

This is a significant symbolic recognition of the critical importance of South Korea to the United States' national security and peace and stability throughout east Asia.

I strongly support this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 5443, a bill to upgrade the status of South Korea's foreign military sales to that of the countries of NATO, Australia, New Zealand, and Japan.

I would like to thank Chairman HOWARD BERMAN for helping to schedule consideration of this legislation before us today and to also recognize the important work of our Foreign Affairs colleague, Mr. ROYCE of California, in introducing this timely and important bill which I am pleased to cosponsor.

Mr. Speaker, this bill appropriately accords South Korea the same treatment provided to other key partners of the United States in the foreign military sales process, such as higher dollar thresholds and expedited time frames for congressional notifications. This upgrade is a powerful symbol of a renewed and transformed U.S.-South Korea alliance. It forcefully reaffirms that South Korea has been and will continue to be a close and valued strategic ally of the United States—a relationship that has long served as a bedrock of stability for northeast Asia.

Mr. Speaker, this legislation is strongly supported by our Departments of State and Defense, and its passage will help advance a new strategic framework for the alliance but not only for the purpose of managing a range of increasingly complex contingencies related to North Korea, but also to cement a common Democratic partnership for the next century.

I urge its adoption.

With that, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia will control the remaining time.

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further requests for time at this time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade and the author of this important legislation.

□ 1515

Mr. ROYCE. Mr. Speaker, let me just start by thanking ILEANA ROS-LEHTINEN, who's the ranking member, for her work and Chairman BERMAN's work in bringing this legislation to the floor.

I am in support, of course, of this bill. I authored this bill. But I wanted to share with you that today the House really has an opportunity to strengthen the relationship that we have had historically between the United States and Korea. That alliance is a very important one to us and to our soldiers.

The interoperability of U.S. and Korean soldiers in the Korean peninsula can be secured and, frankly, can be strengthened for years to come, and I think is important because our own Secretary of State, Condi Rice, wrote a letter recently to Chairman BERMAN, and she said in that letter that this ''will serve as an important symbol of the renewed strength of the U.S.-Korea alliance.''

With this legislation in law, foreign military sales with Korea would be treated just as we treat those sales that we have today with NATO or what we call NATO+3, NATO plus Australia, New Zealand and Japan. So the NATO+3 list would become NATO+4. And the upgrade in South Korea's military procurement status would mean a streamlined process; the monetary thresholds that trigger congressional review would be raised and congressional review time would be reduced.

Mr. Speaker, the Republic of Korea, as we all know, is a vital, strategic, and enduring ally to this country; 29,000 U.S. troops stand side by side with the Korean Army, and they've helped keep the peace there in northeast Asia for nearly 60 years.

We had testimony to the United States Congress earlier this year. We had General Bell, a four-star general. He was commander of the U.S. Forces Korea, and he called it ''bizarre and strange'' that Korea did not have this status in U.S. law, and he urged the adoption of this very measure that we're discussing today.

Furthermore, the U.S.-South Korean alliance is distinct. With a mutual defense treaty dating back to 1953, Korea and the U.S. form perhaps the most integrated alliance of interoperable forces I think that exist in the world. On the Korean peninsula, interoperability is not just a buzz word. It is a real-life practice that passage of this legislation would help cement. U.S. and Korean soldiers need to be operating, frankly, on American equipment.

South Korea is a larger foreign military sales partner than any of the NATO+3 members. Last year, Seoul purchased $3.7 billion worth of American defense equipment, making it one of the largest partners in U.S. foreign military sales. And this has led South Korea to formally request this preferential status through its Foreign Ministry and its Defense Ministry. Indeed, South Korean President Lee Myung-Bak raised this legislation when he met with congressional leaders here last spring.

As our alliance has matured, the Koreans are rightly on the path towards assuming the lead for their own defense. With that, Korea plans to invest $290 billion in military hardware over the next dozen years. Without updating our laws to reflect the strategic nature of our relationship, we run the risk of South Korea looking to other suppliers as it continues its defense transformation, perhaps jeopardizing interoperability of our U.S. forces that work with the Korean forces. So today, we can help prevent that from happening, while at the same time benefiting the strength of this alliance.

I urge adoption of the legislation. I thank the chairman and ranking member for their support in bringing it to the floor.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and pass the bill, H.R. 5443.

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

A motion to reconsider was laid on the table.

## REQUIRING CONSULTATIONS ON U.S.-TAIWAN ARMS SALES TALKS

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6646) to require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6646

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

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) Relations between the United States and Taiwan are governed by the Taiwan Relations Act (22 U.S.C. 3301 et seq.; Public Law 96–8), three joint communiques, and the Six Assurances.

(2) The Taiwan Relations Act has governed United States arms sales to Taiwan since 1979, when the United States extended diplomatic recognition to the People's Republic of China.

(3) The Taiwan Relations Act specifies that it is United States policy, among other things, to consider any nonpeaceful means to determine Taiwan's future ''a threat'' to the peace and security of the Western Pacific and of ''grave concern'' to the United States, ''to provide Taiwan with arms of a defensive character'', and ''to maintain the capacity of the United States to resist any resort to force or other forms of coercion'' jeopardizing the security or social or economic system of Taiwan's people.

(4) Section 3(a) of the Taiwan Relations Act states that ''the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability''.

(5) Section 3(b) of the Taiwan Relations Act stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services ''based solely'' upon their judgment of the needs of Taiwan.

(6) Taiwan has recently reversed a downward trend in defense spending with a $2.2 billion increase in 2007 to $9.8 billion and the Defense Ministry has requested and the Executive Yuan approved a 2008 budget of $10.6 billion, an increase of 15 percent.

(7) According to the Congressional Research Service, the executive branch has yet to send any arms transfer notifications to Congress during calendar year 2008, including notifications on at least seven pending arms sales programs with a total value of about $11 billion that encompass programs on a submarine design, Patriot PAC–3 missile defense systems, and Apache and Blackhawk helicopters.

(8) Taiwanese President Ma Ying-jeou stated on July 12, 2008, that the island needs to secure defensive weapons from the United States, despite a warming of relations with mainland China.

(9) On July 16, 2008, Admiral Timothy Keating, Commander of the Hawaii-based United States Pacific Command, acknowledged that the executive branch had imposed a ''freeze'' on arms sales to Taiwan, a decision that is in contradiction to longstanding United States law and policy.

**SEC. 2. MANDATORY CONGRESSIONAL BRIEFINGS.**

(a) BRIEFINGS.—Not later than 90 days after the date of enactment of this Act, and not later than 120 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide detailed briefings to Congress on—

(1) any discussions conducted between any executive branch agency and the Government of Taiwan during the covered period; and

(2) any potential transfer of defense articles or defense services to the Government of Taiwan.

(b) DEFINITIONS.—In this section:

(1) COVERED PERIOD.—The term ''covered period'' means—

(A) with respect to the initial briefings required under subsection (a), the period beginning on the date of the enactment of this Act and ending on the date of the initial briefings; and

(B) with respect to the subsequent briefings required under subsection (a), the period beginning on the day after the date of the initial briefings required under subsection (a) and ending on the date of the subsequent briefings.

(2) EXECUTIVE BRANCH AGENCY.—The term ''executive branch agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

(3) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 47 of the Arms Export Control Act (22 U.S.C. 2794 note).

(4) DEFENSE SERVICE.—The term ''defense service'' has the meaning given the term in section 47 of the Arms Export Control Act (22 U.S.C. 2794 note).

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

I would like to first thank my distinguished colleague, the ranking member of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN, for introducing this very, very important legislation.

When it comes to arms sales to Taiwan, U.S. policy is clear. We must ensure that the thriving democracy of Taiwan has the military capability necessary to defend itself from outside threats.

The United States is obligated to provide defensive military equipment to Taiwan, not just because it is right to aid our democratic friends, but also because it is the law of the land under the Taiwan Relations Act.

This act, which has been at the core of our policy towards Taiwan for almost three decades, clearly states that the United States should base its decision whether to supply defensive military equipment to Taiwan solely on the security needs of the Taiwanese military.

The Taiwan Relations Act is also clear that it is the President and Congress that determine what military equipment shall be sold to Taiwan. Apparently, the White House does not understand the Taiwan Relations Act.

As we speak, the administration is refusing to move forward with $11 billion worth of arms to Taiwan, arms which the administration has already

agreed to sell. The Taiwanese government wants the weapons, and the administration has recommended that the sales be approved. The only thing remaining is for the administration to notify Congress, and yet, no notification has come.

To address this peculiar situation, over the past months the Foreign Affairs Committee has repeatedly requested briefings from the administration. Most often, the answer is simply no response. When pressed, State Department and other administration officials throw up their hands and tell us to ask the White House because it is the White House that is making the decision to delay notification of the sales and not to talk to Congress.

H.R. 6646 requires the administration to brief the House Foreign Affairs Committee and the Senate Foreign Relations Committee on all discussions that the administration has had with the Taiwanese Government regarding the arms sales and on any potential transfer of defense equipment to Taiwan.

I would like to point out the extraordinary measure we are taking by introducing this legislation. Section 15(b) of the State Department Basic Authorities Act provides that the Department ''shall keep the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction.'' With respect to these arms sales to Taiwan, this law has been ignored.

Because of the importance of the U.S.-Taiwan relationship and the importance of the Taiwan Relations Act, which has helped keep peace in East Asia for almost 30 years, it is time for Congress to take a more direct step in compelling the administration to explain its decision-making on arms sales to Taiwan.

The stakes are too high to let the White House continue its policies of secrecy and disregard for congressional oversight. It is an injustice to our Taiwanese friends. It is a danger to our national security, and it is against the law.

I strongly support this legislation and encourage my colleagues to do the same.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Mr. Speaker, I want to just begin by thanking Congresswoman ILEANA ROS-LEHTINEN, our distinguished ranking member on Foreign Affairs, for bringing this bill up before us. And, of course, this bill requires the State Department to provide detailed briefings to Congress on defense sales to the Government of Taiwan.

Mr. Speaker, I think it's clear to us Taiwan and the U.S. have a long and valued partnership. Taiwan is one of the few, very vibrant democracies in the region, in Asia, and we continue to build on our already strong economic partnership that we have with that country. Taiwan is an important ally, and we have long considered its security a priority. We have commitments there with regard to that security.

That is why this administration's decision to sit on an arms package worth approximately $11 billion is of concern. Today, the People's Republic of China continues to expand its military capabilities, amassing hundreds of short-range missiles pointed across the strait. Now they're pointed at Taiwan.

Now some of us support arms sales to Taiwan. Others may not. But we can all agree, I think, that Congress should be involved in this process. The 1979 Taiwan Relations Act, legislation that governs U.S. arms sales to Taiwan, stipulates that both the President and Congress, this body, shall determine the nature and quantity of such defense articles.

Unfortunately, Mr. Speaker, Congress has been left out. This bill, however, helps right that wrong, and I commend its author, Ranking Member ILEANA ROS-LEHTINEN, for bringing this bill before us today, and I urge its passage.

Mr. SCOTT of Georgia. I reserve the balance of my time.

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

I rise in strong support of H.R. 6646, a bill to require the executive branch to provide quarterly briefings to Congress on possible defense transfers from the United States to Taiwan.

At the outset, I'd like to thank Chairman HOWARD BERMAN and the leadership on both sides for helping to expedite consideration of this legislation.

Mr. Speaker, this is a modest bill. It requires the executive branch again to regularly brief Congress on our policy toward Taiwan and, in particular, the defense needs of Taiwan and the security balance across the strait.

Why is this bill even necessary? Well, it's necessary because a long-rumored freeze on United States foreign military sales to Taiwan was confirmed on July 16 by Admiral Timothy Keating, the commander of U.S. forces in the Pacific.

According to press accounts of his remarks at the Heritage Foundation, Admiral Keating observed that there have been ''no significant arms sales from the U.S. to Taiwan in relatively recent times,'' and that the absence of arms sales under the Foreign Military Sales process reflected ''administration policy.''

□ 1530

Admiral Keating went on to suggest that he had, in fact, discussed the issue of Taiwan arms sales with leaders in Beijing, noting that, ''The Chinese have made clear to me their concerns over any arms sales to Taiwan.''

I found Admiral Keating's remarks at the Heritage Foundation affirming that there was, in fact, a ''freeze'' on arms sales to Taiwan to be a cause for great concern. Even more disturbing was the Admiral's indication that the Chinese leadership had had some input into the decision of the United States about Taiwan's defensive needs and our commitment to Taiwan under our laws.

The Taiwan Relations Act gives Congress a clear role in the provision of defensive weapons to Taiwan. President Reagan's ''Six Assurances'' to Taiwan was a solemn commitment made over a quarter century ago making it clear that there should be no pre-consultation with Beijing on this matter. However, it seems that, while Congress has been left in the dark on this issue—which is of vital concern to our national security interests—the Chinese leadership has been kept fully abreast of our Nation's intentions.

Last year, the House passed a resolution that I put forward which declared, ''It shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.'' That remains my firm position.

The legitimate defense needs of our friends in Taiwan must be met no matter who attended the Beijing Olympics nor how helpful the State Department says that China has been in the talks with North Korea. That is the clear intention of the Taiwan Relations Act. That is the clear commitment that President Reagan gave to Taiwan. On this matter, Mr. Speaker, there can be no backsliding or compromise.

I hope and I trust that this bill can be passed swiftly prior to congressional adjournment and thereby alleviate some of the confusion over this so-called arms ''freeze.''

For almost 30 years, the judicious sale of defensive weapons has been an essential element in the United States support for a secure, stable and democratic Taiwan as well as for peace and stability across the Taiwan Strait. Now is not the time to backtrack from that historic and bipartisan policy.

Mr. Speaker, this Congress should do everything in its power to ensure that Taiwan will continue as a beacon of democracy shining its light directly across the strait in the very heart of Tiananmen Square.

I urge support of this bill.

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

Mr. SCOTT of Georgia. Mr. Speaker, I yield 2 minutes to the gentlelady from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding, and I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her strong leadership on this issue.

I will not speak long, Mr. Speaker, because this issue could not be more simple to understand.

I rise today as a proud cosponsor of this bill and as co-chairman of the Congressional Taiwan Caucus.

Mr. Speaker, this administration talks about spreading democracy and expanding liberty. In the case of Taiwan, we don't need to topple a dictator in order to show our support for one of the world's most embattled democracies, we simply need to help them protect themselves. And yet we cannot get this administration to tell us if they in fact will deliver the arms that they have already promised to Taiwan. Will they allow Taiwan to acquire the weapons they need, or will this administration continue to curry favor with the Chinese and refuse to help our democratic ally in its time of need?

We have written letters, Members of this body have made statements, and now we're passing a law just to get simple answers from the President of the United States. We cannot and should not wait any longer. Taiwan and its democratic citizens ought not have to wait any longer. Let us deliver the arms that we have promised to the Taiwan people.

I urge support for this bill.

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

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6646, as amended.

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

A motion to reconsider was laid on the table.

## UNITED STATES COMMITMENT TO PRESERVATION OF RELIGIOUS AND CULTURAL SITES

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 255) expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 255

Whereas the Congress is committed to protecting and preserving the cultural heritage of all national, religious, and ethnic groups, including sacred sites of such groups, including cemeteries in the United States and abroad;

Whereas the Holocaust annihilated much of Europe's Jewish population and in many countries, none were left to care for the communal properties that represent a historic culture in the area and constitute an integral part of the Jewish religion;

Whereas the Holocaust and 45 years of atheistic, Communist governments created a critical need that led to the establishment of the United States Commission for the Preservation of America's Heritage Abroad;

Whereas the United States Commission for the Preservation of America's Heritage Abroad is tasked with identifying and reporting on cemeteries, monuments, and historic buildings in Eastern and Central Europe that are associated with the heritage of United States citizens and obtaining assurances from the governments of those regions that the properties will be protected and preserved;

Whereas the United States Commission for the Preservation of America's Heritage Abroad has in effect over 20 bilateral agreements between the United States and foreign governments assuring the protection and preservation of cultural property;

Whereas many properties continue to be endangered and many governments and communities continue to face fundamental and compelling challenges in the preservation of these properties;

Whereas Congress is outraged by the construction that occurred within the perceived boundaries of the historic Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania;

Whereas cemeteries are sacred sites and are established to remain undisturbed in perpetuity, and the sanctity of a cemetery is determined by the bodies buried therein;

Whereas construction of a commercial building on the site disgraces the cemetery, it does not change its status;

Whereas experts within Lithuania and from around the world community believe that the cemetery located in the Snipiskes area of Vilnius, Lithuania, is a Jewish cemetery and is therefore sacred ground;

Whereas the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, is known by scholars within Lithuania and from around the world as the first Jewish cemetery in Vilnius and dates back to the 15th century, and it is believed that before the government closed the cemetery in the early 1800s, more than 50,000 Jews were buried there;

Whereas the fact that the Government of Lithuania has allowed construction to take place within the perceived boundaries of the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, and that desecration continues into the 21st century is an affront to the international Jewish community, the American people, and everyone who values religious freedom and ethnic diversity around the world;

Whereas the failure of the Government of Lithuania to protect the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, violates the October 15, 2002, bilateral agreement between Lithuania and the United States on the protection and preservation of certain cultural properties, including cemeteries;

Whereas specifically, Article 1 of the bilateral agreement states: ''[E]ach party will take appropriate steps to protect and preserve the cultural heritage of all national, religious, or ethnic groups that reside or resided in its territory, including victims of genocide during the Second World War. The term 'cultural heritage' for purposes of this agreement means '. . . cemeteries, and memorials to the dead. . .' ''; and

Whereas Congress welcomed the decision by the Government of Lithuania to conduct a geophysical survey of the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, in the summer of 2008 to establish definitively the boundaries of the cemetery, as well as to designate the land as a cultural heritage site: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) expresses strong support for the work of the United States Commission for the Preservation of America's Heritage Abroad and for the European countries that continue to work to preserve sacred historical sites, despite ongoing challenges;

(2) expresses strong sentiments to the Government of Lithuania that the people of the United States believe the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, must not be desecrated;

(3) calls on the Government of Lithuania to give serious consideration to the recommendations being prepared by the international experts group on the basis of the geophysical survey of the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, and to take steps that guarantee the permanent preservation of the cemetery site, including the possibility of placing the land under government ownership; and

(4) declares that constructive bilateral relations between Lithuania and the United States are important to the governments, citizens, and shared agendas of both countries.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the resolution and yield myself as much time as I may consume.

I want to thank our colleague, Mr. FERGUSON of New Jersey, for introducing this resolution that draws congressional attention to an ongoing dispute in Lithuania about construction on the grounds of a former Jewish cemetery in that country. I would also like to thank my good friend, Representative ROS-LEHTINEN, for her leadership on this issue, and recognize the efforts of Representative SHIMKUS in seeking to find a constructive solution to this problem.

One of many tragic consequences of the Holocaust was the decimation of Jewish populations that would otherwise have cared for communal property that represents an important part of Europe's history. The Jewish cemetery in the Snipiskes area of Vilnius, Lithuania, is just one example. Archival documents suggest it was established as Vilnius's first Jewish cemetery in the 15th century, served as the burial place for more than 50,000 Jews, and was closed by Czarist Russia in 1831.

As part of our ongoing dialogue with Lithuania regarding the 2002 U.S.-Lithuanian agreement on the preservation of the cultural property of the victims of the Nazi regime, Congress has been concerned about construction on perceived boundary lines of this cemetery.

Despite repeated requests by the U.S. Embassy in Vilnius and Jewish organizations to the Lithuanian Government to address this issue, there has been little movement in recent years.

Congress welcomed the decision by the Government of Lithuania to conduct a geological survey and archaeological investigation of the site this past summer to establish these cemetery boundaries. While the Government's designation of the area as a cultural heritage site is also a helpful step, the fact that the entire site remains in the hands of a private developer raises concerns about the prospects of future construction on the site.

Congress feels very strongly that the Lithuanian Government should take steps to guarantee the permanent preservation of the Snipiskes cemetery, including the possibility of placing the land under government ownership. The government should also consider the recommendations of the International Experts Commission regarding the preservation of these sacred grounds.

The United States greatly values its long friendship with Lithuania, which could be further enhanced by a prompt and sensitive resolution to this difficult situation.

I strongly support this resolution and encourage my colleagues to do the same.

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

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

Mr. Speaker, I rise to express my support for House Concurrent Resolution 255, which deals with the preservation of the historic Jewish cemetery in Lithuania. I thank our colleague, Congressman FERGUSON, for introducing this important measure.

Mr. Speaker, the resolution before us speaks to the preservation of a historic Jewish cemetery located in Vilnius, Lithuania, a city that was once a major center of Jewish culture in all of Europe. That cemetery has been in existence since the 13th century and is considered by religious experts around the globe and those of the Jewish faith to be sacred ground.

In 2002, the Government of Lithuania entered into a bilateral agreement with the United States to ensure the protection and the preservation of certain historical, cultural and sacred properties, including cemeteries such as the one in Vilnius. Regrettably, despite that bilateral agreement, construction of a condominium building took place within the perceived boundaries of the Jewish cemetery in Lithuania.

The resolution before us expresses the view that the Jewish cemetery in Vilnius must not be desecrated. It urges the Lithuanian Government to protect the cemetery site from future construction and desecration.

I want to note at this point, Mr. Speaker, that Lithuania has indeed been our ally in NATO since 2004. Indeed, the United States and Lithuania have had a strong relationship. And I believe that bilateral cooperation on issues of importance such as this issue that is addressed by the measure before us today will strengthen that relationship.

This resolution simply calls on the Lithuanian Government to do more to protect and preserve this cemetery site. Such action by the Government of Lithuania would indeed reaffirm the values shared by our two nations, and in so doing, enhance the broader relationship between the United States and Lithuania.

I urge my colleagues to support this important resolution.

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

Mr. CROWLEY. I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON), the author of this resolution and a member of the Committee on Energy and Commerce.

Mr. FERGUSON. Mr. Speaker, I first want to thank my friend and colleague, Mr. CROWLEY, for working with me on this resolution, and I appreciate his leadership on the floor today. I want to thank Chairman BERMAN of the committee and Ranking Member ROS-LEHTINEN for their strong support in helping us bring this resolution to the floor today.

This Congress is committed to protecting and preserving the cultural heritage of all national, religious, and ethnic groups, including sacred sites such as the cemeteries here in the United States and around the world.

There are over 20 bilateral agreements between the United States and foreign governments assuring the protection and preservation of cultural property. However, in recent months, the bilateral agreement between the United States and Lithuania has, unfortunately, been broken.

We're disappointed that there has been a lack of meaningful action by the Lithuanian Government in preserving the Jewish cemetery in the Snipiskes area of Vilnius, Lithuania. Instead of preserving this site, the government in Lithuania has allowed an apartment complex to be built over the assumed boundaries of this particular cemetery.

Now, cemeteries are sacred sites and are established to remain undisturbed in perpetuity, and the sanctity of a cemetery is determined by the bodies and the families of those bodies that are buried in them. This resolution expresses this body's deep commitment to preserving these sacred cultural sites. Those buried there and their families deserve nothing less than that.

As I close, I just want to again thank the chairman of the committee, my friend from New York (Mr. CROWLEY) and the ranking member of the committee, Ms. ROS-LEHTINEN. I also want to thank my legislative director, Mandy Tharpe, who worked very hard on drafting this legislation, and all the members of the staff for helping us with this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my support for House Concurrent Resolution 255, expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated. The heart of this bill is protecting the memory and beliefs of those around the world. Protecting the beliefs of others allows me to rest easy that my beliefs and the beliefs of those in the 18th Congressional District of Texas are kept safe.

Protecting religious freedoms isn't just about allowing anyone to pray to whatever God they believe in, it is also about allowing them to have religious sites that are safe from molestation by people who disagree with what those places symbolize and embody. These sites are more than Churches, Synagogues, and Mosques; they are gardens, statues, and cemeteries.

Before 9/11 happened, the Taliban was still in the midst of wreaking havoc on all those who believed in things different from them. In March 2001, Supreme Taliban leader Mullah Mohammed Omar issued an edict against un-Islamic graven images. This edict made two mountain sized, 1,500 year old sandstone statues of Buddha against the law. Through hand placed dynamite and tank shells fired from below, these two majestic monuments of sixth century ingenuity were reduced to rubble. As if this wasn't bad enough, the culprits of this despicable deed went through local museums with sledge hammers finding anything that was related to other religions. After it was over, 2,500 artifacts from centuries passed were lost forever to what can only be described as petty, but effective, vandalism.

Mr. Speaker, destruction like this should not be allowed. This does not just hurt those who follow the teachings of Buddha; this hurts those who have their own beliefs shared by people around the world. Christian burial grounds, Jewish monuments to the Holocaust, and Islamic mosques need to be protected to assure that every man, woman, and child has the right to practice whatever religion they want.

Second only to personal safety, in regard to defending religious rights, is safeguarding the sites that are sacred to a religion. Buddhists around the world were gravely hurt by the destruction of their statues. Before the Taliban had come to power, these 15 story tall monuments had served as a beacon for Buddhists everywhere. They could come and view the proof that people just like them 15 centuries ago had the same basic beliefs that they did. This was proof that this faith could endure and in fact, had for generations.

This bill will express to the world, in a clear and unwavering voice, that the United States of America will not tolerate such brutal attacks on religion. Residents of my district know that if anyone in the world was attacking their most tightly held beliefs and religious ideals that the Federal Government would not sit idly by and watch as a repeat of the destruction on the mountainside of Bamiyan, Afghanistan, occurred.

Sites from Jerusalem's Wailing Wall to the supreme holy city of Mecca to the Vatican City should remain protected from those who don't believe what these places represent. In the end, the right to practice any religion you

choose doesn't just protect those who practice; it protects those who don't practice. Religion, like speech, is such an engrained belief in our country, since the time of the founding of the country, that it must be protected at all costs.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1545

## CONDEMNING SEXUAL VIOLENCE IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1227) condemning sexual violence in the Democratic Republic of the Congo and calling on the international community to take immediate actions to respond to the violence, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1227

Whereas the situation in eastern Democratic Republic of the Congo has been recognized as the worst crisis of violence against women in the world, according to the United Nations Special Rapporteur on Violence Against Women;

Whereas the Democratic Republic of the Congo has experienced the world's deadliest crisis since World War II, with an estimated 5.4 million deaths since 1998;

Whereas hundreds of thousands of women and girls have experienced an exceptionally violent type of rape in the Democratic Republic of the Congo, and the full extent of incidence of sexual violence is unknown as most survivors experience repeated rapes, live in inaccessible areas, are afraid to report the attacks, or did not survive them;

Whereas sexual violence is used as a method of warfare by all parties to the conflict in the Democratic Republic of the Congo as a means to terrorize and destabilize entire communities;

Whereas in 2007, Malteser International estimated that 70 percent of all rapes in South Kivu were committed by nonstate armed groups, including foreign militia from Burundi, Rwanda, and Uganda, 16 percent by Democratic Republic of the Congo military forces, and 14 percent by civilians;

Whereas control over the Democratic Republic of the Congo's natural resources is central to the ongoing conflict;

Whereas in 2002, the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo alleged nine United States business enterprises to be in violation of the OECD Guidelines for Multinational Enterprises;

Whereas, on July 30, 2007, the United Nations Special Rapporteur on Violence Against Women reported, ''Women are brutally gang raped, often in front of their families and communities. In numerous cases, male relatives are forced at gun point to rape their own daughters, mothers or sisters. Frequently women are shot or stabbed in their genital organs, after they are raped. Women, who survived months of enslavement, [said] that their tormentors had forced them to eat excrements or the human flesh of murdered relatives'';

Whereas rape with the use of knives, gun barrels, beer bottles, cassava roots, or sticks can result in a tear or fistula between a woman's vagina and bladder or rectum, or both, causing the development of traumatic gynecologic fistula;

Whereas some women and young girls reportly have had their lips or tongues cut off by their attackers so that they won't report the crime to authorities;

Whereas the Panzi Hospital, a specialized institution in South Kivu, receives about 3,500 cases annually of women who suffer from traumatic fistula and other severe genital injuries resulting from these sexual atrocities;

Whereas at Heal Africa Hospital in Goma, doctors reported treating 4,800 rape victims and, in 2005, doctors performed 242 fistula-repair operations;

Whereas current activities to treat survivors meet only a portion of the need;

Whereas the scope of the sexual violence affects women and girls of all ages, from 10 months to 80 years old;

Whereas a culture of impunity continues in eastern Congo and rape has become a societal norm;

Whereas in July 2006, the Congolese Parliament passed the Law on the Suppression of Sexual Violence, which attempted to strengthen penalties and criminal procedures, but in reality, little action has been taken by the authorities to implement the law and perpetrators continue to enjoy impunity; and

Whereas the United States Government has codified its commitment to the Democratic Republic of the Congo through the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 (Public Law 109–456): Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) strongly condemns the use of all forms of sexual violence, including rape, in the Democratic Republic of the Congo;

(2) condemns the actions of all armed groups in the Democratic Republic of the Congo, including militias and rebel groups, such as the Forces Démocratiques de Libération du Rwanda (FDLR), Mai-Mai Militia, and the Front for Patriotic Resistance of Ituri, that have created a culture of impunity for rape and sexual violence;

(3) calls on the Government of the Democratic Republic of the Congo to develop a strategy to address and end the large-scale sexual violence in the Democratic Republic of the Congo by—

(A) protecting its civilians from violence and enforcing and respecting the rule of law in accordance with international norms and standards;

(B) holding all armed groups accountable for their actions by implementing judicial reforms to investigate, arrest, and try suspected criminals;

(C) prosecuting and punishing members of the Congolese Armed Forces who have committed crimes of sexual violence and other atrocities; and

(D) establishing a verification mechanism to ensure that officers who have engaged in or have been complicit in the commission of sexual violence, including rape, do not receive important posts in the Congolese Armed Forces, the national police, and other security services;

(4) urges an increased effort by the United States through the Department of State and other donor countries to provide greater assistance to the Democratic Republic of the Congo for police and military human rights education and training, and training for those in the judiciary in order to improve their ability to investigate, prosecute, and sentence rapists;

(5) strongly urges the United States Agency for International Development to increase its assistance to victims of rape and sexual violence in the Democratic Republic of the Congo;

(6) urges the Secretary of State to appoint a special envoy to the Democratic Republic of the Congo to sustain United States engagement in a peace process and stabilization programs, and to continue its leadership towards the implementation of the Nairobi communiqué;

(7) encourages the Secretary of State to continue to work with the heads of the other agencies implementing programs in the Democratic Republic of the Congo to develop a plan for systematically assessing the United States Government's overall progress in achieving the policy objectives of the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006;

(8) encourages the international community to ensure greater coordination in its response to sexual violence and to provide further humanitarian and psychosocial assistance to survivors of sexual and gender-based violence in the eastern Democratic Republic of the Congo;

(9) reaffirms its support for democracy, the rule of law, and human rights in the Democratic Republic of the Congo and calls upon regional African leaders to support the preservation of a democratic political system in the country;

(10) encourages full protection of women and girls and the promotion of their rights by emphasizing the responsibilities of all countries to put an end to impunity and to prosecute those responsible for genocide crimes, including those related to sexual and other forms of violence against women and girls;

(11) calls on the Secretary General of the United Nations and the permanent members of the Security Council to immediately take steps to—

(A) ensure that the United Nations Mission in the Democratic Republic of the Congo (MONUC) is fully funded and strategically deployed in areas where sexual violence is most prevalent;

(B) include an adequate number of female troops and police in MONUC to properly manage incidents of rape and sexual violence;

(C) provide more in-depth and continuing gender-sensitive training to its peacekeepers; and

(D) hold all military and civilian personnel associated with MONUC who have committed acts of rape or sexual exploitation accountable for their crimes and ensure that they are permanently barred from serving in any future peacekeeping operation;

(12) encourages a transparent process for the government of the Democratic Republic

of the Congo's review of mining contracts; and

(13) strongly encourages United States companies investing and operating in the Democratic Republic of the Congo to exert oversight concerning where their products are coming from and who is benefitting from the trade of such products.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the resolution and yield myself as much time as I may consume.

Mr. Speaker, I want to thank my good friend and colleague, Congresswoman CAROLYN MALONEY, as well as Congressman BRAD MILLER, for urging the condemnation of the most vicious crime imaginable, the systematic rape and mutilation committed against women, girls and boys taking place in the Democratic Republic of Congo, known as the DRC.

The conflict in the DRC has been called the deadliest since World War II. Within the last 10 years, more than 5 million people have died, and the numbers keep rising. In fact, more people have died because of war in the DRC than in Iraq, Afghanistan and Darfur combined. As in other wars, women in the DRC are overwhelmingly the target of military aggression. Rape and mutilation are the perpetrators' preferred weapon of choice. Unlike other wars, the scale and systematic nature of rape in the DRC is unparalleled. In some villages, as many as 90 percent of the women and girls have been raped.

This important resolution encourages the Secretary of State to work with the DRC Government to develop a strategy to address and end the large-scale sexual violence in the DRC. Our State Department and our American embassy in the DRC should have this extremely important mission.

Mr. Speaker, I urge all of my colleagues in the House to support this resolution.

With that, I will reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Resolution 1227, which condemns pervasive sexual violence in the Democratic Republic of the Congo and calls upon responsible nations to take immediate steps to respond.

While many have focused well-deserved attention on the humanitarian and human rights crisis in Darfur, Sudan, scant attention has been given to a deadly, festering conflict in the Democratic Republic of the Congo. The war in Congo has been called Africa's first ''world war,'' having drawn in seven neighboring countries and spawning some of the worst human rights atrocities known to man. An estimated 4 million people were killed by war, disease and starvation. Armed groups engaged in systematic rape, looting and acts of cannibalism often forcing their victims to victimize others. Children were forcibly recruited to serve as soldiers, and civilians were used as human shields.

Though a 2002 peace agreement and elections in June 2006 paved the way for a new beginning in Congo, these atrocities have continued in the eastern part of the country where a proxy war for control over Congo's vast natural resources continues to rage.

The level of sexual violence in eastern Congo is particularly alarming. It has become so pervasive, Mr. Speaker, and so severe, that the Panzi Hospital in South Kivu has had to perform an estimated 3,500 surgeries annually to repair a particularly stigmatizing injury suffered by those who have been brutally raped. And that is just one hospital. Countless others suffer the physical injury and the social consequences of rape in silence living as outcasts in their own communities.

All parties to the conflict in eastern Congo have taken part in such human rights atrocities, including the armed forces of the Congo and an increasingly vast array of armed militias. Even the United Nations peacekeepers, who have been deployed to help protect civilians in Congo, have engaged in acts of sexual exploitation and abuse themselves.

This is an unspeakable and unforgivable crime that cannot be swept under the carpet.

I want to thank my colleague, Mrs. MALONEY of New York, for seeking to draw attention to the scourge of sexual violence in the eastern Congo and for seeking to inspire responsible nations to provide critically needed assistance to those in need.

I would like to thank the sponsor, Mrs. MALONEY, as well as our chairman, HOWARD BERMAN, for agreeing to modifications which would allay fears raised regarding the Convention on the Elimination of Discrimination Against Women and what was referred to as ''women's reproductive health.''

With these critical changes accepted, I urge support to House Resolution 1227, Mr. Speaker.

I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I would now yield 2 minutes to the gentlelady from New York, Mrs. CAROLYN MALONEY, the sponsor of the resolution.

Mrs. MALONEY of New York. I thank my colleague from New York for his tremendous leadership and my friend from the other side of the aisle for her support for this critical bill and so many others that are important to our country. I would like to thank Chairman BERMAN and Representative BRAD MILLER for their leadership along with 39 of our colleagues who have cosponsored this important Resolution 1227. I thank my colleagues for highlighting the sexual violence crisis that is plaguing the women and girls of the Democratic Republic of the Congo or the DRC.

The eastern Democratic Republic of the Congo is one of the world's richest countries in natural resources, but it has been recognized as the worst place on Earth to be a girl or a woman. Women and girls from the age of 8 to 80 are being violently raped systematically on a scale unimaginable in the hundreds of thousands. As a strategy of war, they are often raped with guns and knives which destroy their sexual organs and forces them into a life of suffering from fistula and other deformities.

As my friend from the great State of Florida mentioned, there are hospitals that are dedicated only to trying to restore their destroyed bodies from not only rape but the use of a knife or a gun. Countless women are being sold in sexual slavery for months on end. According to UNICEF, the DRC is currently witnessing the world's deadliest humanitarian crisis since World War II.

In this war, the battlefield is literally the bodies of women and girls. Congress must continue its commitment to the people of the DRC as it has demonstrated in the past.

I thank my colleagues for their support. The women in DRC and the girls deserve justice.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CROWLEY. We have no further speakers on our side, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1227, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## REMEMBERING THE 75TH ANNIVERSARY OF THE UKRAINIAN FAMINE-GENOCIDE OF 1932–1933

Mr. SCOTT of GEORGIA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1314) remembering the 75th anniversary of the Ukrainian Famine-Genocide of 1932–1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1314

Whereas in 1932 and 1933, an estimated seven to 10 million Ukrainian people perished at the will of the totalitarian Stalinist government of the former Soviet Union, which perpetrated a premeditated famine in Ukraine in an effort to break the nation's resistance to collectivization and communist occupation;

Whereas the Soviet Government deliberately confiscated grain harvests and starved millions of Ukrainian men, women, and children by a policy of forced collectivization that sought to destroy the nationally conscious movement for independence;

Whereas Soviet dictator Joseph Stalin ordered the borders of Ukraine sealed to prevent anyone from escaping the man-made starvation and preventing any international food aid that would provide relief to the starving;

Whereas numerous scholars worldwide have worked to uncover the scale of the famine, including Canadian wheat expert Andrew Cairns who visited Ukraine in 1932 and was told that there was no grain ''because the government had collected so much grain and exported it to England and Italy,'' while simultaneously denying food aid to the people of Ukraine;

Whereas nearly a quarter of the rural population of Ukraine was eliminated due to forced starvation, while the entire nation suffered from the consequences of the prolonged lack of food;

Whereas the Soviet Government manipulated and censored foreign journalists, including New York Times correspondent Walter Duranty, who knowingly denied not only the scope and magnitude, but also the existence, of a deadly man-made famine in his reports from Ukraine;

Whereas noted correspondents of the time were castigated by the Soviet Union for their accuracy and courage in depicting and reporting the famine in Ukraine, including Gareth Jones, William Henry Chamberlin, and Malcolm Muggeridge, who wrote, ''[The farmers] will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the government and hundreds of thousands exiled'';

Whereas in May 1934, former Congressman Hamilton Fish introduced a resolution in the House of Representatives (House Resolution 399 of the 73d Congress) which called for the condemnation of the Soviet Government for its acts of destruction against the Ukrainian people;

Whereas the United States Commission on the Ukraine Famine, formed on December 13, 1985, conducted a study with the goal of expanding the world's knowledge and understanding of the Ukrainian Famine of 1932–1933, and concluded that the victims were ''starved to death in a man-made famine'' and that ''Joseph Stalin and those around him committed genocide against Ukrainians in 1932–1933'';

Whereas on May 15, 2003, in a special session, the Ukrainian Parliament acknowledged that the Ukrainian Famine (Holodomor) was engineered by Joseph Stalin and the Soviet Government deliberately against the Ukrainian nation and called upon international recognition of the Holodomor;

Whereas with the dissolution of the Soviet Union, archival documents became available that confirmed the deliberate and pre-meditated deadly nature of the famine, and that exposed the atrocities committed by the Soviet Government against the Ukrainian people; and

Whereas on October 13, 2006, the President of the United States signed into law Public Law 109–340 that authorized the Government of Ukraine ''to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932–1933,'' in recognition of the upcoming 75th anniversary of the tragedy in 2008: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) solemnly remembers the 75th anniversary of the Ukrainian Famine (Holodomor) of 1932–1933 and extends its deepest sympathies to the victims, survivors, and families of this tragedy;

(2) condemns the systematic violations of human rights, including the freedom of self-determination and freedom of speech, of the Ukrainian people by the Soviet Government;

(3) encourages dissemination of information regarding the Ukrainian Famine (Holodomor) in order to expand the world's knowledge of this man-made tragedy; and

(4) supports the continuing efforts of Ukraine to work toward ensuring democratic principles, a free-market economy, and full respect for human rights, in order to enable Ukraine to achieve its potential as an important strategic partner of the United States in that region of the world.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I am pleased to support this resolution that allows the House of Representatives to pause in remembrance of the 75th anniversary of the Ukrainian famine of 1932 and 1933 and extend its sympathies to the victims, survivors and relatives of this tragedy. I commend my distinguished colleague, Representative LEVIN of Michigan, and the cochair of the Ukrainian Caucus in the House for introducing this important resolution.

At the beginning of the 20th century, Mr. Speaker, Ukraine was so renowned for its rich soil and high grain production that it was known as the ''bread basket of Europe.'' Such bounty serves only to amplify the magnitude of the country's loss: The deaths of nearly one-quarter of its entire rural population as a result of the Soviet policy of forced collectivism in 1932 and 1933.

This premeditated famine was intended to break the nation's resistance to Communist occupation and destroy its movement for independence. While 7 to 10 million Ukrainians were starving to death, millions of tons of grain were kept in reservoirs, sold or sent to other parts of the Soviet Union. Further compounding this tragedy, Soviet dictator Joseph Stalin ordered that the borders of Ukraine be sealed and that anyone trying to relocate family or children be severely punished or killed.

Mr. Speaker, the United States of America has never forgotten this tragedy that occurred in Ukraine 75 years ago. As early as May 1934, former Congressman Hamilton Fish introduced a resolution in this House that called for condemnation of the Soviet Government for its acts of destruction against the Ukrainian people.

The United States Commission on the Ukrainian Famine, which was established in December of 1985, worked to uncover the scale and the reasons for and the consequences of this terrible manmade famine. And in October 2006, President Bush signed a law authorizing the Government of Ukraine to construct a memorial in the District of Columbia to honor the victims of the famine.

Today, 17 years after the collapse of the Soviet Union, Ukraine is a strong ally of the United States. We fully support the efforts of this young democracy to strengthen its political institutions, its rule of law and civil society. It's so appropriate that we pause today to remember the victims of the famine and reaffirm our continued friendship and solidarity with the Ukrainian people.

I strongly support this resolution, and I urge my colleagues to join me.

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

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

Mr. Speaker, I also rise in support of House Resolution 1314, commemorating the 75th anniversary of the Ukrainian famine, Holodomor, of 1932 and 1933.

The former Communist state known as the Soviet Union was controlled by a brutal regime that oppressed its own people as well as that of its neighbors. The scars left by the inhumane practices and policies of the Soviet leadership are still felt, despite the passage of 75 years since the famine in Ukraine and the passage of almost two decades since the Soviet regime's demise.

During 1932 and 1933, Joseph Stalin's Communist regime intentionally confiscated grain harvest from the Ukrainian people and prevented any foreign food from being shipped in to help those who were starving to death.

□ 1600

The famine inflicted on Ukraine by the Stalinist regime during those years killed millions of Ukrainians. It is one of the most stark examples of the former Soviet regime's cruel and horrific policies.

Among other items, this resolution notes the 75th anniversary of the Ukrainian famine and expresses sympathy to the victims, survivors and

families of that man-made calamity; condemns the violation of human rights, the freedom of speech and of the self-determination of the Ukrainian people by the former Soviet regime; encourages expanding the world's knowledge about this man-made disaster; and, lastly, supports continued efforts in Ukraine to strengthen the principles of democracy and of a free-market economy.

Mr. Speaker, I urge my colleagues to support this important measure.

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

Mr. SCOTT of Georgia. Mr. Speaker, it is now my distinct pleasure to yield 3 minutes to the distinguished Congressman from Michigan, Congressman SANDER LEVIN, who is the sponsor of this resolution and is the very distinguished cochair of the Ukraine Caucus in the House of Representatives.

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

Mr. LEVIN. Thank you very much, Mr. SCOTT, and I thank the chairman and the ranking member of the Foreign Affairs Committee for bringing this to the floor.

I rise in support of this resolution, marking the 75th anniversary of the man-made famine that killed millions of Ukrainians in 1932 and 1933.

Recognizing this tragedy and remembering its victims are important for all of humanity, including 1.5 Ukrainian-Americans. It has special meaning to the people of Ukraine, who continue to struggle toward a more free, democratic, open society, and indeed to all of us who value freedom.

During the famine-genocide of 1932–33, 7 to 10 million Ukrainians were deliberately and systematically starved to death. We are familiar in this House with the terrible suffering caused by famines that are the result of natural forces, but the famine of 1932–33 is all the more tragic because it resulted from criminal acts and deliberate decisions by Soviet officials. Despite efforts by the Soviet Government at the time and afterward to hide the planned and systematic nature of this famine-genocide, it is clear that the Soviet Union used food as a weapon.

We in this country must persist in standing with those living under oppressive and tyrannical regimes as they struggle for their freedom. During the 109th Congress, we enacted a bill authorizing the Government of Ukraine to establish a memorial in Washington, D.C. honoring the victims of the Ukrainian famine-genocide. The Ukrainian Government and the Ukrainian-American community are working with the appropriate Federal agencies to identify a site for this memorial.

I urge all of my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health and a true champion of human rights around the world.

Mr. SMITH of New Jersey. I thank the gentlewoman for yielding and for her leadership, and thank Chairman LEVIN for sponsoring this very important resolution.

I rise in strong support of H. Res. 1314, commemorating and honoring the memory of victims of the abominable act perpetrated against the people of Ukraine from 1932 to 1933.

Seventy-five years ago, millions, and the estimates are as high as 10 million, men, women and children were murdered by starvation so that one man, Soviet dictator Joseph Stalin, could consolidate control over the Ukraine. In an attempt to secure collectivization and to break the spirit of the independent-minded Ukrainian peasants, Stalin ordered the expropriation of all the foods in the rural population. It was shipped to other areas of the Soviet Union or sold abroad. Peasants who refused to turn over grain to the state were deported or executed. Without food or grain, mass starvation ensued, as was Stalin's intention.

Madam Speaker, food was used as a weapon in a crime against humanity staggering in its scope. This famine was man-made, the planned consequence of a deliberate policy which aimed to wipe out a substantial part of the Ukrainian people in order to crush the spirit of those who remain. In short, genocide was committed against the Ukrainian people.

Madam Speaker, over the years I have read many works of Stalin's genocide against the people of Ukraine, but I recall a moment back in the 1980s when I saw the unforgettable documentary, Harvest of Sorrow. It documented and depicted the horrors of the famine, so that no one since has denied this mind-boggling crime and tragedy. In its bare, stark truth, it was one of the most moving films I have ever seen.

I also recall the fine work of the congressionally mandated Ukraine Famine Commission, which issued its well-documented report in 1988. I am happy that Mr. LEVIN's resolution notes that there were those in the West, including the New York Times correspondent Walt Duranty, who deliberately falsified their reporting so to cover up the famine because they wanted to ensure that the Soviet Union got ''a good press.''

The fact is that for over 40 years the planned famine was hardly spoken or written about in our country, due to an academic skepticism and silence enforced by political correctness. When Ukrainians and others tried to break through the wall of silence, they were treated with derision. This silence, which lasted from the 1930s through the publication of Harvest of Sorrow, made a sorry chapter in the history of American intellectual life.

Madam Speaker, this resolution will continue to recognize one of the most horrific events in the last century in the hopes that mass murders of this kind never happen again. I support this resolution unreservedly. I hope that the full membership of this body supports it unanimously.

Mr. SCOTT of Georgia. Madam Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. SCOTT of Georgia. Madam Speaker, I yield back.

The SPEAKER pro tempore (Ms. SOLIS). The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1314, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Remembering the 75th anniversary of the Ukrainian Famine (Holodomor) of 1932–1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes.''.

A motion to reconsider was laid on the table.

## SUPPORTING DEMOCRACY IN BANGLADESH

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1402) supporting a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1402

Whereas the independent, sovereign republic of Bangladesh was first proclaimed on March 26, 1971, and the Constitution of Bangladesh, ratified in 1972 following a war of independence, established a democracy ruled by and for the people;

Whereas Bangladesh has a population of 154,000,000 people and is the world's third most populated Muslim country, and has been known to be a stable, moderate, democratic Muslim Nation;

Whereas Bangladesh has held what the international community has viewed as three free and fair elections in 1991, 1996, and 2001;

Whereas in October 2006, as set up by the constitution, power was handed over to a caretaker government before the January 22, 2007, scheduled election;

Whereas the caretaker Government of Bangladesh imposed a national state of emergency on January 11, 2007, that suspended fundamental rights guaranteed by the constitution and detained a large number of politicians and others on suspicion of involvement in corruption and other crimes;

Whereas the state of emergency has restricted media reporting and it has been reported that journalists have been harassed, detained, or threatened by the authorities;

Whereas the anti-corruption campaign is creating institutions to fight rampant corruption throughout the government, including in the police and ports, but also has resulted in the reporting of human rights abuses;

Whereas the caretaker Government of Bangladesh reportedly arrested 18,000 persons with questionable records since May 28, 2008, and subsequently released most of them;

Whereas the Chief Adviser, Fakhruddin Ahmed, announced that elections will be held by the third week of December 2008;

Whereas the current political situation has been exacerbated by food prices that have doubled within the past year, compounding economic challenges for the people;

Whereas Bangladesh has established an estimated 6 percent real growth rate in the last 4 years, and a 6.5 percent growth rate in 2007;

Whereas the Grameen Bank, through microfinancing in Bangladesh, has been able to provide lending to 7,300,000 stakeholders and has empowered women to control 97 percent of the Bank, alongside other agencies in rural Bangladesh creating a new climate of economic growth and increasing social capital;

Whereas the economic support extended by the United States has helped to create an opportunity for employment and growth in Bangladesh, with particular impact on the empowerment of women and strengthening the process of social moderation and modernization in Bangladesh; and

Whereas Bangladesh's long-term political stability and economic progress are critical to the security of the South Asian region: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) expresses its strong support to the restoration of democracy in Bangladesh so it will be able to address economic and political challenges, and urges all stakeholders to play a constructive and forward looking role to strengthen such a process;

(2) appreciates the decision of the caretaker Government of Bangladesh to hold free, fair, credible, peaceful, and transparent elections by the third week of December 2008;

(3) welcomes the decision of the Government of Bangladesh to hold dialogue with all political parties and other civil society organizations to create a congenial atmosphere for holding elections and to ensure participation of all political parties in that process;

(4) urges all political parties to participate in the elections so that democratic governance can be maintained, which could continue fight against corruption and institutional and policy reforms;

(5) calls on the Government of Bangladesh to lift the state of emergency and remove other restrictions on political activity to allow free and fair elections to occur;

(6) urges the caretaker Government of Bangladesh to complete a transparent voter registration process that will facilitate the enrollment of the maximum number of eligible voters to protect the voting rights of all eligible voters regardless of religious affiliations or ethnic background, to use all practical technical means of ensuring the security of the ballot, to prevent violence before and after elections, and to permit and facilitate international and domestic nongovernmental monitoring of the entire electoral process;

(7) urges the caretaker Government of Bangladesh to invite foreign nationals to observe and monitor the December 2008 elections;

(8) urges the Government of Bangladesh to ensure the due process and equal treatment under the rule of law for all suspects, witnesses, and detainees;

(9) notes the initiatives of the caretaker Government of Bangladesh to eradicate corruption from all levels of government and society through institutional and policy reforms;

(10) expresses concern at the reported abuse of human rights and urges the Government of Bangladesh to ensure human rights, freedom of speech, assembly, and association;

(11) urges the caretaker Government of Bangladesh to protect the rights of religious and ethnic minorities, particularly Hindus, Christians, Buddhists, Ahmadis, and non-Muslim tribal peoples;

(12) urges the President to work toward the return of democracy to Bangladesh as a high priority of United States foreign policy and affirm the willingness of the United States to provide assistance;

(13) urges the President to use the voice and vote of the United States in multilateral organizations to strengthen the rule of law and democracy in Bangladesh; and

(14) urges the President to consider, upon completion of an internationally-accepted free and fair election, extending generous economic support to Bangladesh as an incentive.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume

Bangladesh is going through an important time in its history as she attempts to move back to a representational government. Since October 2006, Bangladesh has been under the control of two different caretaker governments. After the January 2007 elections were postponed, a second caretaker government, backed by the military, came into power, and since then has been attempting to deal with what has become rampant corruption, violence and political instability.

Once in power, the caretaker government instituted a state of emergency that suspended fundamental rights guaranteed by the Bangladeshi constitution. They subsequently detained a large number of politicians and others on suspicion of involvement in corruption and other crimes.

While I continue to remain concerned about the arrests of so many under the emergency powers rule, I must commend the caretaker government for establishing institutions to fight corruption and bring about national reconciliation between the political parties. But these gains have been marred by serious reports of human rights violations of those held in custody. Bangladesh must respect all the rights of her people and prosecute cases before her to the letter of the law.

The next step is getting people back the power in Bangladesh. Nearly 2 years after the postponement of elections and the state of emergency was declared, the caretaker government is following through with a roadmap towards elections that they have presented.

Just this past weekend, the chief adviser of the caretaker government announced that parliamentary elections will be held on December 18, 2008. This is an important step, but an election held under a state of emergency is a questionable approach to establishing democratic governance in Bangladesh.

The bill before us calls on the caretaker government to relax or suspend the state of emergency to ensure that public gatherings during the campaign are allowed to take place. This election is about bringing true democracy back to Bangladesh, and it must be held with all the freedoms their constitution grants her people.

Bangladesh has been a strong friend and ally of the United States and is a moderate Muslim nation, and we should do what we can to foster continued growth of democracy, not only in the nation of Bangladesh, but throughout that region. We must work to ensure that the elections held in Bangladesh are free, fair, credible, peaceful and transparent.

I introduced this legislation in July to set out what we, the United States Congress, expect of Bangladesh and we the people of the United States expect of Bangladesh. I urge all my colleagues to support this legislation. It has the backing of the Bangladesh Caucus, which I chair here in the House of Representatives.

I believe that with fair, free, transparent and open elections, Bangladesh will move towards a more Democratic society.

Madam Speaker, I retain the balance of my time.

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

Madam Speaker, I also rise in strong support of House Resolution 1402, a measure that underscores congressional support for democracy, development and respect for fundamental human rights in Bangladesh. I would like to congratulate my good friend from New York, Congressman CROWLEY, for his leadership on this resolution, and for his long-standing interest in Bangladesh and indeed all of South Asia.

Madam Speaker, the United States and Bangladesh have been strong allies since the founding of that country in 1971. Despite many handicaps, including a unique vulnerability to natural disasters, Bangladesh has made impressive strides in key areas of development during the 1990s. However, political polarization, endemic corruption

and the rise of violent extremists all pose serious challenges to Bangladesh society.

In January of 2007, faced with an opposition boycott of national elections and widespread political violence, Bangladesh's president declared a state of emergency. In accordance with the constitution of Bangladesh, the president appointed a caretaker government, which has in turn embarked on an ambitious agenda of reform and renewal for the people of Bangladesh and its institutions.

Since that time, the United States has consistently urged Bangladesh's caretaker government to lift the restrictions on basic rights, meet international standards for due process in pursuing corruption cases and follow through on its commitment to hold free, fair and transparent elections by December 2008.

□ 1615

In recent weeks, there have been positive indications that the electoral roadmap remains on track. The government's progress on updating their voter list and on fighting corruption are encouraging signs, as is its effort to move forward on dialogue with political parties.

Despite these positive developments, however, it remains the strong view of the Congress and the executive branch that the caretaker government must immediately lift the state of emergency or otherwise remove restrictions on freedoms of assembly and freedom of the press.

The political parties of Bangladesh must be able to participate fully in a democratic process. This resolution reaffirms the importance of a U.S. national interest in helping to work with the people of Bangladesh in building a peaceful, prosperous, democracy that will continue to be a strong partner for the United States.

I urge its adoption, and I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I just wanted to add a couple of more points for the record.

In order to ensure the transparency of these elections, I believe it's imperative that the Government of Bangladesh, the present caretaker government, invite foreign governments and nongovernment organizations to observe and monitor the elections of December 18, 2008.

The restoration of democracy, though, in Bangladesh, is not the only challenge that Bangladesh is facing. Just last year, Cyclone Sidr caused massive devastation in Bangladesh and destroyed the annual rice harvest in parts of the country. The global rise in fuel prices has also had a major effect on the livelihoods of all the people of Bangladesh over the last year.

The Congress, therefore, strongly supports the continuation of a robust economic support and humanitarian program for the people of Bangladesh, particularly in helping the nation get back on its feet after the cyclone. But free, fair, and transparent and open elections, together with the continuation of American assistance to Bangladesh, will serve to further strengthen the relationship between our two countries. With the restoration of democracy, the political, economic and strategic ties between the United States and Bangladesh will become even stronger.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, thanks to Representative CROWLEY for his excellent work on this resolution.

I rise today in support of this important resolution and in support of free and fair elections.

Bangladesh, the world's third most populated Muslim country, must return to the fold of democracy and uphold the most basic human rights—the right to vote.

Over the past 2 years, the people of Bangladesh have lived under a state of emergency. As the resolution outlines, the rights of the press have been curtailed and corruption is running rampant.

We all know that a nation can only succeed when it heeds the will of the people. Security—both economic and political—cannot be established while citizens are being ignored and repressed.

Bangladesh must hold free, fair, credible, peaceful, and transparent elections. I urge support of House Resolution 1402.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1402.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RECOGNIZING THE 70TH ANNIVERSARY OF THE 1938 OCCURRENCE OF KRISTALLNACHT, THE NIGHT OF BROKEN GLASS

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1435) recognizing the 70th anniversary of the 1938 occurrence of Kristallnacht, The Night of Broken Glass.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1435

Whereas November 9, 2008, through November 10, 2008, marks the 70th anniversary of Kristallnacht, The Night of Broken Glass;

Whereas during Kristallnacht, hundreds of synagogues in Germany and Austria were burned and destroyed, businesses and homes were ransacked, scores of innocent people were killed because they were Jews, and thousands of others were arrested and sent to concentration camps;

Whereas Kristallnacht was sanctioned by the Nazi state to foment anti-Semitism and terrorize Jewish citizens;

Whereas the shattered panes of glass that littered sidewalks, most of it coming from the shop windows of Jewish stores, gave the pogrom its name, Kristallnacht or ''Night of Broken Glass'';

Whereas Kristallnacht marked the Nazis' first centrally organized operation of large-scale, anti-Jewish violence;

Whereas the lack of any serious diplomatic consequences from civilized nations led the Governments of Germany and Austria to believe that further atrocities would go unpunished;

Whereas Kristallnacht served as a prelude to the Second World War, to the death of millions of innocent people, and to the mass murders and carnage on a scale never before seen in human history;

Whereas the reign of the Nazi government marks one of the darkest periods in civilized history; and

Whereas Kristallnacht should remind us all that evil must be confronted forcefully and the civilized world cannot watch idly while barbarism and mass murder are committed against innocent peoples: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the 70th anniversary of Kristallnacht, The Night of Broken Glass;

(2) pays tribute to the over 6,000,000 Jewish people who were killed during the Holocaust; and

(3) recommits the United States to continued vigilance against these kind of atrocities and urges the international community to fight against organized aggression directed at religious, ethnic, and other minority groups wherever it may occur.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Let me first thank the gentleman from New Hampshire (Mr. HODES) for offering this important resolution, which marks the 70th anniversary of Kristallnacht, the Night of Broken Glass. His leadership on the Holocaust-related issues is greatly appreciated.

On the night of November 9, 1938, the streets of German and Austrian cities were littered with the shattered glass of Jewish homes, businesses and synagogues. Ninety-one people lost their lives and 30,000 were deported to concentration camps during the course of

this pogrom. Buchenwald and Dachau soon filled with Jews who had been deprived of their property, their savings and their livelihoods by the Nazis.

Kristallnacht, the Night of Broken Glass, showed the world once and for all the true face of the Nazi regime and served as a prelude to the horrors that would soon befall Europe's Jewish community. As Germany's synagogues burned on this terrible night, the governments of the west, including our own, failed to take meaningful action. Ambassadors were recalled, speeches were made, but the Nazis' orchestrated pogrom resulted in the diplomatic equivalent of just a slap on the wrist.

We condemn not just the destruction wrought against Germany and Austria's Jewish community that terrifying night, but we also condemn the world's inaction, which undoubtedly led the Nazis to believe the international community would offer little resistance to their plans to murder all the Jews in Europe.

Though 70 years have passed since the Nazis began to set in motion the final solution, and 63 years since the liberation of the last of their death camps, we must continue to maintain our vigilance against all forms of ethnic, national and religious hatreds.

Adolf Hitler exploited the world's failure to protect those threatened by the Nazi's vicious ideology of hate. As we reflect upon the anniversary of this infamous night and pay tribute to the over 6 million people killed in the Holocaust, we must recommit ourselves to preventing genocide anywhere and any time.

I strongly support this resolution, and I reserve the balance of my time.

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

The night of November 9 through November 10 of the year 1938 consisted of hours of darkness that the world cannot afford to forget. Known as Kristallnacht, that horrible night of unleashed terror and violence that we remember in this resolution before us today, was the clear signal for the start of Adolf Hitler's orchestrated campaign of genocide.

On that night, as state-sponsored violence poured out into the streets, the halls of civilized governments were mute. Joseph Goebbels had announced in his speech on the day of November 8, and I quote, ''The Fuhrer has decided that . . . demonstrations should not be prepared or organized by the Party, but insofar as they erupt spontaneously, they are not to be hampered.''

Following that speech, regional leaders of Hitler's National Socialist Party issued instructions to their local offices, and violence erupted across Germany and in some neighboring countries as well, in a matter that was anything but spontaneous. For 48 terrible hours, mobs rampaged through the streets of German, Czechoslovak and Austrian cities.

The riots destroyed 267 synagogues, shattered an estimated 7,500 windows of Jewish-owned businesses and desecrated many Jewish cemeteries. The Night of Broken Glass claimed the lives of at least 91 Jewish citizens.

Unfortunately, the rest of the world remained largely silent when confronted with the news of this organized brutality. We can only wonder how history might have changed, how the war and the genocide of the subsequent years might have been avoided if silence had been replaced by condemnation and strong action.

As we look back at the events of that terrible night, from the perspective of the passage of 70 years, we recall what our president at that time, Franklin Roosevelt, said. ''I, myself, could scarcely believe that such things could occur in a 20th century civilization.''

As we consider this resolution, which notes this terrible event 70 years ago and the subsequent organized murder of more than 6 million Jews across Europe during World War II, we realize how important it is that we remember the lessons of the 20th century today at the start of the 21st century.

I urge strong adoption of this important resolution, and I reserve the balance of our time.

Mr. SCOTT of Georgia. Madam Speaker, we have no further speakers at this time.

However, let me conclude by simply stating that Adolf Hitler and the Nazis perpetrated the most heinous tragedy of man's inhumanity to man. We will never forget it, and people all across this Nation on this 70th anniversary say never, never again.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I echo the sentiments of my good friend, and I yield back the balance of our time.

Mr. SCOTT of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1435.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## TOM LANTOS HUMAN RIGHTS COMMISSION ESTABLISHMENT RESOLUTION

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1451) establishing the Tom Lantos Human Rights Commission in the House of Representatives.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1451

*Resolved,*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the ''Tom Lantos Human Rights Commission Establishment Resolution''.

**SEC. 2. ESTABLISHMENT OF TOM LANTOS HUMAN RIGHTS COMMISSION.**

(a) ESTABLISHMENT.—There is established in the House of Representatives the Tom Lantos Human Rights Commission (hereafter in this resolution referred to as the ''Commission''), which shall promote and advocate in a nonpartisan manner, both within and outside of Congress, internationally recognized human rights norms as enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments by carrying out the following activities:

(1) Developing congressional strategies to promote, defend, and advocate internationally recognized human rights norms reflecting the role and responsibilities of the Congress.

(2) Raising greater awareness among Members of the House of Representatives, their staffs, and the public regarding international human rights violations and developments.

(3) Providing Members and staff with expert human rights advice and information and by supporting entities of Congress in their work on human rights issues.

(4) Advocating on behalf of individuals and entities whose internationally recognized human rights have been violated or are in danger of being violated.

(5) Collaborating closely with other professional staff members of the Committee on Foreign Affairs.

(6) Collaborating closely with the President, other officials of the executive branch, and recognized national and international human rights entities and nongovernmental organizations in promoting human rights initiatives within Congress.

(7) Encouraging and supporting Members, especially Members who have been recently elected to the House, to become active in supporting human rights issues so that the United States will continue to be recognized throughout the world as a leader in the defense of internationally recognized human rights norms.

(b) ELIGIBILITY.—Any Member of the House of Representatives may join the Commission by submitting a written statement to that effect to the co-chairs of the Commission.

(c) RELATIONSHIP WITH SENATE.—In carrying out its activities, the Commission is encouraged to establish a cooperative working relationship with Members and other entities of the Senate, and to invite Members and other entities of the Senate to work cooperatively with the Commission to promote human rights.

(d) DEFINITION.—In this resolution, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

**SEC. 3. CO-CHAIRS OF THE COMMISSION.**

(a) APPOINTMENT.—Two members of the Commission shall be appointed to serve as co-chairs of the Commission as follows:

(1) One member shall be appointed by the Speaker of the House of Representatives after consultation with the Chairman of the Committee on Foreign Affairs.

(2) One member shall be appointed by the minority leader of the House of Representatives after consultation with the ranking minority member of the Committee on Foreign Affairs.

(b) TERM OF SERVICE.—A member's term as co-chair of the Commission shall continue throughout the Congress during which the member is appointed as a co-chair under this section until the member leaves the Commission, resigns from the position of co-

chair, or is removed pursuant to subsection (c).

(c) REMOVAL.—The co-chair appointed pursuant to subsection (a)(1) may be removed by the Speaker after consultation with the Chairman of the Committee on Foreign Affairs, and the co-chair appointed pursuant to subsection (a)(2) may be removed by the minority leader after consultation with the ranking minority member of the Committee on Foreign Affairs.

(d) VACANCY.—A vacancy in the position of any of the co-chairs of the Commission shall be filled in the same manner in which the original appointment was made.

(e) DUTIES.—The co-chairs shall be responsible for setting the general agenda of the Commission.

**SEC. 4. EXECUTIVE COMMITTEE.**

(a) IN GENERAL.—The Commission shall have an Executive Committee which shall consist of 8 members of the Commission equally divided between members of the majority and minority parties selected jointly by the co-chairs of the Commission with the approval of the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(b) VACANCY.—A vacancy in the membership of the Executive Committee shall be filled in the same manner in which the original selection was made.

**SEC. 5. ROLE OF THE COMMITTEE ON FOREIGN AFFAIRS.**

(a) USE OF COMMITTEE STAFF AND RESOURCES.—Subject to subsection (b), the Commission shall carry out its duties using the staff and resources of the Committee on Foreign Affairs, including the use of consultants or temporary employees, such as individuals with expertise in human rights issues, related legislative matters, and technology systems management, as appropriate.

(b) REQUIREMENTS FOR STAFF.—

(1) APPOINTMENT.—The staff of the Committee on Foreign Affairs who may be used by the Commission under subsection (a) to carry out its duties shall be professional staff members of the Committtee who are appointed for this purpose by the Chairman of the Committee on Foreign Affairs, of whom half of the full-time equivalent positions shall be appointed from among a list of individuals presented to the Chairman of the Committee by the co-chair appointed pursuant to section 3(a)(1) and half of the full-time equivalent positions shall be appointed from among a list of individuals presented to the Chairman of the Committee by the co-chair appointed pursuant to section 3(a)(2).

(2) SPECIAL RULE FOR DETERMINATION OF NUMBER OF COMMITTEE STAFF MEMBERS.—Any professional staff member of the Committee on Foreign Affairs who is used by the Commission to carry out its duties on a full-time basis shall not be included in determining the number of professional staff members of the Committee under subparagraphs (1) and (2) of clause 9(a) of rule X of the Rules of the House of Representatives.

**SEC. 6. OTHER POWERS AND DUTIES.**

(a) BYLAWS.—The Commission shall adopt and publish such bylaws to govern its organization and operation (including the duties of the Executive Committee) as it considers appropriate, subject to the applicable Rules of the House of Representatives.

(b) NO LEGISLATIVE AUTHORITY.—The Commission shall not have legislative jurisdiction and shall have no authority to take legislative action on any bill or resolution.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

In addition to any other amounts made available for salaries and expenses of the Committee on Foreign Affairs of the House of Representatives during a Congress, there are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for the Committee to provide staff and resources for the Commission pursuant to section 5.

**SEC. 8. TRANSITION FOR CURRENT MEMBERS OF CONGRESSIONAL HUMAN RIGHTS CAUCUS.**

For purposes of this resolution—

(1) each Member of the House of Representatives who is a member of the Congressional Human Rights Caucus as of the date of the adoption of this resolution shall be deemed to have joined the Commission; and

(2) the 2 Members of the House of Representatives who are the co-chairs of the Congressional Human Rights Caucus as of the date of the adoption of this resolution shall be deemed to have been appointed as co-chairs of the Commission.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I first want to thank our colleague, the newly appointed Democratic cochairman of the Congressional Human Rights Caucus, Congressman JIM MCGOVERN, and the distinguished Republican Human Rights Caucus cochairman, Congressman FRANK WOLF, for their strong leadership in bringing this important legislation before the House of Representatives.

This legislation before us will immediately and fully institutionalize the biggest and most active human rights entity in the United States Congress, the Congressional Human Rights Caucus. The new entity will carry the name Tom Lantos Human Rights Commission and will be led by the current caucus cochairs assisted by the executive committee.

This year, the caucus should have joyfully and proudly celebrated its 25th anniversary, on which Members of this House and human rights NGOs could have paid tribute to the tremendous human rights accomplishments of the caucus under the leadership of its founding cochairman, Tom Lantos.

This joy was, of course, overshadowed earlier this year with the passing of this extraordinary human being and human rights giant, our good friend and distinguished former chairman of our Foreign Affairs Committee, the Honorable Tom Lantos.

With him, the caucus had lost its inspiring cochairman; the Foreign Affairs Committee, its visionary leader; this body, one of its most respected, passionate and eloquent colleagues; and this Nation, a foreign-born public servant who loved this country with every fiber of his body.

□ 1630

Given Tom's biography and life experiences before he was elected as the only Holocaust survivor to this distinguished body, and his burning desire to stand up for people around the world who do not have a voice in the corridors of power, it certainly is no surprise that 25 years ago our distinguished former colleague, John Edward Porter, collaborated with Tom to establish a working group dedicated to the defense of global human rights.

With Annette Lantos and Kathryn Cameron Porter at their sides, the Congressional Human Rights Caucus was launched. It is impossible today to chronicle every single accomplishment of the Human Rights Caucus. But over the last 25 years, the caucus has intervened on behalf of countless individuals and groups whose human rights have been violated, raised human rights issues which were on nobody's radar screen, used its strong voice for the voiceless, and has actively engaged Members of the United States Congress on the important matter of human rights.

Over the last 25 years, the caucus has also proven that human rights is a truly bipartisan issue and has driven totalitarian regimes and their lobbying agents to the brink of utter despair when liberal Democrats and conservative Republicans—and every shade in between—relentlessly stood shoulder to shoulder on global human rights issues.

Under the strong leadership of our colleagues, JIM MCGOVERN and FRANK WOLF, I have no doubt that the new commission will continue to stand as a beacon for human rights around the world.

Madam Speaker, I urge all of my colleagues to support this important resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 1451 establishing the Tom Lantos Human Rights Commission.

I want to thank my colleagues, my friends Mr. MCGOVERN and Mr. WOLF, the cochairs of the Congressional Human Rights Caucus, who authored this fitting tribute to the late chairman of the Foreign Affairs Committee, our dear friend, Congressman Tom Lantos of California.

A quarter century ago, Tom Lantos was the founding cochair of the Human Rights Caucus. With the tireless assistance of his wife, his partner in life, Annette, Tom spent the remainder of his life at its helm, and it grew to become one of the largest and most active caucuses on the Hill.

It is a fitting tribute to his heroic life that we meet here today, Madam

Speaker, to upgrade the status of that organization and name it in Tom Lantos' honor.

Tom Lantos was born in Budapest in 1928, and came of age as Nazism descended upon the European continent. Imprisoned during the Second World War merely for being Jewish, Tom Lantos twice escaped the labor camps and survived the Holocaust with the help of the Hungarian resistance movement and the Swedish humanitarian Raoul Wallenberg.

Tragically, Tom's family was not so fortunate and they perished in the death camps alongside millions more.

Tom experienced human nature at its worst, and his later work as a champion of human rights cannot be separated from the trials that he endured as a young man.

The horrors of fascism helped to forge his unshakeable commitment to the protection of human dignity. It is hard to think of a major human rights issue of the past three decades on which Tom Lantos was not a leader, whether it was the fight against anti-Semitism, religious persecution, human trafficking, genocide in Darfur, or repression in Tibet, just to name a few.

The bill before us today will create the Tom Lantos Human Rights Commission as the formal successor to the Human Rights Caucus. The new commission will carry on the nonpartisan work of promoting fundamental human rights both inside and outside Congress. It will be cochaired by a majority and minority member, and may be joined by any Member of the House. Although it does not have legislative responsibility nor oversight, the commission will be staffed by professionals from the Committee on Foreign Affairs which it is required to collaborate with closely.

I am thankful and blessed for the years that I was able to serve the people of our Nation alongside a hero like Tom Lantos. I appreciate the opportunity that this resolution gives us to honor his life and to recommit ourselves to the ideals by which he lived every day.

I look forward to many years of spirited advocacy by the Tom Lantos Human Rights Commission, and I urge unanimous support for this important resolution.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, it is my distinct pleasure to yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN) who has taken over Chairman Lantos' duties as cochair of the Human Rights Caucus as the new Democratic cochairman of the Congressional Human Rights Caucus.

Mr. MCGOVERN. Madam Speaker, I thank my friend for yielding and for his generous words.

Madam Speaker, I want to express my appreciation to the many Members and staff who worked on the Tom Lantos Human Rights Commission Establishment Act. It was truly a collaborative, bipartisan effort, and a genuine desire to pay tribute to the work and legacy of our former colleague, Tom Lantos.

I want to thank Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for all of the support and guidance they have provided. They, and their incredible staffs, were true partners in crafting this resolution. I especially want to thank my colleague from Virginia, my fellow cochair of the Human Rights Caucus, FRANK WOLF, for welcoming me as his new partner and for his leadership in shaping this resolution.

I also want to thank his staff, Molly Miller, Elizabeth Hoffman, and Elyse Anderson, who contributed so much time and careful attention to the resolution before us today.

I also want to thank my staff, Cindy Buhl and Keith Stern, who have done magnificent work in making this resolution a reality.

Madam Speaker, I can't think of a more fitting tribute to Congressman Tom Lantos than institutionalizing human rights work by Members of this House. This commission will be a living, breathing legacy to the vision and inspiration of Tom Lantos. It reminds us that protecting and promoting human rights is not just the right thing to do, but it has the capacity of transforming us, of making us better people, better Members of Congress, and better citizens of the world. That's what helping to save lives around the world can do to you. That is what giving voice to the voiceless can do to you. That is what standing up for something, standing for the universal declaration of human rights can do to you.

The Tom Lantos Human Rights Commission will promote and protect human rights, whether that is the freedom to worship as you choose, run a newspaper or be a journalist without interference, organize a union, expect fair and equal justice before the courts, or receive fair treatment regardless of your gender, race, or your sexual orientation or your racial or ethnic heritage. And most importantly, it is the right to live your life, raise your family, and carry out your daily activities without the constant threat of being killed, jailed or disappearing.

When Speaker PELOSI appointed me to be just the second Democratic cochair in the history of the Human Rights Caucus, I couldn't quite grasp what it would mean to try to follow in the footsteps of Tom Lantos. Then Annette Lantos gave me a call, and Kathryn Cameron Porter came in to visit me, and they gave me their support and their blessing. We talked about how to strengthen the structure and permanence of the caucus, how to encourage and support other Members, especially new Members of Congress to become active on human rights issues so the United States will continue to be recognized throughout the world as a leader in the defense of human rights.

It was in this spirit that the Tom Lantos Human Rights Commission Establishment Act gradually took form and came into being.

Madam Speaker, there is one other person I would like to recognize and thank for all his knowledge and insights in the many discussions and process of establishing this commission, and that is Hans Hogrefe. Hans handles the human rights portfolio for the Foreign Affairs Committee, and he also staffs the Congressional Human Rights Caucus. I cannot think of anyone else on the Hill who has his institutional memory on human rights legislation and the many human rights issues that Members have worked on over the past 25 years. He is a human rights encyclopedia, and I want to thank him for his dedication to the cause of human rights.

Madam Speaker, I believe establishing the Tom Lantos Human Rights Commission will allow Members of Congress to take human rights work to a new level, and it will better serve and support the Members of this House as they take up human rights issues.

As I have often said, it is my strong belief that if the United States is going to stand for anything, it needs to stand out loud and foursquare for human rights. I look forward to working with FRANK WOLF and taking on this task, and I urge all of my colleagues to support this resolution and join us in our work.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the primary sponsor of this bill, the ranking member on the appropriations subcommittee on State, Foreign Ops and Related Agencies and cochair of the Congressional Human Rights Caucus.

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

Mr. WOLF. I thank the gentlelady.

First off, I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their support on the resolution, and also the staff. At the end I will include all of the staff members who have worked on this issue from my side from the very beginning.

I also want to thank my colleague, JIM MCGOVERN, who has taken on the role of the Congressional Human Rights Caucus succeeding our good friend and colleague, the late Tom Lantos, for whom this resolution is named.

Mr. MCGOVERN has hit the ground running, and I believe that Mr. Lantos would be very proud of the job he is doing.

I first became interested in human rights when in 1984 my good friend, former Congressman Tony Hall, asked me to go to Romania with him. It was a life-changing trip. I would urge all Members to sort of try to find these different events and places around the world where people are being oppressed and suffering. It is an eye opener for us.

Ronald Reagan once said that the Constitution is kind of a covenant. It is a covenant that we have made not only with ourselves, but with all of mankind.

By making the Congressional Human Rights Caucus into a commission, which will serve as an arm of the House of Representatives, I believe we are helping to take a step to fulfill that covenant. The creation of the Tom Lantos Human Rights Commission will tell the world that the United States is still the shining city upon a hill, a beacon of hope in a world of turmoil and vision.

It was the vision that led Congressman Lantos and former Congressman John Porter, with the help of their wives, Annette Lantos and Kathryn Porter, to really establish the Human Rights Caucus in 1983.

There is much else that I can say. One, I am looking forward to working with JIM. This is to honor Mr. Lantos. It has seemed in the past that when major issues came up, the giants were Mr. Lantos and Mr. Hyde. And I may say, my colleague to the right, Mr. SMITH and the gentlewoman from Florida (Ms. ROS-LEHTINEN), and Mr. BERMAN and some others, but really not a lot of others. This is an opportunity for us to come together to really care about this issue and hopefully we can get some of the new Members who don't know they are going to be Members who are campaigning around the country somewhere who will come here in January next year so the baton is passed to new Members so there will be other people like Mr. Lantos and Mr. Hyde who will carry it well into the future.

I thank the leadership on that side for this. And I want to thank JIM and I thank Mr. BERMAN and Ms. ROS-LEHTINEN.

Madam Speaker, first of all, I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their support of this resolution and the staff on both sides.

I would also like to thank my colleague, Representative JIM MCGOVERN, who has taken on the role of co-chairman of the Congressional Human Rights Caucus, succeeding our good friend and colleague the late Congressman Tom Lantos, for whom this resolution is named.

Representative MCGOVERN has hit the ground running, and I believe that Mr. Lantos would be very proud of the job he is doing.

I first became interested in human rights when in 1984, Congressman Tony Hall, a Democrat and my best friend in Congress invited me to go on a trip with him to Romania.

At that time Romania was a very dark place. Under Nicolae Ceausescu, the securitate engaged in severe violations of human rights and religious freedom.

Many people I met slipped notes in my hand telling me that their family members had been taken away or killed by the government.

The trip to Romania, combined with a trip I took later that year to Ethiopia, which was in the midst of a famine, sparked my passion for human rights.

In Ethiopia, I held malnourished babies in my arms. It is a profound and humbling experience to see this kind of suffering first hand.

Ronald Reagan once said that the Constitution is "a kind of covenant. It is a covenant that we've made not only with ourselves, but with all of mankind."

By making the Congressional Human Rights Caucus into a Commission which will serve as an arm of the House of Representatives, we are fulfilling this covenant.

This creation of the Tom Lantos Human Rights Commission will tell the world that the United States is still the "shining city upon the hill," a beacon of hope in a world of turmoil and tragedy.

No other Member of Congress can claim to have known turmoil and tragedy like our late colleague.

In the ashes of despair, Tom saw hope and opportunity. It was this vision that led Congressman Lantos and former Congressman John Porter with the support of their wives, Annette Lantos and Kathryn Porter, to form the Congressional Human Rights Caucus in 1983.

Since then, it has grown into one of the largest, most active, bipartisan caucuses in the Congress.

I was deeply honored to succeed Congressman Porter as the Republican co-chair of the caucus when he retired in 2001.

After the retirement of John Porter and then with the losses of Representative Tom Lantos and Representative Henry Hyde, we are without some of the greatest champions of international human rights and religious freedom

It is fitting that we ensure that their legacy is preserved and honored through the creation of this commission.

It is our duty as Representatives of the people of the United States of America, to speak out for those who cannot speak for themselves.

Our world will be a better and safer place for our children and grandchildren, when all people can live together and respect the most basic dignities and freedoms of all human beings.

Madam Speaker, over the years I have been supported in my work on human rights by a dedicated staff who has shared my passion for advocating on behalf of the oppressed and persecuted people in this world and worked to promote the mission of the Congressional Human Rights Caucus. I want to thank those staff members and recognize them today:

Molly Miller, Elizabeth Hoffman, Elyse Anderson, Samantha Stockman, Anne Huiskes, David Dettoni, Karen Feaver, Scott Flipse, Stuart Mallory, Brett Dody, Karin Finkler, Aldo de Pape, Fay Johnson, Hillary Hosford, Evan Baehr.

Mr. SCOTT of Georgia. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished congresswoman from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding.

When I was a freshman Member of Congress about 10 years ago, a very senior Member, Tom Lantos, came to me and asked if I would be willing to be a member of the Human Rights Caucus. I, of course, would not hesitate for a moment if Tom Lantos asked me to in fact participate. It was, and has been, among one of the most rewarding experiences I have had in Congress, and I cannot think of a more fitting tribute to an absolutely extraordinary man and dear friend, Tom Lantos, than to create this Human Rights Commission in his name, and I support this resolution wholeheartedly.

But when I think of Tom Lantos, I also think of the last resolution that Congress took up a few moments ago marking the 70th anniversary of Kristallnacht, The Night of Broken Glass. In many ways Kristallnacht marked the turning point in the history of European Jewry.

□ 1645

Tragically, too few nations, including our own, dared to speak out or even thought to speak out against this horrific pogrom. As a result, the Nazis concluded that the world would stand by and do nothing as they committed atrocities that the world had never seen before. Indeed, after Kristallnacht, they intensified their genocidal operations, ultimately leading to the gas chambers and the Final Solution.

Sadly, the Nazis were proven right, that the world would stand by and watch a feeble response that has been repeated far too often since that horrific night in 1938.

Madam Speaker, the grim anniversary of Kristallnacht reminds us that evil must be confronted forcefully and early, or else these unspeakable acts will be repeated again and again.

I think, given the fact that we will be creating a Human Rights Commission in Tom Lantos' name, that perhaps because of this bold move on the part of Congress, that a Kristallnacht could never and should never be able to happen again. I support both resolutions.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS), one of the House's most consistent voices in defense of human dignity.

Mr. PITTS. Madam Speaker, I rise in strong support of H. Res. 1451, which would form a permanent Human Rights Commission in the House of Representatives. As we've heard, we currently have a Human Rights Caucus here in the House which does great work on behalf of many of those around the world that simply lack a voice. This resolution would create a Commission that would ensure the activities of the Caucus would be more stable and permanent by creating a budget and a permanent staff devoted to working on these issues.

I want to thank all of the various parties that have worked on getting this legislation to the floor so quickly, including the leadership on each side of the aisle.

This resolution is aptly named after our friend and colleague, Tom Lantos, who passed away earlier this year. Tom was a survivor of one of the most heinous crimes against humanity, the Holocaust, and he dedicated his public service to ensuring that good people

would not stand silently by while people were deprived of their most basic, God-given rights.

The resolution would establish the permanent Commission in order to promote and advocate in a nonpartisan manner, both inside and outside Congress, internationally recognized human rights norms.

Our Founding Fathers believed that we are born with certain unalienable rights, namely, life, liberty and the pursuit of happiness, and they established in our Constitution, in the very first amendment, the rights of freedom of religion, speech, press, assembly, redress of grievances.

And yet we live in a world where people are deprived each day of even these most basic rights. We have a duty, as fellow human beings, to speak out against these most depraved violations of human rights.

The creation of this Commission will dedicate the necessary resources to ensure that the Members of this great body are informed on this issue, and have an opportunity to affect real change in the lives of people who need it most around the world.

I urge support for this resolution.

Mr. SCOTT of Georgia. I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee and a good friend.

Mr. WAMP. I thank the gentlelady for the time.

I just come today because we need to remember that our moral authority as a Nation in the world doesn't come from our extraordinary free enterprise system or our capital markets or our military strength, as important as that is. Frankly, our moral authority comes when we uphold the rights of every human being in the world given to them by God, their Creator, and not by the government.

Frankly, the decline in human rights in the world over the last 20 years is one of the greatest challenges that we face. The combination of human rights violations around the world, and the intolerance of religious views, and the lack of religious freedom, are creating such a divide in the world that if we're not careful, we face a Crusades-like event. And the two go together. This is so appropriate.

I want to thank people like FRANK WOLF. I miss Mr. Hyde and Mr. Lantos. What a privilege to serve with people who are here because they care so much about the rights of individuals, not just in this country where it's guaranteed under our Constitution, but everywhere.

I am maybe one the younger Members, even though I'm 50 now, who has traveled the world and tried to be engaged on these issues, like Mr. ADERHOLT, Mr. PITTS and many others, Mr. SMITH on our side. This is so fundamental to our way of life and our moral authority in the world and we lose that. Not everybody is worried about money. In the world they look to us because we're basically good and we uphold the right of the individual, and those are inherent human rights.

This Commission is the right approach. Otherwise, it just gets lost in the shuffle of this crisis and this bailout and this conflict. The world is really struggling, and our country needs to be a light and a beacon of hope.

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

Ms. ROS-LEHTINEN. I would like to yield an additional minute to the gentleman.

Mr. WAMP. We have to be that light, that shining city on a hill, and we have to uphold the rights of the individual. And we have to be engaged in the world in order for that to happen. We can't just pull in and hunker down and look at the world as if it's not our problem. It is, more so today than ever, because this is a global marketplace, and we are connected to the entire world.

And there are so many wrongs around the world. We can't be the world's police force. We can't solve every single problem. But if we uphold the right of the individual, and it's fundamental to what happens here on the floor of the greatest deliberative body in the history of mankind, we have a chance of standing for the rights of the individual. Human rights are fundamental to our way of life.

This Commission is so important. I commend those that have brought it to the floor today, and urge passage by every single Member of the House.

Mr. SCOTT of Georgia. I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the ranking member on the Subcommittee on Africa and Global Health, whose name is synonymous with support for human rights.

Mr. SMITH of New Jersey. Thank you to the distinguished ranking member, ILEANA ROS-LEHTINEN, for her leadership, for her leadership on human rights. She has been a stalwart for years, and I want to thank her for her tremendous leadership.

I want to thank Mr. MCGOVERN for sponsoring this, and for his commitment as well.

And I especially want to thank Congressman FRANK WOLF with whom I've been in Congress now for 28 years. And there is no one that I know or have ever met who cares more deeply, more passionately, more fervently, nor works more effectively to promote human rights around the globe. I have traveled with FRANK. I would be more than happy to carry his bags. He is just such a tremendous individual.

I'll never forget when the International Religious Freedom Act was being considered. It was his legislation. He was the prime sponsor. I held a number of hearings on it as chairman of the Global Human Rights Subcommittee on the Foreign Affairs Committee, and there was significant opposition to that legislation. The Clinton administration was against it, on the record, said so in hearings.

Assistant Secretary for Democracy, Labor and Human Rights, John Shattuck, couldn't have made it more clear. They made a bogus argument that the legislation would set up a hierarchy of human rights, vis-a-vis, all other human rights.

Our argument was religious freedom was integral, and a necessary part of a fabric of protecting everyone who was weak and disenfranchised. That includes religious believers, regardless of what their belief system might be. And we wanted to speak out in a very powerful way.

Mr. WOLF pushed that bill to a successful completion. It ended up being signed into law and the International Committee for Religious Freedom, its designation of countries of particular concern, those egregious violators of religious liberties now get put on a list. They're subject to sanctions. We have an ambassador at large who combs the Earth promoting religious liberty and freedom, and then issues reports that holds countries to account and speaks truth to power. That's all a direct result of Congressman FRANK WOLF, the prime sponsor of legislation that was as dead as a door nail when he introduced it because of opposition in very high places and indifference.

So it is very fitting that Mr. WOLF will be serving as cochair of this extraordinarily important Human Rights Commission, named very aptly and very importantly after another great man, Congressman Tom Lantos. No one has done more on such issues as anti-Semitism than Congressman Lantos, Chairman Lantos, who is not, sadly, with us, but I'm sure is looking down from heaven with a great smile on his face because he cared passionately about human rights as well.

Madam Speaker so it ought to be clear, I believe it is time to turn the Caucus into a Commission. When the Human Rights Caucus was founded back in 1983, human rights was, at best, a foreign policy sideshow, an obligatory mention, often uttered after the more ''weighty matters'' of statecraft took place, like trade and other issues. It was always at the end if at all. An afterthought. It always had some asterisk next to it on the talking point memo. In case after case, high level diplomats would essentially say, oh yeah, by the way, I have to bring up human rights, because when I go back home I have to mention it. And many of our Secretaries of State, with some exceptions, often would take it to that point. It was never a central core issue in our foreign policy. There was little predictability or consistency.

The Caucus certainly has helped move human rights concerns forward. The Commission, I believe, will take it to the next level.

I hope that more Members will realize that genuine respect for human

rights is the key to good governance. It's also the key, if you want intellectual property rights respected. If you want contract law observed and honored in places like China where human rights are violated with impunity, respect fundamental human rights for the individual. Stop torturing. Protect women from the violence of coercive population control and forced abortion. Help the Falun Gong and the Christians and the Uighurs and the Buddhists and all the others, the Catholic bishops who are languishing in prison. Get it right on fundamental human rights and you also help on the trade side as well, because if they respect one, if they respect their own people, they'll adhere to contract law and intellectual property rights.

I do believe that we must care for and protect all, no exceptions, everywhere, every place, every time from violence; and from my point of view, that includes unborn children, newly born children, the handicapped, disabled; it includes those who are of a religious denomination that some government official thinks ought not to have their rights or liberties. It is about everyone being included. Nobody being excluded. The politics of inclusion. And again, for me that means the unborn child and everyone else who is weak and at risk.

I do believe that we have to, Madam Speaker, realize that human rights can be respected. It is a matter of political will. It is a matter of understanding and empathizing. Get in the minds and hearts of victims and get motivated. Go into the prison, empathize with someone who has been victimized by torture. And we all come out with a different, enlightened, compassionate perspective. Empowered and knowledgable, we then must—we have a duty—to act!

We'll never know the full extent of the Caucus's success over these 25 years, the impact that it has had, but I believe it has had a tremendously positive impact, as a result of broad bipartisan action, Democrats and Republicans, staff, doing yeoman's work. Hans was mentioned a moment ago. He's a fighter. There are so many who have done so much, often without any kind of accolade whatsoever, but they stand up and they do the hard work of human rights, and they do it each and every day because they care, because they love and because they have compassion.

□ 1700

Again, this is a resolution that takes the Human Rights Caucus to the next level, and I think it's about time we did it. This Congress, I think, will be much improved; we will have more insights. Good staffing does make a difference. We've had great staffing, but I think now as we build out that staff, I think more victimized people everywhere will be represented.

Mr. SCOTT of Georgia. Madam Speaker, as we have heard and seen with this extraordinary outpouring of passion and support, this legislation establishing the Tom Lantos Human Rights Commission naming Mr. McGOVERN and Mr. WOLF as cochairmen is extraordinary important, and we urge support across the aisle for this important piece of legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1451. This is important. It is a nonpartisan human rights commission that will have a universal code of human rights which is imperative. This human rights commission will look at charges of human rights violations according to the Universal Declaration of Human Rights that will certainly show countries and individuals who choose to violate what every individual has a right to: their civil liberties. I urge my colleagues to support H. Con. Res. 1451 because it establishes a commission on human rights that creates a way for Congress to promote, defend, and advocate internationally recognized human rights.

This resolution is timely because there have been numerous violations of civil rights all over the world. Egregious human rights violations are occurring in countries such as Sudan, Pakistan, Colombia, and China every day.

Sudan's own president is wanted by the ICC for genocide, crimes against humanity, and war crimes. This is the first time the ICC Prosecutor has named a sitting head of state, and the first time it has accused a suspect of genocide. There are also allegations of attacks on peacekeepers by rebels in Darfur. There are also numerous abuses of women in Pakistan where Dr. Shazia was a 32-year-old Pakistani physician who worked at a hospital run by Pakistan Petroleum Limited, a state-owned natural gas supplier in Baluchistan, a remote area of Pakistan. On January 2, 2005, Dr. Shazia was attacked and raped in her home, a guarded compound, by an intruder who broke in at night while she was sleeping. She reported the crime although told to stay quiet. Doctors sedated her and flew her to a psychiatric hospital in Karachi. The government forced Dr. Shazia to sign a statement saying that she had been given government help and that she wanted to close the matter.

China is also a country that commits numerous civil rights violations. It has a 1982 constitution that guarantees freedom of speech, but the Chinese Government often uses the subversion of state power clause to imprison those who are critical of the government. The PRC is known for its intolerance of organized dissent toward the government. Dissident groups are routinely arrested and imprisoned, often for long periods of time and without trial. The Chinese Government also limits religious freedom by requiring that members of the Communist Party be atheists.

Between June 2006 and June 2007, at least 280 Colombian civilians were extra judicially killed by Colombian security forces and many of them were subsequently presented by those forces as guerrillas killed in conflict. And this year human rights groups have continued to document extrajudicial killings by some Colombian military forces.

As a civilized nation, we cannot remain silent at outrages such as these. We must give voice to those who cannot on their own, and we must scream at the offense to human rights and settle for nothing less than full and complete justice. The United States Congress must show the violators that their actions will not be condoned or ignored. We must come together and take action on the atrocities occurring in the international community.

The human rights commission will promote human rights education, serve as a medium for dialogue on human rights issues, and promote the realization of human rights obligations. Promoting human rights education is vital for administering justice to those who have been wronged and this bill proposes to do just that. We need to know what is wrong in order to help those who have been wronged.

Establishing a human rights commission is important in establishing a united American foreign policy that consistently stands for human dignity around the world. We need to use this commission to find the best course of action to encourage countries from around the world to adopt principles for the protection of human rights.

Mr. SCOTT of Georgia. We have no further speakers. I yield back my time.

Ms. ROS-LEHTINEN. Madam Speaker, we also have no further requests for speakers. We yield back our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1451.

The question was taken.

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

Ms. ROS-LEHTINEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## RECOGNIZING 10TH ANNIVERSARY OF BOMBINGS OF EMBASSIES IN KENYA AND TANZANIA

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1461) recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1461

Whereas, on August 7, 1998, there were near simultaneous vehicular bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania;

Whereas the bombs detonated at the United States embassies in Nairobi, Kenya,

and Dar es Salaam, Tanzania, were an act of terrorism masterminded by Osama bin Laden and perpetrated by members of al Qaeda as a conspiracy to kill United States citizens;

Whereas although the bombs detonated before reaching their intended targets, the effects of the bombs were widespread and catastrophic to the people of the Republic of Kenya, the United Republic of Tanzania, and the United States;

Whereas at least 213 people died and approximately 5,000 people were injured in the Nairobi bombing, the majority of whom were Kenya nationals;

Whereas in the Nairobi bombing, the victims included 14 United States citizens, 13 Foreign Service Nationals, and 2 United States Government contractors, including—

(1) the following United States citizens: Nathan Aliganga, Julian Bartley, Sr., Julian Bartley, Jr., Jean Dalizu, Molly Hardy, Kenneth Hobson, Prabhi Kavaler, Arlene Kirk, Dr. Mary Louise Martin, Michelle O'Connor, Sherry Olds, and Uttamlal (Tom) Shah;

(2) the following Foreign Service Nationals: Chrispin W. Bonyo, Lawrence A. Gitau, Hindu O. Idi, Tony Irungu, Geoffrey Kalio, G. Joel Kamau, Lucy N. Karigi, Francis M. Kibe, Joe Kiongo, Dominic Kithuva, Peter K. Macharia, Francis W. Maina, Cecelia Mamboleo, Lydia M. Mayaka, Francis Mbugua Ndungu, Kimeu N. Nganga, Francis Mbogo Njunge, Vincent Nyoike, Francis Olewe Ochilo, Maurice Okach, Edwin A.O. Omori, Lucy G. Onono, Evans K. Onsongo, Eric Onyango, Sellah Caroline Opati, Rachel M. Pussy, Farhat M. Sheikh, Phaedra Vrontamitis, Adams T. Wamai, Frederick M. Yafes; and

(3) the following United States Government contractors: Moses Namayi and Josiah Odero Owuor;

Whereas 85 people were injured in the Dar es Salaam, Tanzania bombing, including 2 United States citizens and 5 Foreign Service Nationals;

Whereas 1 Foreign Service National working at the U.S. Embassy in Dar es Salaam, Saidi Rogarth, is still listed by the Department of State as missing;

Whereas 11 people were killed in the Dar es Salaam bombing, including—

(1) Yusuf Ndange, a Foreign Service National; and

(2) the following United States Government contractors: Abdulrahaman Abdalla, Paul E. Elisha, Abdalla Mnyola, Abbas William Mwilla, Bakari Nyumbu, Mtendeje Rajabu, Ramadhani Mahundi, and Dotto Ramadhani;

Whereas security guards at both embassies acted bravely on the day of the bombings, protecting the lives and property of citizens of the United States, Kenya, and Tanzania;

Whereas the outpouring of assistance from the people and Governments of Kenya and Tanzania was widespread and greatly appreciated by the people of the United States;

Whereas Congress provided emergency supplemental appropriations of $50,000,000 as economic aid to Kenya and Tanzania to assist the bombing victims' families and for reconstruction of damaged structures surrounding the embassies;

Whereas the structural damages in Nairobi alone reportedly exceeded $500,000,000;

Whereas the people and economies of Kenya and Tanzania are still recovering from these dastardly attacks;

Whereas during the 110th Congress the House of Representatives passed H.R. 2828 (the Foreign Service Victims of Terrorism Act of 2007) to provide compensation to the families of those who died in the Nairobi attack;

Whereas the United States Government is partnering with the people and Governments of Kenya and Tanzania to help both countries obtain a more democratic future;

Whereas 12 of the suspects indicted for their involvement in the 1998 Embassy Bombings have either been killed, captured, or are serving life sentences without parole;

Whereas in June 1999, Osama bin Laden was placed on the Federal Bureau of Investigation's most wanted terrorist list for his connection to the bombings; and

Whereas the United States Government continues to search for the remaining suspects, including Osama bin Laden: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the historic significance of the 10th anniversary of the al Qaeda bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania;

(2) memorializes the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost or who suffered injury as a result of these attacks;

(3) mourns the loss of those who lost their lives in these tragic and senseless attacks, especially those who were employed by the embassies;

(4) remembers the families and colleagues of the victims whose lives have been forever changed by the loss endured on August 7, 1998;

(5) expresses its deepest gratitude to the people of Kenya and Tanzania for their gracious contributions and assistance following these attacks;

(6) reaffirms its support for the people of Kenya and Tanzania in striving for future opportunity, democracy, and prosperity; and

(7) reaffirms its resolve to defeat al Qaeda and other terrorist organizations.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

August 7, 1998, is a day that will never be forgotten. With near simultaneous vehicular bombing attacks by members of al Qaeda on our embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, the United States was challenged to face a new world. The violence that day claimed the lives of Americans, Kenyans, and Tanzanians with a death toll of 213 individuals in Kenya and 11 in Tanzania. The injured numbered well over 5,000. As great as the tragedy that day, without the dedication and bravery of the security individuals of those embassies, those acts of terrorism would have been far more catastrophic.

Shortly after the bombings, Congress provided $50 million in emergency supplemental appropriations to aid in the recovery process. And last October, the House passed the Foreign Service Victims of Terrorism Act of 2007 which provides compensation to the families victimized by these tragedies who are still recovering from their loss.

Our embassies in Nairobi and Dar es Salaam have been rebuilt. Nevertheless, we must never forget the tragedy of that fateful day, and we must always remember the significance of the lives of those lost.

Madam Speaker, that is why I strongly urge and support this resolution, and I urge my colleagues to join me in that support.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 1461 which recognizes the 10th anniversary of the terrorist bombings of the United States embassies in Kenya and Tanzania and honors those who were killed or injured as a result of these attacks.

I imagine there is not one among us here today that could not tell you exactly where they were or what they were doing when the al Qaeda terrorist network launched its cowardly and dastardly attacks against the United States on September 11, 2001.

Many of us recounted those stories just 2 weeks ago as the House and the Senate united to solemnly commemorate the seventh anniversary of the September 11 attacks. And while September 11 represents the deadliest attacks suffered by the American people at the hands of the al Qaeda operation to date, it was not the first.

Three years earlier on the morning of August 7, 1998, 223 people were killed and 5,000 people were injured as nearly simultaneous car bombs ripped through the United States embassies in Kenya and Tanzania. The bombings in Nairobi were particularly serious as the embassy stood on one of the busiest intersections in the city and the blast took down several neighboring buildings. The bombing in Tanzania was no less spectacular, but remarkably, it occurred on a national holiday when the embassy was closed.

Though these terrorist attacks reportedly were intended to punish the United States, the overwhelming majority of the victims that day were Kenyan and Tanzanian. This is typical of a network which callously views the innocent victims it kills, including fellow Muslims, merely as collateral damage. It also reveals the true hypocrisy of al Qaeda's radical Islamic agenda.

In all, 12 Americans were killed as a result of the east African embassy bombings, 31 foreign service nationals were killed, and one is still listed as missing. Scores more were saved as guards protecting the embassy in Nairobi succeeded in physically blocking the suicide bombers from gaining entry into the underground parking area. They paid with their lives for this act of heroism.

We owe a debt of gratitude to those who died in service to our country on August 7, 1998. And we are compelled to express our profound sorrow for those whose lives were taken or were forever altered as a result of these dastardly attacks.

As we solemnly commemorate the 10th anniversary of the bombings in Kenya and Tanzania and the seventh anniversary of the September 11 attacks on our Nation, we seek to reaffirm our resolve to defend our Nation, to defend our interests from radical Islamic terrorists who seek to destroy the United States and our citizens.

I want to thank my colleague, Mr. SCOTT, for introducing this important measure, and I urge unanimous support for its passage.

With that, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, it is with both sorrow and gratitude that we indeed recognize this 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and in memorializing the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these horrible terrorist attacks.

Mr. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 1461, "Recognizing the Tenth Anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Kenya and Tanzania who lives were lost or whose were injured as a result of these attacks which is introduced by my distinguished colleague Representative SCOTT. This legislation is important to ensure that we remember those who lost their lives and those lives were affected by these tragic and horrendous bombings.

GENERAL

On August 7, 1998, approximately 4,000 people were injured in the Nairobi bombing and 85 injured in Dar es Salaam. These attacks which killed hundreds of people, first brought international attention to Osama Bin Laden and his al Qaeda terrorist network, and stand out as one of the worst anti-American terrorist attacks preceding September 11, 2001.

This legislation will recognize all the citizens whose lives were lost in these bombings. In addition to recognizing the 10th anniversary of the al Qaeda bombings, this resolution will recognize all the families and friends of victims lost in the attack and mourn those who lost their lives in these tragic and senseless attacks. This resolution will also express gratitude for the people of Kenya and Tanzania for their gracious contributions and assistance following these attacks in striving for future opportunity, democracy, and prosperity, and reaffirm its resolve to defeat al Qaeda and other terrorist organizations.

It is a national tragedy that lives have been victim to reckless acts of terrorism, and the least we can do as a Congress, as a Nation is to recognize those involved in this tragedy and the counties who came to our aid. We cannot withhold this honor from those victims that perished in the tragedy. As honored Members of Congress, we have the honor to have the opportunity to recognize this anniversary and ensure the proper recognition is given to those involved in the terrorist bombings of 1998. Anything else would be giving in to the power of the terrorist, to which America will not yield.

I firmly believe that we must pass this legislation in order to demonstrate our support of those people who lost their lives and those people who lost their loved ones, and I urge my colleagues to do the same. Though this was a horrible tragedy, we can recognize the Tenth Anniversary and bring honor to those who were victims of al Qaeda.

Mr. SCOTT of Georgia. I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1461, as amended.

The question was taken.

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

Ms. ROS-LEHTINEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## SUPPORTING RESTITUTION FOR PROPERTY CONFISCATED BY NAZI AND COMMUNIST REGIMES

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 371) strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 371

Whereas the United States strongly supports an immediate and just restitution or compensation of property illegally confiscated during the last century by Nazi and Communist regimes;

Whereas the wrongful and illegal confiscation of property perpetrated by Nazi and Communist regimes was often an integral part of the persecution of innocent people due to their religion, nationality, or social origin, or the expression of a view that differed from that of the ruling regime;

Whereas the protection of and respect for property rights is a basic principle tenet for all democratic governments that operate according to the rule of law;

Whereas the participating countries of the Organization for Security and Cooperation in Europe (OSCE) have agreed to achieve or maintain full recognition and protection of all types of property, including private property, and the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the Paris Declaration of the OSCE Parliamentary Assembly (OSCE Assembly) in July 2001 noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating countries;

Whereas the OSCE Assembly passed a resolution during the 10th session that urged the OSCE participating countries to ensure that they implement appropriate legislation to secure the restitution of, or compensation for, both property loss by victims of Nazi persecution and property loss by communal organizations and institutions or their successors during the Nazi era, irrespective of the current citizenship or place of residence of victims or their heirs, or the relevant successor to communal property;

Whereas the Government of the United States has, since 1947, with the passing of Military Law 59 in the occupied American Zone of Germany, supported the return of property looted during the National Socialist era to the rightful owners, or the heirs, of such property;

Whereas during the last decade, Congress has passed resolutions that endorsed, reiterated, and emphasized the longstanding support of the United States for the restitution and compensation for property illegally confiscated during the Nazi and Communist regimes;

Whereas some post-Communist countries in Europe have taken steps toward compensating victims whose property was seized and confiscated by the Nazis during World War II or subsequently seized by Communist governments after World War II;

Whereas the legislation addressing the return of or compensation for such confiscated property enacted by post-Communist countries in Europe has, in various instances, not been implemented in an effective, transparent, and timely manner;

Whereas private properties were seized and confiscated by the Nazis in occupied Poland during the Nazi era and by the Communist Polish government after World War II;

Whereas Poland, virtually alone among post-Communist countries, has failed to enact any legislation that provides for a process for the restitution of, or compensation for, private property seized and confiscated by the Nazi and Communist regimes;

Whereas Jewish communal properties were seized and confiscated by the Nazis in Lithuania during the Nazi era and by the Communist Lithuanian government after World War II; and

Whereas Lithuania, virtually alone among post-Communist countries, has failed to implement legislation that provides for the restitution of, or compensation for, Jewish communal property seized and confiscated by the Nazi and Communist regimes: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress—

(1) praises the efforts by those countries in Central and Eastern Europe that have enacted legislation for the restitution of, or compensation for, private and communal religious property improperly confiscated during the Nazi and Communist eras and urges each of those countries to ensure that the legislation is effectively and justly implemented;

(2) urges the countries in Central and Eastern Europe which have not already done so to return looted and confiscated properties

to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is just, transparent, and fair;

(3) calls on the Government of Poland to—

(A) immediately enact fair, comprehensive, and just legislation so that persons (or the heirs of such persons) who had their private property seized and confiscated by the Nazis during World War II or subsequently seized by the Communist Polish government after the war are able to obtain either restitution of their property or, where restitution is not possible, fair compensation should be paid; and

(B) ensure that such restitution and compensation legislation establishes an unbureaucratic, simple, transparent, and timely process, so that it results in a real benefit to those many persons who suffered from the unjust such confiscation of their property, many of whom are well into their 80s or older;

(4) calls on the Government of Lithuania to immediately implement, fair, comprehensive, and just legislation so communities that had communal and religious property seized and confiscated by the Nazis during World War II or subsequently seized by the Communist Lithuanian government after World War II (or the relevant successors to the communal and religious property or the relevant foundation) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(5) calls on the President and the Secretary of State to continue to engage in an open dialogue with the Governments of Poland and Lithuania supporting the adoption of legislation requiring, in Poland, the fair, comprehensive, and nondiscriminatory restitution of, or compensation for, private property that was seized and confiscated during the Nazi and Communist eras and, in Lithuania, the fair, comprehensive, and just restitution of Jewish communal and religious property that was seized and confiscated during the Nazi and Communist eras; and

(6) calls on the Secretary of State to deliver a report to Congress, every six months, regarding the implementation of this concurrent resolution.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

First I would like to thank the gentleman from Florida and the chairman of the Europe Subcommittee, Mr. WEXLER, for introducing this important resolution calling for immediate and just restitution of illegally seized property from the Nazi era. Among the many atrocities perpetrated by the Nazis during World War II was the illegal confiscation of private homes, of businesses, of art work, and communal property. Many of these stolen assets were retained by the Communist governments after the war.

While the vast majority of Central and Eastern European countries should be praised for passing property restitution laws in order to right historical wrongs, others have failed to enact necessary legislation, or they have thrown legal roadblocks in the way of individuals or religious and communal organizations who are seeking to reclaim property rightfully belonging to them.

Though it had the largest pre-war Jewish community in Europe, Poland has, for over half a century, resisted efforts to return private property—be it homes or businesses—stolen by the Nazi and Communist governments to its original owners.

I am very heartened now to learn that Polish Prime Minister Donald Tusk is currently finalizing a draft restitution bill, and I hope the Polish Parliament approves this long overdue legislation.

My concern is that we have been down this road before with previous Polish governments, all of whom have failed to deliver on their promises. The Lithuanian Government has been similarly disappointing in its failure to implement fair and comprehensive restitution legislation.

While it should be commended for enacting laws that provide restitution for individual property owners, attempts to pass legislation paving the way for the return of nonreligious communal Jewish property taken by the Nazis, such as schools and hospitals, have stalled.

As many of those individuals awaiting restitution are in their waning years, it is imperative that the United States continue to encourage the governments of Poland, Lithuania, and others to adopt meaningful legislation ensuring the prompt return of or compensation for property seized during the Nazi and Communist eras.

I strongly support this resolution, Madam Speaker, and I encourage my colleagues to join me in doing the same.

I reserve the balance of my time.

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

I also rise in strong support of House Concurrent Resolution 371 which states the support of the Congress for just restitution or compensation for property illegally confiscated during the last century in certain countries of Eastern Europe.

The tragedy of the Holocaust, in which millions of innocent people were murdered by the Nazis and their property illegally confiscated, was followed by oppression and continued confiscation under Communist regimes. The fresh air of freedom that entered with the collapse of the Communist bloc in Eastern Europe moved some post-Communist governments in the region to support justice for the victims of such property confiscation.

Regrettably, as this resolution points out, the government of Poland has not enacted legislation that would provide for a process for the restitution of, and the compensation for, private property that had been seized, that had been confiscated illegally by those regimes.

□ 1715

Similarly, Lithuania has not implemented legislation that would provide for the restitution or compensation for communal property confiscated by the Nazi and Communist regimes.

This resolution calls on the Polish government to enact such legislation. It calls on the lithuanian government to implement legislation so that communal or religious properties can be returned to their rightful owners or can provide them or their heirs with fair compensation.

Madam Speaker, the resolution also calls on our President and our Secretary of State to engage the governments of Poland and Lithuania on these important issues.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, it is my distinct pleasure to extend 3 minutes to the distinguished congresswoman from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding and for his leadership on this issue. Madam Speaker, I rise as a strong cosponsor of this legislation.

While the Holocaust may have ended over 60 years ago, its effects are still very much felt today, and it is essential that we do not allow the victims of those horrific crimes to continue to be victimized by the circumstances that surround this issue today.

Many survivors of the Holocaust have still not received proper restitution for their looted property, and the time is long past due to say ''enough.'' And let us take action on behalf of these survivors and the victims of the Holocaust.

I would like to share with my colleagues a story of a constituent of mine, Dina Babbitt, who I have been working with for the last 10 years to get her property back, her rightful property back. Dina was a 20-year-old young lady when she and her mother were interned in Auschwitz. Now Dina had a talent. Dina was an artist. Even at the age of 20 her talent was obvious.

Joseph Mengele saw her work on one of the walls of the children's barracks where she had drawn a picture of Snow White and the Seven Dwarfs to cheer up the children that were in the children's barracks in Auschwitz. He singled her out, and what he started doing is, he would point out people that were interned at Auschwitz, the prisoners

that were interned, and he would direct her to draw their pictures. And she would draw the picture. He didn't want to take a photograph because he couldn't get the color of the skin right, and she would draw the picture. After she drew the picture he would kill the inmate. Now Dina says she learned to draw very slowly at that time.

She was liberated, and she and her mother fled Auschwitz. She eventually came to the United States of America where she worked at Disney Studios for well over 30 years of her life.

She received a telephone call 25 years ago from the Polish Government. They said they had found artwork that they believe she had created and would she come to Poland to authenticate it. She became so thrilled that she could have something to give to her children and her grandchildren so that they would have a piece of her.

She is convinced, and I believe this, too, that the artwork is the only thing that saved her and her mother. She was a Czechoslovakian Jew; 3,600 Czechoslovakian Jews were interned in Auschwitz, only 22 survived. Dina and her mother were two of the 22 Czechoslovakian Jews that survived their time in Auschwitz.

She went to Poland. She authenticated that those are my pictures, and they refused to give them to her. To this day, the Polish Government has not negotiated with Dina Babbitt one bit so she could get one or two or three of her pictures. There are seven that currently exist.

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

Mr. SCOTT of Georgia. I yield the gentlelady 1 additional minute.

Ms. BERKLEY. I thank the gentleman very much.

I tell you this with all the passion that I could muster, that this woman should be able to get her property, her rightful property. This isn't even a purchase that she made that has been stolen from her. This came from her own hands, and I think it is time. That is why I so strongly support this resolution that people like Dina Babbitt, it is time, the time is long since past for Dina Babbitt and so many others to receive their just compensation.

I urge support for this resolution. I look forward to the time that the Polish government and the Lithuanian government actually take positive steps to restore the treasure and the possessions of these people who have suffered so much.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, if the gentleman also has no further requests for time.

Mr. SCOTT of Georgia. I'd like to just add this one point in closing, that it is so important that we take this opportunity as a United States Congress to put pressure on Poland and Lithuania and other countries to adopt meaningful legislation ensuring prompt return and/or compensation for the property seized during the Nazi and Communist eras.

This is the height of injustice. We have an opportunity to right a terrible wrong, and it is important that we pass this legislation and send a very strong message to these countries to finally, finally restore the property and/or the compensation to these individuals.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 371, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## SENSE OF HOUSE REGARDING CAMPAIGN BY ORGANIZATION OF ISLAMIC CONFERENCE TO DIVERT UNITED DURBAN REVIEW CONFERENCE

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1361) expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1361

Whereas the United Nations is undertaking preparations for a 2009 Durban Review Conference on the implementation of commitments made as part of the 2001 World Conference Against Racism held in Durban, South Africa;

Whereas the 2001 World Conference Against Racism marked an important recognition of the historic wounds caused by slavery, colonialism, and related ongoing racism and racial discrimination, including the recognition of the transatlantic slave trade as a crime against humanity, and that people of African descent, people of Asian descent, and indigenous peoples who were victims of these acts continue to face discrimination and marginalization as a direct consequence;

Whereas the 2001 World Conference Against Racism also undertook historic efforts to recognize and address ongoing racism and racial discrimination against persons of African descent and members of Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, as well as anti-migrant xenophobia and incitement to racial and religious hatred;

Whereas the 2001 World Conference Against Racism and its achievements were overshadowed and diminished as some participants in the conference, in particular during the Non-Governmental Organization Forum, called the ''NGO Forum Against Racism'' (NGO Forum), misused human rights language to promote hate, anti-Semitism, incitement, and divert the focus of the conference from problems within their own countries to a focus on Israel;

Whereas the NGO Forum produced a document called the ''NGO Declaration'' that contained abusive language, branding Israel an ''apartheid state'' that is guilty of ''racist crimes against humanity'';

Whereas the United States withdrew its delegation from the 2001 World Conference Against Racism, a decision that Secretary of State Colin Powell explained by stating that ''you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of 'Zionism equals racism'; or supports the idea that we have made too much of the Holocaust; or suggests that apartheid exists in Israel; or that singles out only one country in the world—Israel—for censure and abuse'';

Whereas the atmosphere of anti-Semitism at the NGO Forum was described as ''hateful, even racist'' by former High Commissioner for Human Rights Mary Robinson and as ''disgraceful'' by Deputy Foreign Minister Aziz Pahad, of South Africa, who also stated that parts of the 2001 World Conference Against Racism were ''hijacked and used by some with an anti-Israeli agenda to turn it into an anti-Semitic event'';

Whereas the United Nations High Commissioner for Human Rights, who served as Secretary General of the 2001 World Conference Against Racism, refused to accept the NGO Declaration, and some leading civil and human rights organizations and activists criticized the repugnant anti-Semitism and demonization of Israel in the NGO Forum, and the harassment of Jewish participants it engendered;

Whereas despite recognizing the Holocaust and increased anti-Semitism, the official government declaration adopted by the 2001 World Conference Against Racism, the ''Durban Declaration and Program of Action'', highlighted the ''plight of the Palestinian people under foreign occupation'', and in so doing singled out one regional conflict for discussion in a biased way, and wrongly implied that Israeli Government policies towards the Palestinians are motivated by racism;

Whereas the Human Rights Council agreed in Resolution 3/2 on December 8, 2006, that the 2009 Durban Review Conference would, like other United Nations review conferences, focus on countries' implementation of the many commitments to fight racism, racial discrimination, xenophobia and related intolerance contained in the official government Durban Declaration and Program of Action and that there will be ''no renegotiation of the existing agreements contained therein'';

Whereas at the first organizing session of the Durban Review Conference on August 27, 2007, in Geneva, Switzerland, Ambassador Masood Khan of Pakistan, speaking ''on behalf of the OIC'', described the concerns being expressed about the Durban Review Conference as a ''smear campaign'', and made it clear that the Organization of the Islamic Conference (OIC) intends to make so-called ''contemporary'' forms of racism a centerpiece of the conference agenda, urging also that ''[t]he Conference should move the spotlight on the continued plight of Palestinian people and non-recognition of their inalienable right to self-determination'';

Whereas several OIC member states have also made clear their determination to go beyond the comprehensive list of items covered by the Durban Declaration and Program of Action to force consideration by the Durban Review Conference of a global blasphemy code that would legitimize arbitrary restrictions of freedom of thought, conscience and religion, and the freedoms of expression and opinion, all in the name of protecting religions from ''defamation'' and ''blasphemy'';

Whereas following the August 27, 2007, preparatory meeting for the Durban Review Conference in Geneva, Switzerland, several countries, including the United States, France, and Israel, stated that the Conference would not be worthwhile or worthy of support if it were not limited to a discussion of country commitments to combat racism, racial discrimination, xenophobia, and related intolerance contained in the Durban Declaration and Plan of Action;

Whereas the High Commissioner for Human Rights was named Secretary-General of the 2009 Durban Review Conference;

Whereas in advance of determining the modalities, format, duration, and venue of the 2009 Durban Review Conference, the OIC and G-77 member states requested the United Nations General Assembly to fund a $7.2 million preparatory process of international, regional, and national meetings;

Whereas on November 28, 2007, 45 United Nations Member States, including the United States, joined together in the Third Committee (Resolution A/C/3/62/L.65/Rev.) to vote against a resolution that contradicted the 2009 Durban Review Conference preparatory committee consensus agreements about the framework of the Durban Review Conference, its scope, and sources of funding;

Whereas on December 21, 2007, 40 United Nations Member States, including the United States, joined together in the Fifth Committee (Resolution A/C.5/62/21) to vote against a resolution that authorized up to $6.8 million to fund the 2009 Durban Review Conference preparatory process;

Whereas the United States has decided to withhold from its 2008 funding for the United Nations an amount equivalent to the United States share of the United Nations Human Rights Council-administered preparatory process for the 2009 Durban Review Conference; and

Whereas since the 2001 World Conference Against Racism, the need for a credible global forum to review United Nations Member States' efforts to combat racism remains urgent given the continuing scourge of racism, discrimination and related violence, including against persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) acknowledges that the 2001 World Conference Against Racism marked an important recognition of the historic wounds caused by slavery, colonialism, and related ongoing racism and racial discrimination, including the recognition of the transatlantic slave trade as a crime against humanity, and that people of African descent, people of Asian descent, and indigenous peoples who were victims of these acts continue to face discrimination and marginalization as a direct consequence;

(2) reaffirms its abiding commitment to the cause of combating continuing racism, racial discrimination, xenophobia, and related intolerance in all its forms;

(3) calls on the President and the Secretary of State to lead a high-level diplomatic effort to ensure that the Durban Review Conference focuses on the implementation by states of their commitments to combat racism, racial discrimination, xenophobia and related intolerance and to defeat any effort by states to use the forum to promote anti-Semitism or hatred against members of any group or to call into question the legitimacy of any state;

(4) calls on the President to urge other heads of state to condition participation in the 2009 Durban Review Conference on concrete action by the United Nations and United Nations Member States to ensure that it is not a forum to demonize any group, or incite anti-Semitism, hatred, or violence against members of any group or to call into question the existence of any state;

(5) calls on the Secretary of State to—

(A) initiate United States policy into action by calling on counterparts, including the Government of Pakistan as the chair of the Organization of the Islamic Conference (OIC) and the Government of Egypt as the head of the African Group, to insist that they take prompt and effective measures to ensure that the Durban Review Conference does not become a forum for anti-Semitism, incitement or hatred against members of any group or to call into question the existence of any state; and

(B) demarche foreign capitals raising the concerns of Congress and to report to Congress on what steps the United States and its allies have taken to address these concerns;

(6) commends all governments, including those of the United States, France, Canada, Israel, the United Kingdom, and the Netherlands that have declared their intentions not to participate in any United Nations Durban Review Conference that sidesteps scrutiny of country commitments to combat racism, racial discrimination, xenophobia, and related intolerance, and that promotes hate, undermines human rights standards, and damages the credibility of the United Nations itself;

(7) commends the countries that joined the United States, including the member states of the European Union, Albania, Andorra, Australia, Bosnia, Herzegovina, Croatia, Georgia, Israel, Moldova, Monaco, Montenegro, San Marino, Serbia, the former Yugoslav Republic of Macedonia, Ukraine, Canada, and the Republic of Korea, in voting to uphold earlier United Nations consensus agreements that established the scope and funding of the 2009 Durban Review Conference process;

(8) urges all United Nations Member States not to support a 2009 Durban Review Conference process that fails to adhere to established human rights standards and to reject an agenda that incites hatred against any group in the guise of criticism of a particular government or that seeks to forge a global blasphemy code;

(9) commends the diverse civil society organizations that have joined together to learn from the shortcomings of the 2001 World Conference Against Racism, and to work together in a spirit of solidarity and mutual respect toward a 2009 Durban Review Conference that rejects hatred in all its forms;

(10) reaffirms that, as recognized by Article 18 of the Universal Declaration of Human Rights, ''Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, [and] to manifest his religion or belief in teaching, practice, worship and observance'';

(11) urges all states to implement their commitments to combat racism, racial discrimination, xenophobia and related intolerance to secure just treatment and the realization of universal human rights for all as enshrined in international human rights instruments, in particular the Universal Declaration of Human Rights, the International Convention on the Elimination of Racial Discrimination, and the International Covenant on Civil and Political Rights;

(12) notes that the Human Rights Council agreed in Resolution 3/2 on December 8, 2006, that the 2009 Durban Review Conference would, like other United Nations review conferences, focus on countries' implementation of the many commitments to fight racism, racial discrimination, xenophobia and related intolerance contained in the official government Durban Declaration and Program of Action and that there will be ''no renegotiation of the existing agreements contained therein'';

(13) recognizes the purposeful attempts of some countries to prevent a focus on ongoing racism by utilizing inflammatory language, employing divisive tactics and strategies, fostering an atmosphere of anti-Semitism and otherwise deviating from the commitments made at the 2001 World Conference Against Racism in order to divert the 2009 Durban Review Conference from the important goal of eradicating global racism;

(14) calls on United Nations Secretary General Ban Ki-Moon to publicly urge the Human Rights Council to adhere to its mandate and to the high responsibility and expectations placed on it, and asks him to personally intervene to refocus the 2009 Durban Review Conference efforts on the review of what United Nations Member States have done to fulfill their commitments to combat racism, racial discrimination, xenophobia and related intolerance, and on concrete action to fight racism, anti-Semitism, and all forms of hatred, intolerance, and violence; and

(15) calls on the High Commissioner for Human Rights to urge United Nations Member States to adhere to the agreed framework of the 2009 Durban Review Conference and its previously agreed upon goals and parameters and to urge Member States of the preparatory committee to return to decision making by consensus.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

First, I want to express my appreciation to the ranking member of our Foreign Affairs Committee, Ms. ROS-LEHTINEN, along with the distinguished chairman of the Subcommittee on Africa and Global Health, Mr. PAYNE, and my colleague from California, Ms. BARBARA LEE, for their hard work on this resolution aimed at preventing a repeat of the tragic outcome of the 2001 World Conference Against Racism.

As my colleagues know, the convening of the first World Conference Against Racism in Durban, South Africa, in 2001 marked an important recognition of the historic wounds caused by slavery, colonialism, and ongoing racism and racial discrimination.

The Durban conference's explicit recognition of the transatlantic slave trade as ''a crime against humanity'' was a watershed event in the global community's effort to begin confronting this indelible stain in human history.

Tragically, the seminal achievements of this conference were overshadowed and diminished when some conference participants diverted the focus of the conference from problems in their own countries to a pathological focus on Israel and Jews.

The worse abuses took place in and around the NGO forum that took place on the margins of the conference. This forum devolved into a hate-filled circus, as anti-Israeli and anti-Semitic rallies spilled onto Durban's streets.

The official document produced by the NGO forum contained abusive language branding Israel an ''apartheid state'' that is guilty of ''racist crimes against humanity.''

The government document, while not as inflammatory as the NGO document, singled out one and only one regional conflict in a biased way by highlighting the ''plight of the Palestinian people under foreign occupation,'' and in so doing, wrongly branded Israel's treatment of Palestinians as racist.

The U.N. is now preparing a Durban Review Conference set to take place in Geneva in 2009. Despite the fact that the U.N. Human Rights Council agreed in Resolution 3/2 on December 8, 2006, that the review conference would be limited in its scope to a focus on countries' implementation of commitments to fight racism and discrimination, the same actors that hijacked the initial Durban conference are threatening to do so once again.

In preparatory meetings for the Durban Review Conference in Geneva, the Organization of the Islamic Conference, led by Pakistan, and the African Group, led by Egypt, have boldly stated—and that's the governments of both Pakistan and Egypt here—have boldly stated their determination to go beyond the boundaries established for the Durban Review Conference to attack Israel and to make so-called new forms of racism a centerpiece of the review conference agenda.

Our government and the governments of France, Canada, the United Kingdom, The Netherlands, and Israel have stated that unless the direction of the conference is refocused, the review process will not be credible or worthy of support.

I strongly support these ''redlines'' and will urge the next administration not to participate in the Durban review process if it continues on its current path.

But up to this point, neither the State Department nor the White House has undertaken any kind of sustained diplomatic effort to ensure that this outcome is not a forgone conclusion.

Our resolution confronts the diplomatic inaction by calling on the Secretary of State to convey in the strongest possible terms to the governments of Pakistan and Egypt that their campaign to hijack Durban II is completely unacceptable to us.

It also calls on the State Department to undertake a worldwide demarche of foreign capitals to seek support for refocusing the conference on its agreed-upon purpose.

A focused high-level diplomatic effort on the part of the State Department and the White House could force the OIC and the Arab League to stand down in their campaign to usurp the Durban review and to further unravel global adherence to human rights norms.

Unlike in the run-up to the original Durban Conference in 2001, many key U.S. allies have spoken out forcefully and resolutely in opposition to the campaign to hijack Durban II.

President Sarkozy of France, for example, has stated that the Government of France will not tolerate ''a repeat of the digression and extremes of 2001.''

It is time for the administration to end any diplomatic retreat from U.N. human rights mechanisms. We have ceded far too much space to human rights abusers by sitting on the sidelines in Geneva. We must confront the fact that among the key spoilers of U.N. human rights bodies are governments we should be in a position to influence, such as Pakistan and Egypt.

The United States is in a position to lead. We need the will to do so.

Our European allies feel far more threatened than they have been in the past by the intense OIC campaign to unravel key global human rights standards such as the right to freedom of expression.

□ 1730

They would certainly respond to the re-emergence of the United States as the leading advocate for universal standards of human rights.

The need for a credible global forum to review United Nations member states' efforts to combat racism remains urgent. The scourge of racism and related intolerance has not abated. If anything, discrimination against people of African, Jewish and Muslim descent has increased. We have also seen recently alarming outbreaks of violence against refugees and migrants. It makes no sense, therefore, to cede this critical forum provided by the Durban Review to a group of countries who are hostile to democratic principles and human rights standards.

Madam Speaker, I strongly support the resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 1361—but, but, but, but, but with great reservations, particularly with respect to changes made to the text after the resolution had been adopted by our Foreign Affairs Committee.

Madam Speaker, in 2001, a number of anti-democratic governments hijacked the planning and implementation of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa.

Instead of representing a bold step forward by devoting its attention to fighting racism and other bigotry, the event was dominated by attacks on America, on Israel, and on Jews at every turn.

At the conference's NGO forum, groups distributed literature expressing sorrow that Adolf Hitler did not fully exterminate the Jewish people. The anti-Israel and anti-American rhetoric at Durban so discredited the conference that our U.S. Secretary of State, Colin Powell, withdrew our delegation, stating, ''I know that you do not combat racism by conferences that produce declarations containing hateful language or that singles out any one country alone in the world, Israel, for censure and abuse.''

Our late friend and colleague, Tom Lantos, the former Chair of the Foreign Affairs Committee, also walked out on Durban, stating that the conference ''provided the world with a glimpse into the abyss of international hate, discrimination and, indeed, racism.''

Today, Madam Speaker, we are confronted with the forthcoming 2009 Durban Review Conference, also known as Durban II. The version of this resolution that passed our committee was a compromise that was worked out between our Republican and Democratic Members. Having introduced several resolutions in this Congress addressing Durban II, I felt at the time that even that compromise text did not go far enough in portraying the problems plaguing this conference. That compromise text, however, focused on defeating the campaigns by some countries, particularly members of the Organization of the Islamic Conference, to divert Durban II away from reviewing human rights concerns and, instead, focus it on attacking Israel and promoting anti-Semitism.

Unfortunately, Madam Speaker, the text before us today has a different focus. This text places the emphasis on higher level U.S. diplomatic efforts on ensuring that Durban II follows up on the commitments made at the last conference, an effort that could be interpreted as legitimizing the first Durban meeting, and as such the efforts by Israel and America haters.

Indeed, Madam Speaker, responsible nations must work to fight against racism and other forms of intolerance. And therefore, we appreciate that the 2001 Durban Declaration declared slavery to be a crime against humanity and

noted that the Holocaust should never be forgotten.

We all wish that Durban I were a symbol of success in the struggle against racism, and that Durban II would build on that success. However, Madam Speaker, the Durban Conference ultimately did not represent progress against racism. Until this very day, Durban is a symbol of the powerful, pervasive menace of anti-Semitism and anti-Israel hate.

Indeed, the conference's own Durban Declaration, which could have been a stirring, unequivocal call to stop racism and hate, was tarnished by a number of irrelevant provisions, including several clauses that singled out Israel while ignoring the plight of Israelis under siege from violent extremists.

Therefore, it is imperative that we not imply, in hindsight, that Durban I was more positive than it actually was; neither should we pretend that Durban II will be less disastrous than it actually will be.

The planning committee for Durban II, Madam Speaker, is led by the regimes of Libya, Iran and Cuba. And that committee has already expressed its intent to focus the conference on Israel bashing, anti-Semitism, and establishing a global blasphemy code that could stifle our freedom of speech and religion.

Just a few days ago, on September 19, the Algerian Ambassador to the U.N. Missions in Geneva, within the context of discussions concerning Durban II, redefined anti-Semitism and referred to ''traditional anti-Semitism'' as having become ''politically incorrect in many rich nations.'' What? Translation, Madam Speaker: Anti-Israel and anti-Semitism is objectionable in rich nations of the West, but acceptable everywhere else.

The fix is in, Madam Speaker. After extensive diplomatic efforts by the U.S. to prevent Durban II from following in the dark path of its predecessor, we joined our allies, Canada and Israel, in declaring that we will not fund and we will not participate in a conference that promotes hate.

As former Assistant Secretary of State Kristen Silverberg noted while testifying before our Foreign Affairs Subcommittee this past April, ''There is absolutely no case to be made for participating in something that is going to be a repeat of Durban I. We don't have any confidence that this will be any better than Durban I.''

It is clear, Madam Speaker, that any further U.S. involvement in Durban II in the planning process, whether by an Undersecretary, by the Secretary of State, or even by the President, will not avert the looming train wreck that is Durban II. It will only waste precious U.S. time, legitimacy, and political capital on a doomed venture.

However, the text before us today, while it contains some positive clauses as it has been amended after committee action, could be misconstrued as urging America to further participate in the Durban II planning process in order to attempt to ensure that Durban II follows up on the commitments made at Durban I.

Making sure that we don't send a mixed signal is especially important this week, Madam Speaker, as the United Nations General Assembly meets in New York and as Ahmadinejad prepares today to spew his anti-American, anti-Israel, anti-Semitic venom on the world stage.

I will vote for this resolution, Madam Speaker, with the intent that it does not call for the U.S. to participate in Durban II or its planning process in any way, shape or form. Moreover, Madam Speaker, I will continue my efforts to work with my colleagues, the executive branch, and our allies to discuss an alternative to Durban, one rooted in freedom, in tolerance, and in democratic values.

I thank Chairman HOWARD BERMAN for introducing this resolution. I intend to vote for it with all of these reservations.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, before I yield to my colleague from California, I would like to yield myself 1 minute.

The gentlelady and I, my ranking member, we're coming from the same place in the sense that we do not want the United States participating in a conference which produces the kind of statements and the kinds of activities that happened the last time. Perhaps in this case I'm a little more of an optimist than the gentlelady from Florida because I can't think of anything better, that, before the last preparatory meeting, the House speaks on what our red lines are—yes, we want the conference to succeed, it's an incredibly important purpose, as the gentlelady has agreed to and acknowledged and has always been supportive of. But we know what's happened before, we know what's being set up to happen this time. But I want to see delegations from the kinds of organizations that are supporting this resolution that plan to go to Geneva for that preparatory meeting to say, in the United States, we speak with one voice, and that includes not simply the American Jewish Committee and APAC and the other Jewish community organizations that support this resolution——

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

Mr. BERMAN. I yield myself 1 additional minute.

But it also includes the Leadership Conference on Civil Rights, Human Rights First—one of the preeminent human rights organizations—the NAACP, and all the other organizations that are going to Geneva, supporting this resolution and telling them that we're not going to stand for another hijacking. And this resolution creates the framework, with the support of those kinds of organizations, to make that last effort. While I can't tell you what's going to happen there, let's give it our best shot.

Passing this resolution, allowing these organizations to go with a statement from the House of Representatives that is clear on the red lines, is very important.

I now yield 4 minutes to my friend and colleague, who has been very involved in this process from the very beginning and has helped us to fashion the final product with a tremendous contribution, the gentlelady from California (Ms. LEE).

Ms. LEE. I want to thank the gentleman for yielding and for your patience and for your understanding and for your really very skillful way in bringing us all together to make sure that there is a resolution that we all can support.

I do support H. Res. 1361, putting the House, first of all, on record in support of the United States leading a high-level diplomatic effort to ensure that the Durban Review Conference, better known as Durban II, serves as a forum to review commitments to combat all forms of racism.

The resolution also directs the United States to strongly oppose any effort by any party to use the forum as a platform for attacking Israel, for promoting anti-Semitism, or undermining the Universal Declaration of Human Rights.

Madam Speaker, in 2006, the United Nations General Assembly voted to hold a conference to review the process and progress made by member nations in implementing the Durban Declaration and Programme of Action. This declaration was the signal achievement of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held August 31 through September 7, 2001 in Durban, South Africa. The conference known as the ''Durban Conference'' was attended by more than 10,000 persons from all corners of the globe. The Review Conference, or Durban II, is scheduled to convene in Geneva, Switzerland, in April 2009.

This resolution is an important resolution warranting the support of all Members. But it's also important for my colleagues to know that, once again, without the leadership of Chairman BERMAN and Chairman PAYNE and Ranking Member ILEANA ROS-LEHTINEN, we really wouldn't have this opportunity to put the House on record directing the United States to exercise the strong leadership that we've all talked about at the Durban II Conference, and to resist any attempt by any party to launch anti-Semitic attacks on Israel.

So let me just say it has been a privilege working with all of you over these past several months in crafting this language that reflects our shared commitment to combating racism in all forms and condemning anti-Semitism.

I want to say also that I was part of the Durban Conference. Actually, we wrote a letter to the Secretary of

State, then Secretary Colin Powell, under the leadership of our Congressional Black Caucus Chair then, Congresswoman EDDIE BERNICE JOHNSON. And we told the Secretary of State and the State Department then that in no way did we believe Durban I should turn into a forum to attack Israel or become an anti-Semitic forum, and that, in fact, we believe this Durban Conference was so important to African Americans and to all minorities in America that we thought then that it was even important on Durban I to try to stop all of the things that the NGO forum allowed to happen.

□ 1745

But I want to clarify that that was the forum; that was not the full Durban conference. We were there. The United States did not send an official delegation. And in fact there was some delegates there who actually left the conference. But Congresswoman EDDIE BERNICE JOHNSON, myself and others, we said we would end up just being the official delegation. I think there were seven or eight of us at Durban because we felt it was so important to first stay there to make sure that we could try to ensure that it was focused on combating racism.

And, secondly, there were hundreds and hundreds of African Americans at that conference. This is one of the first conferences where African Americans could go abroad and talk about all forms of racism; what had happened, what the trans-Atlantic slave trade really was all about, its legacies and its vestiges. So this is an important conference.

Let me just mention what this resolution is and summarize some of the provisions of this resolution. First, to review the progress and assess implementation of the declaration by all stakeholders.

The SPEAKER pro tempore. The time of the gentlewoman from California has expired.

Mr. BERMAN. I yield the gentlelady an additional 2 minutes.

Ms. LEE. To review the progress and assess the implementation of the Durban Declaration, to assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with racism, racial discrimination, xenophobia and related intolerance, to promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and to identify and share good practices in the fight against racism, racial discrimination, xenophobia and related intolerance.

We should support this resolution because it says very explicitly that we will not allow, impugn and support behavior at any of these conferences, including we condemn what happened at the 2001 NGO forum as it relates to anti-Semitism and attacks on Israel. And this is important because it really does encourage this active participation by the United States in this conference, because I can guarantee you, just as the seven or eight of us members of the Black Caucus who went to Durban the first time tried to beat back any type of anti-Semitism we saw bubbling, we will do that this time. And we want an official, high-level delegation along with us to go to Durban so that we can do the business and move forward to participate in a world forum to combat racism and discrimination.

I'm proud of the fact that the Leadership Conference on Civil Rights supports this. Mr. BERMAN laid out who all is involved in that conference. It's a good resolution. It's a resolution that deserves our support on both sides of the aisle.

Thank you, again, Mr. BERMAN, for your leadership.

Ms. ROS-LEHTINEN. I continue to reserve our time until the speakers are done on their side.

Mr. BERMAN. I yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding and for his strong and very important leadership on this issue.

Madam Speaker, I rise today in support of this important resolution stating our position on the Durban Conference. Seven years ago, we watched in disgust as a conference on racism, a very important issue which demands the world's attention, was diverted into a hate fest against Israel and Jews everywhere where participants and outside groups attempted to paint Israel as an ''apartheid state'' guilty of ''crimes against humanity.'' This kind of inflammatory speech does nothing to help the Palestinians. And it certainly does nothing to help those who are truly oppressed by racist regimes.

We now hear of new attempts to hijack the review conference to be held next year. The Organization of Islamic Conference says they want to highlight ''new forms of racism'' such as blasphemy against Islam while continuing to focus on spewing anti-Semitic and anti-Zionist hatred. We must stop these cynical attempts to divert attention away from the human rights abuses in places like Iran and Saudi Arabia and put the spotlight squarely where it belongs, on real forms of racism, slavery and xenophobia, which is what this conference is supposed to be about and which it should be about.

I urge support for this resolution.

Ms. ROS-LEHTINEN. I have no further requests for time, and I will reserve the balance of my time.

Mr. BERMAN. I have one additional speaker. I'm very pleased to yield 3 minutes to the gentlelady from Texas, a member of the House Foreign Affairs Committee and a participant in the last conference, Ms. SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I too want to add my appreciation to the chairman of the full committee, Mr. BERMAN of California, and the ranking member, Ms. ILEANA ROS-LEHTINEN, who was obviously here during that first Durban Conference in 2001.

Interestingly enough, that conference preceded the horrific tragedy that occurred in this country. I might venture to say that the contempt and hatred that was expressed there certainly did not help in adding to the idea that we are all part of the human family. But I will say to you that this is a characterization of relief.

And I do thank my colleague from California, Congresswoman BARBARA LEE. Both of us were on that early delegation. But more importantly we worked extensively to pressure, if you will, the Bush administration to actually send a high level delegation. In fact I believe that if we had sent a high-level delegation, many of us many times will argue for boycotting. In this instance, we worked with Secretary Powell and begged him to go so that he could put a face of America, and that face of America will be in conjunction with the basis of this particular conference, and that is for the first time to be able to hold a conference that marked an important recognition of the historic wounds raised or caused by slavery, colonialism and related ongoing racism, racial discrimination, including the recognition of trans-Atlantic slave trade as a crime against humanity and the people of African descent, people of Asian descent, and indigenous people, and as well to stamp out racial discrimination against persons of African descent, members of Jewish, Muslim, castes, indigenous Roma and Sinti and other communities. That is what we were supposed to be doing. But because I believe we did not send a high-level delegation, it was hijacked. We were hoodwinked. But I can assure you that as I can recount the actions of those of us who went unofficially claiming we were official, we were running from one meeting to the next to be able to argue for the purpose of this particular conference, putting the message of America forward, suggesting that we want to stamp out racism and anti-Semitism and other forms of discrimination. We were there on the front line.

This is an important statement. And that statement says that America does recognize the sins of the past, that we do embrace those around the world who have suffered injustices, and we reject the anti-Semitism or creating an opportunity for this to be a cause of bashing Israel. But I believe that as we go as a full delegation, which I hope that many of us will again be able to attend the Durban review in 2009, you will see the opportunity for African Americans and those descendants of slaves around the world, those who are presently abused, you will see a standing up for the cause of eliminating and eradicating racism wherever it is and

scapegoating any people, which includes as well the Jewish people and the State of Israel.

Madam Speaker, I believe that this is a right step. I wish we had had this document. I wish we had had a high-level delegation some years ago. And if I might quickly acknowledge Mary Robinson.

The SPEAKER pro tempore. The time of the gentlewoman from Texas has expired.

Mr. BERMAN. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON-LEE of Texas. I acknowledge the then Human Rights Commissioner, Mary Robinson, who was the architect somewhat of this idea. Her heart was in the right place. She was there. She wanted us to speak on the issues that this conference needed to grapple.

Racism, Madam Speaker, is intrinsic. It is deep. It is in the souls of many. It covers ethnicities and language. It is difficult to deal with. This is an important conference. This legislation should craft it, design it and stand for it in the right way.

Let me thank the NAACP for its support of this legislation. And I understand Wade Henderson, who was one of the architects of working with this, this is the right direction to go. I'm looking forward to a conference that speaks to the issues and embraces all of those who have been victims of racism and discrimination and to end it forever and ever.

Mr. KLEIN of Florida. Madam Speaker, I rise to support H. Res. 1361, a resolution that urges the U.S. government to prevent the upcoming U.N. World Conference on Racism from being hijacked by those seeking to spread anti-Semitism and hate. The theory behind a conference on racism, where members of all nations come together to fight hate and promote diversity, is an important goal. Unfortunately, just as they have in the past, the organizers of this U.N. conference on Racism seem to have buried the task at hand.

In 2001, the conference was held in Durban, South Africa, and was hijacked and transformed into an anti-Israel tirade. While racism and the promotion of hate are taught in many classrooms around the world, the organizers of this U.N. conference unfairly chose to single out Israel. This must stop.

The United States must take a leadership role now, while the conference is still in planning stages, to ensure that such a despicable charade will not be repeated. The administration must work with our allies and use its leverage to ensure that this conference lives up to its name. And, if it seems that the conference is going to mock the world's fight against racism and it becomes clear that the conference will become a forum to promote hate and anti-Israel sentiment, then I urge the administration to pull U.S. support and work with our allies to show the conference for what it is: a sham.

Finally, I join the sponsors of this legislation in commending the efforts of our allies, France, Canada, and Israel for declaring their intentions not to participate in Durban II if its agenda is diverted.

It is imperative that the United States not stand idly by while countries around the world belittle the fight against racism. I look forward to working with my colleagues, the administration and countries around the world until we get this right.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. BERMAN. Madam Speaker, I yield back our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1361, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to ensure that the Durban Review Conference serves as a forum to review implementation of commitments made at the 2001 Durban Conference to combat all forms of racism by defeating the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Declaration of Human Rights.''.

A motion to reconsider was laid on the table.

## PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 643

Ms. BERKLEY. Madam Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 643, a bill originally introduced by Representative Stephanie Tubbs Jones of Ohio, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

## RECOGNIZING NGO WORK ON ISRAELI-PALESTINIAN PEACE

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1369) recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1369

Whereas the Israeli-Palestinian conflict has cost many innocent lives and continues to bring terrible suffering to both peoples;

Whereas despite the ongoing conflict, Israeli and Palestinian individuals and nongovernmental organizations have been working for decades to build bridges between the two peoples, to address humanitarian concerns, and to further the cause of peace;

Whereas such individuals and nongovernmental organizations that are committed to nonviolence, recognize Israel's right to exist, and are dedicated to achieving a two-state solution deserve recognition and encouragement to continue their important work;

Whereas the Israeli-Palestinian conflict is currently at a critical juncture, and sustained progress towards peace depends on the commitment of individuals and organizations that choose dialogue, friendship, and openness;

Whereas the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) permits the provision of United States assistance to nongovernmental organizations to provide for basic human needs, the protection of basic human freedoms, and the promotion of human rights, nonviolence, and for a just and peaceful reconciliation, provided that such assistance does not knowingly and directly benefit any terrorist organization;

Whereas the initiatives of these individuals and nongovernmental organizations reflect the tenacity of those with a true commitment to peace, mutual respect, and coexistence, and demonstrate the real impact that such people can make on the lives of individuals and communities; and

Whereas such initiatives build hope and trust among both peoples and can help pave a path to peace: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the vital role of nongovernmental organizations in peace-building efforts between Israel and Palestinians, and encourages them to remain steadfast in their commitment to nonviolence, recognition of Israel's right to exist, dedication to achieving a two-state solution, and work toward building trust and cooperation between the two peoples;

(2) applauds the tireless work of these individuals and nongovernmental organizations, and urges them to continue their efforts;

(3) acknowledges and encourages the important efforts and support that these nongovernmental organizations, religious organizations, and individuals committed to peace and nonviolence contribute to these initiatives;

(4) affirms the importance of United States support to nongovernmental organizations that provide humanitarian aid and work for democracy, human rights, and peace and reconciliation between Israelis and Palestinians; and

(5) urges Israeli and Palestinian leaders to embrace the spirit of nongovernmental peace builders toward achieving a just and lasting peace.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution, and I yield myself 3 minutes.

I would like to thank, Madam Speaker, my friend and distinguished colleague, Representative BARBARA LEE, for introducing this important resolution to highlight the work done by the NGO community in support of Israeli-Palestinian dialogue. In spite of the shaky cease-fire reached between Israel and Hamas on the Gaza Strip, Hamas and other extremist Palestinian groups have neither changed their stated aim, namely, the destruction of the State of Israel, nor given up the use of terrorism and violence as a means to achieve that end.

But while the terrorists of Hamas and Palestinian Islamic jihad continue to threaten innocent civilians and undermine peace efforts, we should recognize the courageous efforts being made by many nongovernmental organizations to do just the opposite, that is, to foster conditions that can lead to peace. Many of these groups work tirelessly and selflessly not only to improve the daily lives of Palestinians but also to effect peaceful coexistence between Palestinians and Israelis. One example, Seeds of Peace, brings Israeli and Arab youth together for summer retreats that cultivate a culture of understanding and tolerance among tomorrow's leaders.

As this resolution affirms, it shall remain U.S. policy to actively support all those nongovernmental organizations that provide humanitarian assistance, promote democracy, human rights and work towards Israeli-Palestinian reconciliation while unequivocally opposing the use of violence. This resolution lends that encouragement and backing only to those NGOs that explicitly renounce violence, accept Israel's right to exist and support existing agreements between Israel and the Palestinians.

I join the author of this resolution, Congresswoman LEE, in lauding contributions to peaceful coexistence between Israelis and Palestinians made by nongovernmental organizations. I hope, and believe and want to believe that this is the way of the future. I urge all my colleagues to support this resolution.

I reserve the balance of my time.

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

House Resolution 1369 recognizes the efforts of nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians.

□ 1800

I would like to thank my good friend from California, the gentlelady, Ms. BARBARA LEE, for her hard work in drafting this important resolution. We all want to see peace, stability and security prevail in the Middle East and, indeed, in all regions of conflict. However, that goal remains elusive when leaders act in ways that distort, perpetuate and aggravate otherwise resolvable disputes between nations and peoples. Such leaders make peace impossible by programming their citizens into viewing other nations and other people as wicked, as inhuman, as worthy of hatred and even of death.

Fortunately, the work of nongovernmental organizations and of individuals committed to nonviolence and to Israel's right to exist as a Jewish and as a Democratic state provide a counterweight to the purveyors of this terrible rhetoric. These individuals and NGOs cultivate relationships that oppose violent extremism and hateful propaganda, that promote a culture, instead, of life and that seek peaceful, rational and mutually beneficial solutions to seemingly intractable problems.

So I commend the gentlelady from California (Ms. LEE) for its introduction, and I urge the passage of this important resolution.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, we have one speaker, the sponsor of the resolution, and I yield her, Congresswoman BARBARA LEE, 4 minutes.

Ms. LEE. Mr. Speaker, let me just say once again that I want to expressly thank the Chair of our committee, Mr. BERMAN, for his leadership and for his support in bringing this resolution to the floor.

Also, I want to thank our ranking member, Congresswoman ILEANA ROS-LEHTINEN, for her assistance in making sure that we can have a bipartisan resolution.

Every now and then, I think we ought to talk about peace. You know, that seems not to be a word or a term that we discuss very often on this floor, so we have a chance to just say ''peace'' a few times today.

Thank you, Mr. BERMAN and Ms. ROS-LEHTINEN, for giving us that chance.

This resolution recognizes the vital role of nongovernmental organizations in peace-building efforts between Israelis and Palestinians, and it encourages them to remain steadfast in their commitment to nonviolence, in their recognition of Israel's right to exist, in their dedication to achieving a two-state solution, and in their work towards building trust and cooperation between the two peoples.

Mr. Speaker, this bipartisan resolution is strongly endorsed by many organizations and groups that have been long dedicated to the cause of peace, justice and of reconciliation between Israelis and Palestinians. I'd like to mention for a minute the supporters of this resolution:

The Churches for Middle East Peace, which is a coalition of 22 public policy offices of national churches and agencies—Orthodox, Catholic and Protestant—working to realize the vision of a region where two viable states, Israel and Palestine, live side by side within secure and recognized borders; the Alliance for Middle East Peace, which is an alliance of 57 NGOs that are promoting people-to-people coexistence, cooperation and reconciliation between Israelis, Palestinians, Arabs, and Jews in the Middle East; the Israel Policy Forum, which is an independent, nonpartisan organization advocating for sustained American, diplomatic efforts to end the conflict between Israel and her neighbors and to actively promote the two-state solution to the Israeli-Palestinian conflict; and the Middle East Policy Advisory Committee, which is a coalition of organizations that my congressional district formed to bring a just peace between Palestinians and Israelis.

Mr. Speaker, in a region that has suffered so much loss and seemingly interminable conflict, these efforts are critically important in addressing the daily struggles and challenges faced by Israelis and Palestinians.

Sixty years ago, the great Senator Hubert Humphrey said that people are the issue of the 20th century. I might add now the well-being of people is the critical issue of the 21st century, and peace is needed for people to flourish.

As the great theologian Saint Augustine reminds us, peace is the necessary condition in which people can be free to work out in their private destiny.

That's why it's fitting and proper to recognize, as my resolution does, the efforts of Israeli and Palestinian individuals and of nongovernmental organizations that have been working, really, for decades to build bridges between the two peoples—to address humanitarian concerns and to further the cause of peace.

Although the Israeli-Palestinian conflict has cost too many innocent lives and though it continues to bring terrible sufferance to both peoples, we can all be thankful that there are many nongovernmental organizations comprised of men and women of goodwill, working to build schools and hospitals, to foster cultural exchanges, to increase commercial ties, economic development, and to promote interreligious dialogue and understanding.

The Israeli-Palestinian conflict is currently at a critical juncture. Sustained progress toward peace depends on the commitment of individuals and of organizations that choose dialogue, friendship and openness.

So this amendment recognizes the efforts of those unsung heroes and sheroes, and it encourages them to continue their important work.

The SPEAKER pro tempore (Mr. COHEN). The time of the gentlewoman has expired.

Mr. BERMAN. I yield the gentlelady an additional 30 seconds.

Ms. LEE. It also salutes them for their commitment to nonviolence, to the recognition of Israel's right to exist and to their dedication to achieve a two-state solution.

I would like to thank our staff, Mr. BERMAN. I would like to thank Alan Makovsky and Matthew Zweig of the staff of the Foreign Affairs Committee, and I would also like to thank Gregory Berry and Scott Exner on my staff.

This is the spirit in which I hope we can move forward in terms of nongovernmental peace builders and move

toward achieving a just and lasting peace. Let's be cognizant of the fact today that peace is possible.

Thank you, Mr. BERMAN. Thank you, Ms. ILEANA ROS-LEHTINEN. I thank the committee for the resolution.

THE REBUILDING ALLIANCE,
*Palo Alto, CA, September 23, 2008.*

DEAR REPRESENTATIVE, I am very proud to support H. Res 1369, a positive and constructive resolution to advance the cause of peace and justice in Israel and Palestine and I urge you to vote for it. I am really proud that Representative Lee was willing to work with us at the Rebuilding Alliance and the Middle East Policy Advisory Committee to bring this resolution to the floor.

At its heart, H. Res. 1369 recognizes those people—Israelis and Palestinians— who continue to pursue peace and justice with every breath they take, despite their own overwhelming personal losses. These are the people who make a difference in their communities, and it is to them we offer encouragement. Let me tell you about some of them:

I want Congress to care about the peacemakers in the Village of Al Aqabah and all those who seek to help them:

Last week, Mayor Haj Sami Sadik came, in his wheelchair, to Washington DC to meet with Congressional and Senate staff. He is the mayor of the Palestinian West Bank Village of Al Aqabah and he came to ask your help to save his kindergarten and village from demolition. Israeli Architect Shmuel Groag, a founder of BIMKOM: Planners for Planning Rights, joined him, along with me, American Donna Baranski-Walker, executive director of the Rebuilding Alliance, the SF Bay Area nonprofit that helped the village build their kindergarten and brought them here to ask Americans to help save it.

I care about Al Aqabah. I care about their kindergarten with 130 students. The village holds full title to its land, without question—and they even won an earlier case before the Israeli High Court of Justice to remove the Israeli Army's training camp from the village gates. As they were rebuilding their kindergarten, the Israeli Army issued demolition orders against the kindergarten, the medical center, the mosque, and nearly all the homes in the village. The village held to their belief that justice will prevail as Mayor Haj Sami Sadik again petitioned the Israeli High Court of Justice to recognize their village's right to exist. Now he filed the village's own master plan with the Israeli Army's Civil Authority and asks the world's help to see the village's plan approved, and to help his village thrive.

I care about the Rachel Corrie Charity in Rafah, Gaza, holding their soccer tournament on the land where 2200 Palestinian homes once stood, as a way to build community and goodwill near a very traumatized refugee camp. The Rebuilding Alliance brought one of the founders of this group, Khaled Nasrallah, to the U.S., joining Cindy and Craig Corrie, parents of the late American Rachel Corrie, in a six-state speaking tour three years ago. The Rachel Corrie Charity is being sponsored by the Gaza Community Mental Health Organization, a Palestinian non-governmental organization that deeply opposes violence and is itself an outspoken advocate of freedom, fairness, and democracy—and many congressional staff met with one of the founders of Gaza Community Mental Health Programme, Mr. Husam El Nounou, along with Rebuilding Alliance board member from Jerusalem, Rabbi Jeremy Milgrom, helping Mr. El Nounou return home when the Gaza's borders were first blockaded in 2006.

I care about the Free Gaza Movement and the Americans, Internationals, Israelis, and Palestinians who worked together to steer their boats through international waters to break the siege of Gaza last month. My friend and Representative Lee's constituent, Paul Larudee, was on one of those boats. It is important to recognize their nonviolent activism and urge an end to the collective punishment of 1.4 million people in Gaza and speak out against using blockades and siege as tools of diplomacy.

I care about the Israeli and Palestinian peacemakers who are part of a group called Combatants for Peace. These are Israeli former soldiers and Palestinians who have been in Israeli jails who now pledge not to use violence, but instead to work together for peace and justice. Their Palestinian cofounder, Bassam Aramin, lost his daughter Abir to a soldier's rubber coated bullet. Their Israeli cofounder, Elik Elhanan, lost his sister when a suicide bomber detonated. Together they and 500 more like them, choose peace. Combatants for Peace has launched the Abir's Garden Project to build playgrounds at Palestinian schools in memory of Abir Aramin.

These are but four groups working to bring about a real peace in Israel and Palestine. I look forward to inviting all the peacemakers in each congressional district to forums with their Representatives to describe their work for peace in Israel and Palestine. Honorable Representatives, I hope each of you will send letters of encouragement to those Peacemakers in Israel and Palestine who they support.

H.Res 1369 moves beyond condemnation to begin a process of recognition and encouragement.

I believe that this form of recognition can open doors and I urge your support. To the peacemakers, may you know that your work makes a difference. May you continue your efforts and may the Congress of the United States join you to help you realize your goals. To the honorable members of the U.S. House of Representatives, I urge you to vote for H.Res. 1369 and recognize these and many more peacemakers in Israel and Palestine. Please use your influence to keep them safe, help them achieve their goals, and press for a negotiated peace agreement between Israel and Palestine that is viable and fair to all.

Sincerely,

DONNA BARANSKI-WALKER,
*Executive Director of the Rebuilding Alliance.*

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CHURCHES FOR
MIDDLE EAST PEACE,
*Washington, DC, September 23, 2008.*

Attn: Foreign Affairs Legislative Aide.

DEAR REPRESENTATIVE: Churches for Middle East Peace, a coalition of 22 Catholic, Orthodox and Protestant national church bodies, urges all Members of the House to support H. Res. 1369, recognizing nongovernmental organizations working to achieve a just and lasting peace between Israelis and Palestinians. This resolution was unanimously approved by the House Committee on Foreign Affairs in July and is scheduled to be considered under suspension of the rules today.

Passage of H. Res. 1369 would send a strong message of Congressional support for efforts to further the cause of Middle East peace. At this critical time, when progress on the political process is uncertain, this resolution affirms the important role that civil society plays in laying the groundwork for peace. It provides hope and encouragement to the many Israelis and Palestinians who have long worked to foster peace and reconciliation, promote human rights, democracy and nonviolence, and address humanitarian concerns. In our frequent visits to Israel and the Palestinian Territories, and through our long-standing relationships with partner churches and their relief and development agencies, we know well the fruits of their good works. We believe the commitment of these dedicated individuals and organizations, together with robust U.S. diplomacy and the commitment of Israeli and Palestinian leaders, can finally help realize the vision of two states, Israel and Palestine, living side by side in peace and security.

We ask today for your support of H. Res. 1369 and look forward to continued work with the U.S. Congress to finally achieve peace in the Holy Land.

Sincerely,

Bishop Wayne Burkette, President, Southern Province, The Moravian Church in America.

James Fine, Legislative Secretary for Foreign Policy, Friends Committee on National Legislation.

Catherine Gordon, Representative for International Issues, Washington Office, Presbyterian Church, USA.

Dr. Duncan Hanson, The Reformed Church in America, Supervisor for Europe and the Middle East.

Mark Harrison, Director, Peace with Justice Program, General Board of Church and Society, United Methodist Church.

Aura Kanegis, Director, Public Policy and Washington Office, American Friends Service Committee.

Rev. Michael Kinnamon, General Secretary, National Council of Churches USA.

Rev. Jim Kofski, MM, Maryknoll Office for Global Concerns.

Peter Makari, Middle East and Europe Global Ministries, United Church of Christ and Christian Church, Disciples of Christ.

Rev. John L. McCullough, Executive Director and CEO, Church World Service.

T. Michael McNulty, SJ, Justice and Peace Director, Conference of Major Superiors of Men, CMSM.

The Very Rev. George Rados, Representative, Antiochian Christian Orthodox Archdiocese of North American.

Marilyn Rouvelas, Representative, Greek Orthodox Archdiocese of America.

Rachelle Lyndaker Schlabach, Director, Washington Office, Mennonite Central Committee US.

Maureen Shea, Director, Office of Government Relation, The Episcopal Church.

Russell Testa, Director, JPIC, Franciscan Friars, OFM.

Rev. Susan P. Wilder, Director for Middle East Policy, Washington Office, Evangelical Lutheran Church in America.

Ms. WOOLSEY. Mr. Speaker, a sincere thank you to Representative BARBARA LEE. In this Congress, there is no greater voice for peace than Congresswoman LEE.

I rise today in strong support of this Resolution recognizing non-governmental organizations working to help bring a just and lasting peace to Israelis and Palestinians.

Peace will not be brought about by governments and presidents. Peace will only be achieved when people come together to support a common goal—security and prosperity for all.

More than any conference or summit, the work of local and international NGOs have brought the region closer to a non-violent resolution to the ongoing crisis. Their work is invaluable.

From student exchanges to high-level reconciliation programs, NGOs are irreplaceable in the peace process.

I applaud this Resolution's commitment to peace and nonviolence and urge my colleagues' support today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise is strong support of H. Res. 1369, Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians, which I am a cosponsor of. This bill was introduced by my distinguished colleague from California Congresswoman BARBARA LEE. This important legislation encourages countries in the Middle East to find a solution that will ensure long lasting stability, prosperity, and self-sufficiency in their region and affirms the importance of nongovernmental organizations to this process.

GENERAL

For decades, the United States and Israel have maintained strong bilateral relations based on a number of factors, including strong domestic U.S. support for Israel; shared strategic goals in the Middle East; shared democratic values; and historic ties dating back to U.S. support of the creation of Israel in 1948. U.S. economic and military aid has been a major component in cementing and reinforcing these ties. Although there have been occasional differences over Israel's settlements in the West Bank and Gaza Strip and Israeli arms sales to China, successive administrations and many lawmakers have long considered Israel to be a reliable partner in the region, and U.S. aid packages for Israel have reflected this sentiment.

However, the elongated years of fighting between Israel and Palestine are indirectly detrimental to the position of our country in the Middle East. The most beneficial solution for the United States, Israel, and Palestine is lasting peace in the holy regions, and as the Congress of the United States we must recognize that nongovernmental organizations can facilitate this process and aid every country involved. The stability of the Middle Eastern region is important the United States, and this resolution will reaffirm our commitment to supporting any steps towards peace in the Israel and Palestine.

PREVIOUS LEGISLATION

Earlier this year, I supported H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel. I have supported Israel in the past, and the national interest of Israel is in the national interest of the United States. The best outcome for the country of Israel is a peace resolution that will quell the fighting, encourage peace, and allow the country a chance to recover from years of hostile encounters.

If the best way to facilitate and encourage peace between Israel and Palestine is to offer our support of the involvement of nongovernmental organizations, then I strongly support H. Res. 1369, and I encourage my colleagues to do the same. We must do what we can to support peace negotiations in the Middle East and support the national interest of Israel.

Mr. SIRES. Mr. Speaker, today, I rise in support of House Resolution 1369, which recognizes the work of nongovernmental organizations in helping to bring peace between Israelis and Palestinians. It is through the tireless efforts of so many dedicated and talented individuals on the ground in the region that we have been able to see progress. Nongovernmental organizations have worked for years at a grassroots level to build relationships between Israelis and Palestinians; neighbor to neighbor. These organizations have a true commitment to peace and to coexistence. The relationships they nurtured have helped to build bridges within these communities that I hope will sustain a lasting peace in the region.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1369.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## SUPPORTING CHRISTIAN, JEWISH, MUSLIM INTERFAITH DIALOGUE

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 374) supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 374

Whereas interfaith dialogue among Christians, Jews, and Muslims is a powerful way to bridge the chasms of mistrust and misunderstanding that can divide adherents to the 3 Abrahamic faiths;

Whereas a number of important initiatives to enhance interfaith dialogue have been launched in recent years;

Whereas in 1997, the Three Faiths Forum was founded in London and has focused on ''improving understanding between the Muslim, Christian, and Jewish communities'';

Whereas in 1998, the Foundation for the Three Cultures of the Mediterranean was founded in Seville, Spain, by former Israeli Prime Minister Shimon Peres, King Juan Carlos I of Spain, and King Hassan II of Morocco, with the objective of promoting cooperation between Christians, Jews, and Muslims;

Whereas in 2005, King Abdullah II of the Hashemite Kingdom of Jordan launched the ''Amman Interfaith Message'' in order to ''establish full acceptance and goodwill'' between Christians, Jews, and Muslims;

Whereas in 2007, 138 Muslim scholars, leaders, and activists sent a letter to numerous Christian leaders expressing their support for peace, harmony, and goodwill between Christians, Jews, and Muslims;

Whereas in 2007, the Council of Religious Institutions of the Holy Land was founded ''to advance [the] sacred values [of Christianity, Islam, and Judaism], to prevent religion from being used as a source of conflict, and instead serve the goals of just and comprehensive peace and reconciliation'';

Whereas the Vatican has announced that the Pope intends to address a Catholic–Muslim summit of religious leaders in November 2008;

Whereas interfaith dialogue has the potential to inspire men and women around the world to appreciate the common values shared by adherents of different religions, thereby strengthening the bonds of respect, cooperation, and tolerance against the forces of radicalism, extremism, and hatred;

Whereas these initiatives provide an opportunity to elevate the voices of people of faith who, often at risk to themselves, advocate for peace and understanding, courageous positions too often drowned out by radical extremists; and

Whereas unity among leaders of different faiths is a powerful weapon to fight intolerance, marginalize extremism, and defeat the agents of terrorism: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that—

(1) the United States supports the spirit of peace and desire for unity displayed in initiatives of interfaith dialogue among leaders of the 3 Abrahamic faiths;

(2) the United States further supports additional meetings of Christian, Jewish, and Muslim religious leaders aimed at greater dialogue between the religions;

(3) the United States encourages the many people of faith around the world who reject terrorism, radicalism, and extremism to join these and similar efforts in order to build a common bond based on peace, reconciliation, and a commitment to tolerance; and

(4) the United States appreciates those voices around the world who condemn terrorism, intolerance, genocide, and ethnic and religious hatred, and instead commit themselves to a global peace anchored in respect and understanding among adherents of the 3 Abrahamic faiths.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume but no longer than 3 minutes as I need an arbitrary restraint.

I want to begin first by thanking both the gentleman from Tennessee (Mr. WAMP) and the gentleman from Minnesota (Mr. ELLISON) for this resolution and for coming to the committee with a sense of the importance of this resolution and for the broader sentiment this resolution reflects, which is a broad and sincere commitment to global interfaith dialogue. I think it's a brilliant proposal.

I am pleased to have before us this resolution that supports such interfaith dialogue. I know its authors were inspired by a dialogue that 138 Muslim scholars, from all major sects of Islam, initiated in a letter to the Pope and to other Christian leaders. The letter emphasizes the importance of religious tolerance and of mutual respect between Christians and Muslims. In fact, the Pope graciously responded to this letter by agreeing to host a summit of

Catholic and Muslim leaders that is scheduled for this November.

This initiative reflects the same spirit as that of several other major interfaith initiatives meant to strengthen relations among the Abrahamic faiths, such as the 2005 Amman Initiative of King Abdullah II of Jordan and the 1998 initiative launched by the now Israeli President Shimon Peres, by King Juan Carlos I of Spain and by the late King Hassan II of Morocco.

Ever since Samuel Huntington coined the phrase, much is said in our public discourse about a ''clash of civilizations'' and about how to avoid it, but we really have to shoot higher than that. We have to aim to seek a comedy of civilizations. To do so, Muslim, Christian, Jewish, and other religious leaders must emphasize the core similarities of their faiths and values.

This resolution encourages understanding and partnership among Christians, Muslims and Jews. Much of the cultural heritage of the West and the Middle East can be ascribed to these three Abrahamic religions, but of course interfaith dialogue doesn't need to and should not stop there. We should support and encourage the sentiments expressed in this resolution in favor of dialogue, not only among Abrahamic religions but among all religions.

While there is much work still to be done to reach our goals, I again want to thank Mr. ELLISON and Mr. WAMP for this resolution that points the way towards developing societies, in the words of the resolution, based on peace, reconciliation and on a commitment to tolerance.

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

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

I rise today in support of House Concurrent Resolution 374, which expresses the House's backing for interfaith dialogue between Christian, Jewish and Muslim leaders.

Mr. Speaker, at a time when violent extremists are misusing Islam in order to encourage others to commit mass murder and to do away with liberty, it is more important than ever for true moderates from all faiths to come together and to unequivocally repudiate hate and violence and to embrace peace, tolerance and religious freedom for all.

As true moderates do come together for this most noble of purpose, they should know that America stands with them in their quest.

Mr. Speaker, while this important resolution deals with interfaith dialogue involving adherence to Christianity, to Judaism and to Islam, I would like to note that interfaith dialogue and religious freedom should encompass all faiths.

Finally, I would like to thank my distinguished colleague and dear friend, Mr. WAMP of Tennessee, for introducing this important resolution and for presenting it before us today.

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

Mr. BERMAN. Mr. Speaker, I am pleased to yield 4 minutes to a cosponsor of the resolution, to a gentleman who brought it to my attention some months ago. He is the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I know that it's protocol and important to thank the Chair of the committee and the ranking member, but today, I have to convey my very sincere and heartfelt thanks to Chairman BERMAN and to Ranking Member ILEANA ROS-LEHTINEN. Of course, I have to also thank my dear friend ZACH WAMP, who came to me many months ago and proposed that we offer this resolution together.

I believe this is an historic day, and I am deeply humbled. Other than the day that I had to come here before the House to talk about the collapse of our bridge in Minneapolis, I feel the most sense of emotion and of weight and of gravity today.

I also want to point out that this resolution that comes to the floor today takes place during a very special time for people of the Muslim faith, which is the month of Ramadan—a month of reflection, of fasting and, based on this resolution's coming to the floor, of good things as well.

The passion that my colleague Mr. WAMP and I share for this resolution may strike some Members as unusual, but it shouldn't. Indeed, as Members of Congress on different sides of the political aisle, Mr. WAMP and I may not always agree on policy, but we are two men who have come together as people of faith to highlight what we both believe are historic interfaith developments within the Christian, Jewish and Muslim faiths.

In late 2007, 138 Muslim scholars from every sect of Islam, representing communities of faith in countries both friendly and hostile to the United States, sent a letter to Christian leaders everywhere, declaring common ground between our faiths and seeking dialogue among leaders of two traditions that represent nearly half the world's population.

□ 1815

Responding to that letter, some 300 Christian leaders, including many leaders in the United States, declared in November 2007 their appreciation and support for this historic outreach. In March 2008 the Vatican announced that the Pope had invited these scholars to a first-ever summit, which will meet in Rome in November 2008.

I believe the mutual respect by all participants in this effort holds tremendous transformative power, not only for relations between Christians and Muslims, but also for Islam's entire relationship with the West.

I believe it is in the best interests of the United States to support and encourage those efforts so that the world knows that our Nation stands with those people who reject extremism and violence and hate and embrace reconciliation.

Let me read from the resolution: ''It is the sense of Congress . . . that the United States encourages the many people of faith around the world who reject terrorism, radicalism, and extremism to join these and similar efforts to build a common bond based on peace, reconciliation and a commitment to tolerance . . . Furthermore, the United States appreciates those voices around the world who condemn terrorism, intolerance, genocide and ethnic and religious hatred, and instead commit themselves to global peace anchored in respect and understanding among the adherents of the three Abrahamic faiths,'' Christianity, Judaism and Islam.

Today, our world knows too many people who are divided, rather than healed, by faith. I speak for myself, but I am sure most Members of the House would agree that our religious faith is a great source of strength and has the transformative effect of bringing people together, not pushing them apart.

I believe this resolution will serve to send a strong message to people everywhere that Members of the House stand in solidarity with members of the Christian, Jewish and Muslim faith as they confront ancient and modern divisions so that peace may prevail. It is brought up during a particularly special month for me.

I urge my colleagues to support this truly bipartisan resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield such time as he may consume to the author of this resolution, my good friend from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, over the last 14 years that I have had the privilege to serve here in the House, many times I have come to the floor from the head.

Today, I totally come to the floor from the heart, and that was the initial motive that I had was from the heart. We can't really speak for each other because we are speaking from our faith perspectives, but I do think that our motives are all for peace, and that is the common denominator that brings us together today. It is historic in the sense that three principal sponsors here are a Muslim, a Jew and a Christian. I happen to be an evangelical.

But we are here in a country that is pluralistic, that separates us from the entire world in that we honor and respect everyone's religious views. We may have a foundation that's Judeo-Christian, but it's so important that we cling to this pluralistic approach. We are not theocratic, and we do not want the world to be divided over our religious beliefs.

The common denominator today is that we stand together against radicalism and violence and terrorism. I have seen polling data in the Islamic world that shows that 92 percent of Islam denounces and does not believe

that terrorism is an acceptable means to an end. That's the good news.

The bad news is that 8 percent is a very large number of people. But we want to encourage the moderates, the peace lovers in all of the Abrahamic faiths to stand together against radicalism and extremism and promote tolerance and a pluralistic view, as we have in this country, that is part of our foundation that says every one has the right to worship as they please and to believe as they please, even not to believe, if they please. That is part of our fabric.

The divisions over religion in the world create this danger of some kind of an event where, over religious intolerance and difference in the world, we can have a Crusades-like event.

Now Jesus to me is love. That's my belief. I come to the floor today to say I in no way want to water down anyone's faith or beliefs, but I do believe that Jesus taught us blessed are the peacemakers, for they shall inherit the kingdom of heaven, and I want that to be me.

I am speaking for that belief, and I believe there is a time for war. I believe when we are attacked, we have to defend ourselves and our freedom and our way of life.

But there is also a time for peace, and I hope and pray that is now. I think you have to risk peace from time to time, and that's what I am doing on the floor today. I think we must, as a Nation, risk peace.

I want to commend Tony Hall, who is part of the formation of the Council of Religious Institutions of the Holy Land, also known as the Jerusalem Council, where Mr. BERMAN, Mr. ELLISON and I got together with the religious leaders from the Holy Land of all three Abrahamic faiths to promote peace.

Many times the state departments and the governments of these countries get together to talk peace, but then religious leaders are not there, engaged, buying into what the policies are that will maintain peace. We want the religious leaders to also come together and stand against radicalism and violence and division in the world.

I think the scope of these divisions are so great that this is the greatest pursuit we can engage in to lasting peace, is to stand together against radicalism and to respect each other's religious views. That's what I call risking peace. That's the common denominator.

I don't want to say that I know Mr. ELLISON's motives or Mr. BERMAN's motives, but I know mine. I ask the House to come together and stand together, even if it's for this brief moment, respecting our traditions of pluralism, and the freedom of religion, but standing together united against radicalism and violence and terrorism and encouraging all in the Islamic world, and all in every faith, to stand together against violence and destruction and death so that we have the hope of a world that could exist together in peace, because blessed are those peacemakers.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, with great appreciation to both of the sponsors of this resolution, I yield back the remainder of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 374, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: ''Concurrent resolution supporting Christian, Jewish, and Muslim interfaith dialogue that promotes peace, understanding, unity, and religious freedom.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6983, by the yeas and nays;

H.R. 5352, by the yeas and nays;

H.R. 642, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6983, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6983, as amended.

The vote was taken by electronic device, and there were—yeas 376, nays 47, not voting 10, as follows:

[Roll No. 625]

YEAS—376

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter

Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—47

Akin
Bachmann
Barrett (SC)
Bonner
Brady (TX)
Broun (GA)
Campbell (CA)
Cannon
Carter
Conaway
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hastings (WA)
Hensarling
Hoekstra
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latta
Lewis (KY)
Linder
Mack
Marchant
McCrery
McHenry
Miller (FL)
Neugebauer
Paul
Pence
Pitts
Poe
Rohrabacher
Royce
Sali
Shadegg
Smith (NE)
Thornberry
Weldon (FL)
Westmoreland

NOT VOTING—10

Bishop (UT)
Blunt
Boehner
Cantor
Cubin
Fossella
Herger
Hunter
Reyes
Saxton

□ 1849

Messrs. MCHENRY and HOEKSTRA changed their vote from ''yea'' to ''nay.''

Messrs. COLE of Oklahoma and DAVID DAVIS of Tennessee changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 625, I was unavoidably detained. Had I been present, I would have voted "nay."

## ELDER ABUSE VICTIMS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5352, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the bill, H.R. 5352, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 28, not voting 18, as follows:

[Roll No. 626]

YEAS—387

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

NAYS—28

Akin
Barrett (SC)
Broun (GA)
Campbell (CA)
Cannon
Conaway
Deal (GA)
Doolittle
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Linder
Neugebauer
Paul
Sali
Sensenbrenner
Shadegg
Tancredo
Thornberry
Westmoreland

NOT VOTING—18

Bishop (UT)
Blunt
Boehner
Cantor
Cubin
DeFazio
Fossella
Hunter
Kanjorski
Larson (CT)
Neal (MA)
Payne
Putnam
Reyes
Saxton
Velázquez
Weldon (FL)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1858

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.''.

A motion to reconsider was laid on the table.

## HONORABLE STEPHANIE TUBBS JONES COLLEGE FIRE PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 642, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 642, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 51, not voting 17, as follows:

[Roll No. 627]

YEAS—365

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—51

Aderholt
Akin
Bachmann
Barton (TX)
Broun (GA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Cannon
Carter
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latta
Linder
Lungren, Daniel E.
Manzullo
Neugebauer
Paul
Pence
Poe
Price (GA)
Rohrabacher
Royce
Shadegg
Smith (NE)
Souder
Tancredo
Thornberry
Walberg
Weldon (FL)
Westmoreland

NOT VOTING—17

Bishop (UT)
Blunt
Boehner
Cantor
Cubin
Cummings
Fossella
Hunter
Keller
Murphy (CT)
Payne
Putnam
Reyes
Rodriguez
Salazar
Saxton
Serrano

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left.

□ 1906

Messrs. PENCE and GINGREY changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

## NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 3, beginning on line 4, strike the comma and all that follows to the end period and insert the following: ''and has increased the bounty paid for turning in North Korean refugees''.

On page 3, beginning on line 11, strike '', including'' and all that follows through ''killings'' on line 17.

On page 4, line 4, strike ''On February'', and insert the following: ''Since the passage of the North Korean Human Rights Act, Congress has on several occasions expressed interest in the status of North Korean refugees, and on February''.

On page 4, line 19, strike ''at overseas posts''.

On page 5, line 10, after ''should'', insert ''continue to''.

On page 6, line 3, strike ''rights, humanitarian, and refugee issues,'' and insert the following: ''rights and humanitarian issues, and to participate in policy planning and implementation with respect to refugee issues,''.

On page 7, line 20, strike ''$4,000,000'' and insert ''$2,000,000''.

On page 9 line 13, after ''including'', insert the following: '', in coordination with the Bureau of Population, Refugees, and Migration,''.

On page 9, line 21, strike ''coordinate'' and insert ''participate in the formulation and''.

On page 11, line 13, strike ''paragraphs'' and insert ''paragraph''.

On page 11, strike line 14 and all that follows through line 19.

On page 12, lines 3 and 4, strike ''may be provided in a classified format, if necessary'' and insert the following: ''shall be provided in unclassified form, with a classified annex, if necessary''.

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

The Chair recognizes the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

I wanted to first thank our colleague and the ranking member of the Committee on Foreign Affairs, Ms. ILEANA ROS-LEHTINEN of Florida, who introduced this important legislation.

Mr. Speaker, the human rights situation in North Korea remains one of the bleakest on the planet. This is an extraordinarily important piece of legislation which speaks to some extraordinary abuses of human rights in North Korea.

As we speak, millions of North Koreans live in desperate conditions; political, economic, and religious freedoms are nonexistent, and many are starving and undernourished and live in fear of arbitrary arrests when they know they may be tortured or executed.

The North Korean government knows that access to information outside the country is a threat to the regime's control, and so it maintains an absolute grip over all legal media using it to manipulate the population into believing that life is no better anywhere else on the planet.

Those who manage to leave the country in North Korea face further danger. They face denial of rights and threats to their lives. China stubbornly refuses to categorize North Koreans who flee horrific living conditions and persecution as refugees. Instead, they label them as ''economic migrants.'' This disingenuous semantic trick relieves Beijing of its obligation to assist the North Koreans who escape into China in accordance with international conventions on refugees to which Beijing is a signatory.

North Koreans are routinely arrested and abused by the Chinese authorities and sent back to North Korea where they are considered traitors. Upon return, they are arrested. They're likely tortured, and sometimes, Mr. Speaker, they are killed.

The suffering people of North Korea need assistance. And in 2004, Congress passed with overwhelming bipartisan support the North Korea Human Rights Act in an effort to focus U.S. attention on their plight. This Act provided new resources to assist North Korean refugees, support democracy and human rights programs and improve access to information through radio broadcasts and other activities. It is also required that the President appoint a special envoy on North Korean human rights.

Our bill, H.R. 5834, reauthorizes this vitally important legislation. The current bill extends the North Korean Human Rights Act through fiscal year 2012 and enhances the role of the special envoy by making it an ambassadorial rank and requiring it be a full-time position.

H.R. 5834 was passed by the House on May 15 of this year, and the Senate made minor amendments to the bill on September 22.

Mr. Speaker, the North Korean Human Rights Act has been instrumental in ensuring the issue of human rights for North Koreans remains a key priority of U.S. policy toward North Korea. I strongly support this legislation. It is badly needed. And I encourage my colleagues to do the same.

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

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

I rise in strong support, also, of H.R. 5834, the North Korean Human Rights Reauthorization Act, which I introduced with my good friend from California, the chairman of our committee, Howard Berman, earlier this Congress. We passed this bill, Mr. Speaker, 4 months ago in a strong demonstration of this body's continued commitment to human rights, to transparent humanitarian assistance, and to refugee protection for the people of North Korea.

On Monday, the Senate followed our bipartisan lead and unanimously supported this bill with minor modifications, which is why we are taking it up again today.

I would like to thank Chairman BIDEN and Ranking Member LUGAR and their staffs for their input and their assistance. Special thanks to my friend, Senator SAM BROWNBACK, for his longstanding leadership on the issues of North Korea human rights, and his efforts were instrumental in securing a successful outcome in the Senate.

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During our initial House floor debate in May, Mr. Speaker, we discussed the dire traumas that the North Korean regime has perpetrated against its own people during the past half century.

Rather than recount the horrific circumstances which compelled me to draft this bill, I would instead like to focus today on some of the important clarifications contained in this legislation.

Over the past 4 years, in oversight hearings, in meetings and official letters, Members have expressed their dissatisfaction with the executive branch implementation of the North Korean Human Rights Act of 2004.

In the words of the report of the Foreign Affairs Committee on this bill, it has been ''too slow and too weak,'' and the purposes set forth in section 4 of the original act remain largely unrealized.

After enactment, the administration delayed appointment of the special envoy for nearly 8 months, 4 months after the envoy was required to file a report to Congress under the act, a deadline that was ignored. Since then, the special envoy has never filled that position on more than a part-time basis.

Mr. Speaker, House Members were genuinely surprised by that limited time commitment, which did not track with the broad duties and responsibilities assigned to the envoy and the ambitious purposes of that law. Congress has also repeatedly noted our disappointment with the inadequate pace of the North Korean refugee admissions during the past 4 years.

Even though title 3 of the act clarified North Korean eligibility for U.S. resettlement and required the Secretary of State to facilitate the submission of those refugee applications, fewer than 70 of the more than 150,000 refugees resettled here since then have been North Koreans.

Many North Koreans have been deterred or have abandoned their claims for U.S. resettlement because of the extremely long wait caused by the resistance and the delay of foreign governments, as well as the slow pace of our own screening.

One poignant case, Mr. Speaker, followed by our committee staff involved the family of three North Koreans, a husband, a wife, and their young son. That family lived a vulnerable and depressing existence in Southeast Asia, confined largely to a single room for more than 2 years while awaiting completion of the U.S. process. Even though the mother was battling cancer, they persisted in the resettlement process because she believed that life in America would provide the most freedom and opportunity for her son.

This summer, after a personal appeal by Chairman BERMAN and me, they were finally allowed to leave that Third Country and travel halfway around the world to their new home in Virginia. After years of heroic patience, the mother lived just long enough to deliver her son safely to this land of new promise. She died less than 2 weeks after their arrival.

The United States must intensify our diplomacy with foreign nations on these issues, Mr. Speaker, and work more cooperatively with our ally South Korea, which admirably continues to bear the overwhelming bulk of the refugee resettlement numbers.

To help address these deficiencies, H.R. 5834 clarifies and strengthens the role of the special envoy. It makes the special envoy for North Korean human rights an ambassadorial-rank position to ensure that the envoy has ample stature to pursue his or her duties with foreign governments, as well as to promote the priorities of the act within the Department of State.

This bill makes clear that the envoy position is to be ''a full-time position . . . as intended by the North Korean Human Rights Act of 2004.''

When combined with the requirement of the original act that the envoy ''be a person of recognized distinction in the field of human rights,'' the bill before us eliminates any misconception that the position may be a part-time undertaking, or a second hat worn by a Foreign Service officer with other, more important, supposedly, duties.

This bill also makes clear that the envoy's mandated concerns include the protection of North Korean refugees.

Finally, Mr. Speaker, the bill inserts a new paragraph at the very top of the special envoy's statutory duties that confirms the envoy's role in the formulation and implementation of the full

range of activities under the North Korean Human Rights Act, which includes, in the words of the act: ''Promoting the Human Rights of North Koreans''; ''Assisting North Koreans in Need''; and ''Protecting North Korean Refugees.''

The people of North Korea face some of the most severe repression on the planet.

I am proud of the work that our Congress began 4 years ago to help their plight, and I thank my friend Chairman BERMAN, our bipartisan cosponsors, and the numerous nongovernmental organizations who have worked with us to extend and improve the North Korean Human Rights Act.

I urge unanimous support for this measure.

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

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5834.

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

There was no objection.

Mr. SCOTT of Georgia. And a final comment, Mr. Speaker. House Resolution 5834 indeed gives us an ambassador rank for human rights in North Korea. This is extraordinarily important, and this is not just right and needed for the people of North Korea. It's needed and it's right for all freedom-loving people on this planet, for us to move forthrightly and to be able to finally make this a critical, key part of our foreign policy.

Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, to help explain the intent behind the full-time special envoy requirement in this bill, I would like to insert into the RECORD a brief excerpt from the Background and Purpose section of House Report 110–628 submitted to the House by Chairman BERMAN.

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

BACKGROUND AND PURPOSE FOR THE LEGISLATION

Executive Branch implementation of the refugee provisions of the 2004 Act has been too slow and too weak. On February 21, 2006, a bipartisan group of 9 senior House Members and Senators—including the then-Chairman and Ranking Member of the Committee on International Relations and the Chairman and Ranking Member of the Subcommittee on Asia and the Pacific—wrote the Secretary of State 'to express our deep concern for the lack of progress in funding and implementing the key provisions of the North Korean Human Rights Act.' Foremost among their concerns, they noted that, 'despite the fact that the Act calls for the Department of State to facilitate the submission of North Korean refugee applications, not one North Korean has been offered asylum or refugee status in the 16 months since the unanimous passage of the legislation.' The first North Korean refugees did not arrive in the United States until 3 months later, in May 2006.

North Koreans who have requested resettlement in the United States as refugees have also faced extended delays, in some cases longer than 2 years, while residing in circumstances that are frequently unsafe, unhealthy, and insecure. Delays sometimes continue even after the refugees have passed U.S. assessment and security screening, due to foot-dragging in the issuance of exit visas by the governments of the countries where they are located. These delays have been the source of considerable discouragement, frustration, and anxiety among North Korean refugees. Just last month a group of North Koreans awaiting U.S. resettlement in Thailand reportedly conducted a hunger strike in an attempt to obtain information about the status of their cases.

In the intervening 3½ years since the 2004 Act became law, the United States has resettled fewer than 50 North Korean refugees. This does not constitute the 'credible number of North Korean refugees [to be accepted] for domestic resettlement' contemplated by House Report 108–478.

During that same time frame, the United States, which has the largest refugee resettlement program in the world by far, has resettled approximately 150,000 other refugees from around the world. The United States is also home to the largest ethnic Korean community outside of the Korean peninsular region, and many of the 2–million-strong Korean-American community have family ties to North Korea. During the same period, South Korea has resettled approximately 6,000 North Koreans.

Remedying this situation will require more persistent U.S. diplomacy at more senior levels. At present, the number of foreign governments who allow the United States to process North Koreans in their countries for resettlement is extremely limited. Having a greater number of countries in which the United States can screen and process North Korean refugees for domestic resettlement will reduce the burdens that such cooperation may pose to each individual country. The United States must make it clear that this is a humanitarian and foreign policy priority, and demonstrate a willingness to use the refugee assistance funds (authorized in section 203 of the 2004 Act and section 10 of the Reauthorization Act) to help mitigate the costs that such cooperation might impose on countries that agree to allow U.S. resettlement processing.

To further the purposes of the 2004 Act, it is also important to clarify and strengthen the role of the Special Envoy. Regrettably, the President did not appoint a Special Envoy for North Korean Human Rights Issues until August 19, 2005, more than 4 months after the Special Envoy was required to report to Congress under the 2004 Act. The Special Envoy appointed by the President has filled that position on a part-time basis only, and has continued to live and pursue a career outside of Washington, D.C. Looking ahead to the possibility of a Special Envoy who may not enjoy the same preexisting rapport with and access to the President, it is important to ensure that any successor has adequate stature and presence within the Department of State. An active presence at Main State is necessary to ensure that the concerns at the heart of the Special Envoy's mandate are adequately represented in the decision-making processes of the State Department's regional and functional bureaus, especially the Bureau of East Asian and Pacific Affairs (EAP) and the Bureau of Population, Refugees, and Migration (PRM).

I have no further requests for time, and I yield back the balance of our time, Mr. Speaker.

Mr. SCOTT of Georgia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5834.

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

A motion to reconsider was laid on the table.

## BREAST CANCER PATIENT PROTECTION ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 758) to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 758

*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 ''Breast Cancer Patient Protection Act of 2008''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States;

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States;

(4) currently, 20 States mandate minimum hospital stay coverage after a patient undergoes a mastectomy;

(5) according to the American Cancer Society, there were 40,954 deaths due to breast cancer in women in 2004;

(6) according to the American Cancer Society, there are currently over 2.0 million women living in the United States who have been treated for breast cancer; and

(7) according to the American Cancer Society, a woman in the United States has a 1 in 8 chance of developing invasive breast cancer in her lifetime.

**SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

**''SEC. 714. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES, LUMPECTOMIES, AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.**

''(a) INPATIENT CARE.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and

surgical benefits shall ensure that inpatient (and in the case of a lumpectomy, outpatient) coverage and radiation therapy is provided for breast cancer treatment. Such plan or coverage may not—

''(A) insofar as the attending physician, in consultation with the patient, determines it to be medically necessary—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy or breast conserving surgery (such as a lumpectomy) for the treatment of breast cancer to less than 48 hours; or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours; or

''(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under this paragraph.

''(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician, in consultation with the patient, determines that either a shorter period of hospital stay, or outpatient treatment, is medically appropriate.

''(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

''(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in the summary of the plan made available or distributed by the plan or issuer and shall be transmitted—

''(1) in the next mailing made by the plan or issuer to the participant or beneficiary; or

''(2) as part of any yearly informational packet sent to the participant or beneficiary; whichever is earlier.

''(d) SECONDARY CONSULTATIONS.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that coverage is provided for secondary consultations, on terms and conditions that are no more restrictive than those applicable to the initial consultations, by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

''(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

''(e) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

''(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

''(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Required coverage for minimum hospital stay for mastectomies, lumpectomies, and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date that is 90 days after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act). For purposes of this paragraph, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

**SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.**

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

**''SEC. 2707. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES, LUMPECTOMIES, AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.**

''(a) INPATIENT CARE.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient (and in the case of a lumpectomy, outpatient) coverage and radiation therapy is provided for breast cancer treatment. Such plan or coverage may not—

''(A) insofar as the attending physician, in consultation with the patient, determines it to be medically necessary—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy or breast conserving surgery (such as a lumpectomy) for the treatment of breast cancer to less than 48 hours; or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours; or

''(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under this paragraph.

''(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician, in consultation with the patient, determines that either a shorter period of hospital stay, or outpatient treatment, is medically appropriate.

''(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

''(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in the summary of the plan made available or distributed by the plan or issuer and shall be transmitted—

''(1) in the next mailing made by the plan or issuer to the participant or beneficiary; or

''(2) as part of any yearly informational packet sent to the participant or beneficiary; whichever is earlier.

''(d) SECONDARY CONSULTATIONS.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that coverage is provided for secondary consultations, on terms and conditions that are no more restrictive than those applicable to the initial consultations, by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

''(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

''(e) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

''(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

''(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d).''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to group health plans for plan years beginning on or after 90 days after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act). For purposes of this paragraph, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

**SEC. 5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.**

(a) IN GENERAL.—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) is amended by adding at the end the following new section:

**''SEC. 2754. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES, LUMPECTOMIES, AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.**

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

**SEC. 6. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.**

(a) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following:

''Sec. 9813. Required coverage for minimum hospital stay for mastectomies, lumpectomies, and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations.'';

and

(2) by inserting after section 9812 the following:

**''SEC. 9813. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES, LUMPECTOMIES, AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.**

''(a) INPATIENT CARE.—

''(1) IN GENERAL.—A group health plan that provides medical and surgical benefits shall ensure that inpatient (and in the case of a lumpectomy, outpatient) coverage and radiation therapy is provided for breast cancer treatment. Such plan may not—

''(A) insofar as the attending physician, in consultation with the patient, determines it to be medically necessary—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy or breast conserving surgery (such as a lumpectomy) for the treatment of breast cancer to less than 48 hours; or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours; or

''(B) require that a provider obtain authorization from the plan for prescribing any length of stay required under this paragraph.

''(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician, in consultation with the patient, determines that either a shorter period of hospital stay, or outpatient treatment, is medically appropriate.

''(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

''(c) NOTICE.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in the summary of the plan made available or distributed by the plan and shall be transmitted—

''(1) in the next mailing made by the plan to the participant or beneficiary; or

''(2) as part of any yearly informational packet sent to the participant or beneficiary; whichever is earlier.

''(d) SECONDARY CONSULTATIONS.—

''(1) IN GENERAL.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that coverage is provided for secondary consultations, on terms and conditions that are no more restrictive than those applicable to the initial consultations, by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

''(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

''(e) PROHIBITION ON PENALTIES.—A group health plan may not—

''(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

''(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

''(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (d).''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act). For purposes of this paragraph, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

**SEC. 7. OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD PARTY REVIEWS OF CERTAIN NONRENEWALS AND DISCONTINUATIONS, INCLUDING RESCISSIONS, OF INDIVIDUAL HEALTH INSURANCE COVERAGE.**

(a) CLARIFICATION REGARDING APPLICATION OF GUARANTEED RENEWABILITY OF INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2742 of the Public Health Service Act (42 U.S.C. 300gg–42) is amended—

(1) in its heading, by inserting ''**, CONTINUATION IN FORCE, INCLUDING PROHIBITION OF RESCISSION,**'' after ''**GUARANTEED RENEWABILITY**'';

(2) in subsection (a), by inserting '', including without rescission,'' after ''continue in force''; and

(3) in subsection (b)(2), by inserting before the period at the end the following: '', including intentional concealment of material facts regarding a health condition related to the condition for which coverage is being claimed''.

(b) OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD PARTY REVIEW IN CERTAIN CASES.—Subpart 1 of part B of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

**"SEC. 2746. OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD PARTY REVIEW IN CERTAIN CASES.**

''(a) NOTICE AND REVIEW RIGHT.—If a health insurance issuer determines to nonrenew or not continue in force, including rescind, health insurance coverage for an individual in the individual market on the basis described in section 2742(b)(2) before such nonrenewal, discontinuation, or rescission, may take effect the issuer shall provide the individual with notice of such proposed nonrenewal, discontinuation, or rescission and an opportunity for a review of such determination by an independent, external third party under procedures specified by the Secretary.

''(b) INDEPENDENT DETERMINATION.—If the individual requests such review by an independent, external third party of a nonrenewal,discontinuation, or rescission of health insurance coverage, the coverage shall remain in effect until such third party determines that the coverage may be nonrenewed, discontinued, or rescinded under section 2742(b)(2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply after the date of the enactment of this Act with respect to health insurance coverage issued before, on, or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise in strong support of the Breast Cancer Patient Protection Act of 2008, introduced by my good friend and colleague from Connecticut, Congresswoman ROSA DELAURO, and I know she's been working long and hard on this legislation. I am very pleased that we're bringing it up this evening.

This legislation is very important. It would provide protections for women across America who suffer from breast cancer.

Under the bill, doctors, in consultation with their patients, would decide the length of time the patient should remain in the hospital after having a mastectomy and other types of related procedures, and not the insurance company.

This legislation does not mandate hospitalization, but instead, restores the right of patients to consult with their physicians and decide how long she should be hospitalized, based on medical appropriateness.

Presently, 20 States have implemented minimum stay requirements to varying degrees. As a result, some people may question why this legislation is necessary. This bill is not for the women who live in States or have insurance policies that provide these protections. It is for the women who do not. For these women, a Federal remedy is their only hope. Having access to appropriate medical care should not be dependent on the State that you live in.

Mr. Speaker, for the thousands of American women diagnosed with breast cancer each year, this bill would help put an end to what has come to be known as drive-through mastectomies.

In addition, the bill clarifies existing law on when a health insurer can or cannot issue a decision of non-renewal, discontinue or rescind a health insurance policy. The bill would also create a new consumer protection by setting up a new independent review process for consumers in the individual health insurance market in the event of a non-renewal, discontinuation or rescission of a health insurance policy. Insurers would be required to continue coverage under such policy until completion of the independent review.

Once again, I want to thank my colleagues who have worked so hard on both of these bills, particularly Ms. DELAURO, the bill's sponsor; and I also want to thank the chairman of the Energy and Commerce Committee, Mr. DINGELL, who championed this cause during the patient's bill of rights debate, which some may remember—I certainly do. I also want to thank our friends in the minority, particularly Mr. BARTON and Mr. DEAL, for working across party lines to strengthen this bill. This is a very important bill, Mr. Speaker.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield such time as he may consume to the ranking member of the full committee, Mr. BARTON.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Thank you, Dr. BURGESS.

Mr. Speaker, I want to rise in strongest possible support for H.R. 758, the Breast Cancer Patient Protection Act.

As you know, as our distinguished subcommittee chairman Congressman PALLONE has already said, this bill will guarantee that every woman in America in need of a mastectomy and certain other procedures related to breast cancer will have access to such care and, with her doctor's consent, will be allowed to stay in the hospital for up to 48 hours after that operation has been conducted. This is an important protection for every woman in America; and as Congressman PALLONE said, while it is allowed in some States, it's not allowed in other States.

One of the things in this bill that I want to speak briefly about, Mr. Speaker, is that for the first time we put into Federal law a provision that says if an individual has a policy that's not a group policy but an individual policy and that individual has to have a procedure and the insurer, in looking into the primary procedure, discovers that there was some inadvertent omission of information on the person's health record that's not directly related to the procedure in question, then that person's health insurance coverage cannot be canceled.

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I had a situation in my district, Mr. Speaker, within the last several months where a woman had decided to move out of State to take care of her parents. And when she did that, she lost her group coverage and she converted her group plan to a private insurance plan.

She moved, took care of her family, came back to Texas, and in a routine examination discovered that she had breast cancer. Her doctor recommended an immediate mastectomy. And when they went to schedule that, the insurance coverer began to go through her insurance application with a fine tooth comb and finally canceled it based on the proposition that she had failed to inform, in her private application, the fact that several years before she had been treated briefly for hypertension and taken some blood pressure medicine. She was no longer being treated and was no longer under medicine, but the fact that she failed to state on her original application that she had been in the past, the insurance carrier canceled her policy.

Now this is a woman who has been diagnosed with breast cancer. As we all know, if the treatment option that is recommended by the doctor is a mastectomy, that should be done as quickly as possible, yet this insurance carrier looked for a reason and finally found a reason and canceled her policy. Under the bill before us, Mr. Speaker, that would no longer be possible. The coverage would continue in force. And if it was discovered that there was an intentional fraudulent omission, then the coverage could be canceled; but if that's not the case, if it's truly inadvertent, it's not directly related, then you cannot cancel the insurance policy.

This bill and this amendment, if the other body passes it and it becomes law, literally can save tens of thousands of women's lives every year in America. So I am very honored to have played a small part in bringing this bill to the floor. And I am extremely pleased that the members of the Energy and Commerce Committee, on a bipartisan basis, included my amendment that I have just spoken about.

I urge this passage in the strongest possible terms. I thank my friend, Dr. BURGESS from Texas, for yielding me time.

Mr. PALLONE. Mr. Speaker, I am very proud now to yield 5 minutes to the sponsor of the legislation, the gentlewoman from Connecticut (Ms. DELAURO), who really has worked for so many years championing this cause.

Ms. DELAURO. I thank the gentleman from New Jersey.

After too many long years, this is a historic moment. After too many lost opportunities, this is our chance to make a difference and to take an important step toward meeting our commitment to the women of America.

I want to thank my colleague, Chairman DINGELL, with whom I introduced the very first version of the Breast Cancer Patient Protection Act over a decade ago. It is his partnership and that of our colleagues, Chairmen PALLONE, STARK, ANDREWS, MILLER, that helped to make this day and this vote possible.

I want to say thank you to the ranking member of the full committee, Mr. BARTON, for his support, and for the bipartisan support of this effort.

More than 12 years ago, I first met Dr. Kristen Zarfos. She walked into my office in Connecticut and told me that HMOs were forcing her to discharge her patients before they were ready, sometimes just hours after mastectomy surgery. Dr. Zarfos' experience inspired me to get involved. Her tireless work with patients in my State of Connecticut and with a network of doctors she knew around the country gathered support for this bill from the grass roots all the way to the Congress.

Today, a woman's chance of developing breast cancer in her lifetime is one in eight. Almost everyone knows someone who has suffered from this disease. If you have watched a loved one fighting for her life, you understand how important it is to have not only the loving support of family as I did during my fight against ovarian cancer, but also adequate recovery time in the hospital after surgery so you have the professional care to begin healing and to avoid infection.

A mastectomy is not an easy surgery; it is physically and emotionally traumatic. That is what the Breast Cancer Patient Protection bill is all about. It says that when it comes to mastectomies and lumpectomies, adequate recovery time in the hospital should not be negotiable. The last thing any woman should be doing at that time is fighting with her insurance company.

This bill does not mandate a 48-hour hospital stay if a patient chooses to go home sooner, nor does it set 48 hours as a maximum amount of time a woman can stay in the hospital. It simply ensures that any decision in favor of a shorter or longer hospital stay will be made by the patient and her doctor, and not an insurance company. It would also ensure women have access to second opinions and adequate hospital stays after having a lumpectomy.

Some may argue that the time for a bill like this has already passed, that States are beginning to address the issue, but the truth is that drive-through mastectomies continue to today.

At the Energy and Commerce Subcommittee hearing this spring—and I thank, again, the gentleman from New Jersey (Mr. PALLONE)—breast cancer patient Alva Williams testified that she had a mastectomy on March 6, 2006 and was sent home several hours after surgery. Her insurance company would not cover an overnight stay. Ms. Williams had family to take care of her at home, but they had no medical training. She developed an infection in her incisions. Recovering from the infection caused Ms. Williams' chemotherapy treatments to be delayed by 6 weeks.

All across the Nation women continue to suffer the same way that Alva Williams suffered, physically and emotionally, and yet without the care they should rightfully be getting for the insurance premiums that they have paid. And all across this Nation people everywhere are saying, ''No more.''

Twenty-three million Americans have signed Lifetime Television's petition calling for the Breast Cancer Patient Protection Act's passage. Now with 222 cosponsors in the House and Senators SNOWE and LANDRIEU leading 19 cosponsors in the Senate, strong bipartisan support exists for these most basic patient protections.

I urge my colleagues to support the Breast Cancer Patient Protection Act. Make this day a powerful turning point. We have a tremendous opportunity today to make it clear to women, to cancer patients, and to their families that we value your health.

I again thank my colleagues, and urge the support of this bill.

Mr. BURGESS. Mr. Speaker, this is an important bill. It raises a fundamental question, who should make a medical decision? Is it the insurance company? Is it the HMO? Is it the United States Congress? Or is it a Federal agency? The answer to that question is ''none of the above,'' it is the patient's physician, in consultation with the patient and her family. And this rightfully puts the decision back where it should have been all the time. Patient, in consultation with physician or family, should make the appropriate decision.

There is nothing in this bill that says a 48-hour stay is required or mandated. There is nothing in this bill that says a 48-hour stay is a maximum length of time.

I also want to thank the ranking member, Mr. BARTON, of the full committee for bringing the important amendment that would disallow an insurance company for rejecting an patient's claim based on an inadvertent error in the application process. This amounts to a clerical error that might seriously jeopardize a patient's health or leave a patient who was not expecting a very large medical expenditure to suddenly be facing one. And certainly, given the status of today's economic climate, that would be an intolerable occurrence as well.

I thank the author of the bill for bringing it forward. I thank the subcommittee chairman for bringing it to the floor.

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

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Mr. PALLONE, and to the other side of the aisle, for bringing this wonderful bill before us, H.R. 758, the Breast Cancer Patient Protection Act.

Breast cancer is the second leading cause of cancer death among women and the leading cause of cancer death among women under the age of 40.

Marin County, in my district, just north of the Golden Gate Bridge in San Francisco, has the highest rate of breast cancer in the United States of America. Marin's rates are approximately 40 percent higher than national average, and about 30 percent higher than the rest of the Bay Area.

My constituents are personally involved in our need to increase the funding for research so that we can learn more about what is causing breast cancer and how best to treat it.

We must also pass H.R. 758, the Breast Cancer Patient Protection Act, so that we can ensure that doctors are the ones making the decisions about medical care, not health insurance companies, not clerks.

This bill, H.R. 758, will prohibit drive-through mastectomies. It will ensure that women receive the best possible care. The last thing a patient and her family needs to be dealing with when trying to fight breast cancer is battling with a health insurance company, battling about covering necessary medical treatment.

Again, Mr. Speaker, I urge my colleagues to support H.R. 758, the Breast Cancer Patient Protection Act, to leave the decisions about the medical care of breast cancer patients to doctors and their patients, not health insurance companies.

Mr. PALLONE. Mr. Speaker, I yield myself such time to close very briefly.

I cannot stress enough how important this legislation is. We obviously need to put an end to the drive-through mastectomy. And although it may be the case that they have been eliminated in a number of States, they have not been nationally. I would urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak today on an important bill that I believe in, H.R. 758, The Breast Cancer Patient Protect Action of 2007. This bill is important to people facing this horrible disease, and it is time that we protect those who are the most vulnerable among us.

Patients who have breast cancer face a very tough road ahead. The medical realities are enough to frighten anyone and these patients face financial realities as well. With an ever corporatizing of the American health care system, it's more of an in and out process. Even those with excellent healthcare are pushed out of hospitals with great speed. Worse yet, those who do survive face an uphill battle making sure they can get the follow up they need to assure a long and healthy life.

This bill will show support for those with breast cancer that they are not alone. Worried

that while they are recovering from major surgery, their insurance company will look at the bottom line, and no longer pay for hospital stays. This bill will require insurance companies to pay for the stays as long as the doctor thinks is necessary. As I am sure all of my colleagues know, you cannot get an insurance company to do anything without regulation.

This legislation will also remove the doctor's biggest challenge, needing insurer's permission before doing what they believe is medically necessary. There is nothing worse about our healthcare system today then the thought that it's not your doctor making the decisions for your care, but it's the insurance company that pays him or her. It's an unfortunate reality that doctors must choose between caring for their patients and keeping their practice and families afloat. This bill will at least give these doctors back the right to have the option of always putting their patients first.

Last, this bill also provides for secondary consultations by specialists in the appropriate medical fields to confirm or refute a diagnosis of cancer. While the vast majority of cancer diagnoses are correct, with the small numbers that are ''false positives'' this bill will allow for patients to double check their status before undergoing very expensive and dangerous treatment.

I am reminded of the American political commentator, journalist, and author, Molly Ivins of Texas. Diagnosed with breast cancer when she was 55, she didn't look down on her situation and feel sorry for herself. She instead looked at it as an opportunity saying, ''One of the things I said was that I had been in great hopes I would become a better person as a result of confronting my own mortality, but it actually never happened. I didn't become a better person.'' After two mastectomies, Molly toured around the country speaking out about breast cancer awareness, tragically she later died of the disease.

Almost everyone has had, or knows someone who has breast cancer, it's our mothers and daughters, sisters and friends who face this disease, and it's time we honor them, by protecing those who come after them. I also pay tribute to the work of Sister's Network in supporting this bill.

Mr. Speaker, we need to make sure that doctors are making the right diagnosis, that they are making the choices in care and not the insurance companies and that the health and care of these patients are in the right hands. I urge passage of this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 758: the ''Breast Care Patient Protection Act of 2008.'' I would like to commend my colleague, Congresswoman ROSA DELAURO who has fought passionately for issues like these since she entered the Congress.

Put simply, this bill protects the health of women and ensures they have the time they need to recover from difficult medical procedures. With passage of this legislation no longer will women have to feel pushed out the door following breast cancer treatment. There are too many stories of women across the country who ave suffered from not being given the proper time to recover from breast cancer surgery for Congress to stand idle.

According to the Connecticut Department of Health, in 2004, 29 percent of all new diagnosed cases of cancer in Connecticut were breast cancer. This was more than any other type of cancer diagnosed in women in the State.

While we need to continue to be vigilant in the fight against the causes of breast cancer we must also ensure that those seeking treatment are given the protections to allow for them to properly recover. I again commend my colleague Ms. DELAURO and repeat my firm support of this legislation.

Ms. SLAUGHTER. Mr. Speaker, today I rise in support of the Breast Cancer Patient Protection Act and urge its passage.

Breast cancer is so pervasive it touches every American family. One in eight women can expect to be diagnosed with breast cancer during her lifetime, and it remains the number one cause of death in women between the ages of 30 and 54. In my congressional district there are almost 1,500 incidences of breast cancer and nearly 300 women die ftom this disease every year.

Breast cancer surgery is not easy, physically or emotionally—but all too often women find themselves forced by their insurance companies to leave the hospital before they are ready—sometimes just hours after surgery.

One woman ftom New York said: ''I was one of those women that was forced out of the hospital after having a double bilateral mastectomy with four drainage tubes still attached. It was the most barbaric thing ever done to me.''

Rushing a woman through a hospital stay and pressuring her to return to her normal life almost immediately, hampers her recovery at the least and may put her in grave danger. That is why it is imperative that we pass the Breast Cancer Patient Protection Act.

This bill would help ensure that patients have adequate support after breast cancer surgery by: Guaranteeing a minimum hospital stay of 48 hours for a woman having a mastectomy or lumpectomy, and 24 hours for a woman undergoing a lymph node removal; requiring health plans to include notice of these benefits in their monthly mailing and yearly information packet sent to plan participants; and requiring plans to cover a second opinion should the patient seek one.

We must also support research into better breast cancer detection methods. Mammographies miss too many women and cannot suffice as our gold standard.

Women diagnosed with breast cancer across this country deserve the best care possible—their lives depend on it.

Mr. VANHOLLEN. Mr. Speaker, I rise in strong support of the Breast Cancer Patient Protection Act of 2008.

Over two million women living in this country have been treated for breast cancer. This common sense legislation would allow a woman and her doctor to decide—rather than the insurance company—whether she needs to have adequate time of at least 48 hours to recuperate in the hospital from a mastectomy or lumpectomy, or whether she has enough support to get quality care at home. As someone who has lost their mother to breast cancer, the last thing women undergoing these invasive procedures should have to deal with is fight with their insurance company.

Mr. Speaker, I urge my colleagues to support this compassionate bill. It will ensure that women suffering from this terrible disease have access to appropriate health care.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 758, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## HEALTH INSURANCE RESTRICTIONS AND LIMITATIONS CLARIFICATION ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6908) to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6908

*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 ''Health Insurance Restrictions and Limitations Clarification Act of 2008''.

**SEC. 2. DISCLOSURE REQUIREMENTS.**

(a) ERISA.—Section 702(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(2)(B)) is amended by inserting before the period at the end the following: ''so long as—

''(i) such limitations and restrictions are explicit and clear;

''(ii) in the case of such limitations and restrictions in health insurance coverage offered in connection with the group health plan, such limitations and restrictions have been disclosed in writing to the plan sponsor in advance of the point of sale to the plan;

''(iii) the plan sponsor of the health insurance coverage provide, to participants and beneficiaries in the plan in advance of the point of their enrollment under the plan, a description of such limitations and restrictions in a form that is easily understandable by such participants and beneficiaries; and

''(iv) the plan sponsor and the issuer of the coverage provide such description to participants and beneficiaries upon their enrollment under the plan at the earliest opportunity that other materials are provided''.

(b) PHSA.—Section 2702(a)(2)(B) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(2)(B)) is amended by inserting before the period at the end the following: ''so long as—

''(i) such limitations and restrictions are explicit and clear;

''(ii) in the case of such limitations and restrictions in health insurance coverage offered in connection with the group health plan, such limitations and restrictions have been disclosed in writing to the plan sponsor in advance of the point of sale to the plan;

''(iii) the plan sponsor and the issuer of the group health insurance coverage make available, to participants and beneficiaries in the

plan in advance of the point of their enrollment under the plan, a description of such limitations and restrictions in a form that is easily understandable by such participants and beneficiaries; and

''(iv) the plan sponsor and the issuer of the coverage provides such description to participants and beneficiaries upon their enrollment under the plan at the earliest opportunity that other materials are provided''.

(c) INTERNAL REVENUE CODE.—Section 9802(a)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''so long as—

''(i) such limitations and restrictions are explicit and clear;

''(ii) the group health plan makes available, to participants and beneficiaries in the plan in advance of the point of their enrollment under the plan, a description of such limitations and restrictions in a form that is easily understandable by such participants and beneficiaries; and

''(iii) the plan provides such description to participants and beneficiaries upon their enrollment under the plan at the earliest opportunity that other materials are provided''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to plan years beginning after 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 6908, the Health Insurance Source of Injury Clarification Act of 2008. This bill would prohibit health insurers from restricting or denying benefits to plan participants if they are injured while engaging in legal recreational activities like riding a motorcycle, skiing, snowmobiling or horseback riding unless such restrictions were made explicitly clear by the plan to the person before he or she enrolled.

Mr. Speaker, this change is necessary because of a 2001 rule that was issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

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While that 1996 rule prohibits employer health plans and insurers from denying coverage to individuals who engage in legal recreational activities, the rule ironically allows the denial of health care benefits for injuries sustained while participating in such recreational activities. If I could explain that again, you can't deny coverage, but you can deny benefits, which obviously makes no sense.

Accordingly, the rule in its current form will allow insurance companies to treat health care benefits coverage arbitrarily and capriciously. Under the current rule, a plan could for example deny coverage for someone who has broken an arm through skiing or riding a motorcycle but would cover someone who sustained a similar injury from drinking and driving. What is worse is that a person might not even know that their health care coverage was even subject to such limitations until after they were actually injured.

So, Mr. Speaker, this is an important consumer protection for millions of Americans who participate in recreational activities every day by providing greater transparency for plan participants. When we enacted the rule in 1996, we did not intend that people would be allowed to purchase health insurance only to find out after the fact that they had no coverage for an injury resulting from a common recreational activity. This bill simply clarifies that point.

I want to thank Mr. STUPAK and Dr. BURGESS who have worked very hard on this legislation. I urge my colleagues on both sides of the aisle to support its adoption.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I thank the chairman of the subcommittee for bringing the bill to the floor tonight.

This is an important bill, an important bill to me and an important bill to Mr. STUPAK of Michigan. We've worked on this for a number of years through a number of sessions of Congress. In January 2001, the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration, as it was then known, issued a rule in accordance to the Health Insurance Portability and Accountability Act of 1996 that was designed to guard against discrimination in coverage in the group health market. While addressing the issue of discrimination based upon participation in certain activities, these rules allowed continued health plan nonpayment based upon the source of an injury. This resulted in a situation where some people who have paid the premiums and believed they would be covered by their plans were actually responsible for paying for their own medical treatment because the exclusions were either unclear or very, very broad.

The lack of clarity underlying these exclusions has created a confusing situation for individuals that may ride a motorcycle, might ride on horseback, might operate a snowmobile or participate in other activities that could result in an injury. Millions of Americans enjoy these activities safely every year within the framework of State laws and utilizing proper safety precautions. Earlier last year Congressman STUPAK and I introduced H.R. 1076 to restore fairness and equity to the situation.

In response to concerns raised during discussions on this bill, the House Energy and Commerce staff, my staff and Mr. STUPAK's staff have all worked together in a bipartisan manner to address certain areas of concern. As a result of these conversations in negotiations, we have reintroduced our original legislation to encapsulate the agreed-to principles.

H.R. 6908, the Health Insurance Source of Injury Clarification Act will, number one, require any limitations and restrictions on health plan benefits be spelled out, that they be explicit, that they be clear; number two, require that they be disclosed to the sponsor of the group health plan in advance of the point of sale of the group health plan; and, thirdly, require that the issuer of the health insurance coverage make available to participants and beneficiaries in an easily understandable manner a description of the limitations and restrictions upon their enrollment.

This legislation is supported by a number of groups. The American Motorcyclist Association has been very supportive and very vocal in their support of this legislation, and I certainly appreciate their efforts in advocating for an issue that is very important to them, likewise the Motorcycle Riders Foundation. In addition, the American Council of Snowmobile Association, the American Horse Council, the American Recreational Coalition, American Trails, Americans for Responsible Recreational Access, the Blue Ribbon Coalition, the International Mountain Bicycling Association, the National Ski Areas Association, the Specialty Vehicle Industry Council, the Sporting Goods Manufacturing Association, the Washington Road Riders Association, and many others support this legislation.

Mr. Speaker, again, this is a culmination of many, many months and indeed years of work on the Energy and Commerce Committee. Again I want to congratulate the cosponsor of the bill, Mr. STUPAK of Michigan, and thank the chairman and the ranking member of the subcommittee for allowing this bill to come forward this evening.

Mr. DINGELL. Mr. Speaker, I am pleased to support H.R. 6908, a bill introduced by Representatives BART STUPAK and MICHAEL BURGESS. H.R. 6908 represents a compromise that achieves everyone's goals and is acceptable to all. As a result, the Committee on Energy and Commerce favorably reported the bill last week.

H.R. 6908 requires transparency in healthcare benefits. An insurer is required to explicitly and clearly state any restrictions and limitations on benefits.

You would not buy a car without knowing if it was new or used. Why should you buy health insurance without knowing whether the benefits you may need are included?

This bill does not change what benefits an insurer provides. It merely requires that restrictions be transparent to the consumer. Specifically, this bill requires: (1) that any limitations on benefits be explicit and clear; (2) that they be disclosed to plan sponsors in advance of

the point of sale; and (3) that they be disclosed to participants and beneficiaries in a manner that is easily understandable in advance of enrollment and after enrollment.

This is a commonsense bill, and it is surprising we have not required such transparency before. I urge my fellow colleagues to support passage of H.R. 6908.

Mr. STUPAK. Mr. Speaker, this legislation does one simple thing—it requires health insurance companies to be up front and honest with their policyholders when they place limitations and restrictions on benefits prior to selling them an insurance policy.

Currently, the way insurance regulations are set, many Americans are unaware that their health insurance may not cover injuries resulting from certain recreational activities because their policy is unclear or very broad.

This lack of clarity has created a confusing situation for individuals that may ride motorcycles, horses, snowmobiles, or participate in other recreational activities.

While millions of Americans enjoy these activities safely every year, when an individual is injured, they often find that their insurance will not cover their medical expenses until it is too late.

H.R. 6908 would require that any limitations and restrictions on insurance benefits be explicit and clear. Insurance companies would be required to make available to participants and beneficiaries in an easily understandable manner a description of the limitations and restrictions included in the policy.

By passing this straightforward legislation, we will protect our constituents that ride motorcycles, horses, snowmobiles, or participate in other recreational activities from being caught by surprise when they thought that their policy covered any possible injuries from their accident.

I encourage all of my colleagues to vote in support of this legislation.

I want to thank Congressman BURGESS for his work on this legislation as well as Chairmen DINGELL and BARTON.

I also want to thank Bridgett Taylor, Ryan Long, and Josh Martin with the Committee staff and Erika Orloff of my personal staff for their hard work on this legislation.

Mr. BURGESS. Seeing no other speakers on my side, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I would urge passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6908, as amended.

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

A motion to reconsider was laid on the table.

## STEPHANIE TUBBS JONES ORGAN TRANSPLANT AUTHORIZATION ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6469) to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6469

*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 ''Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The National Organ Transplant Act of 1984 amended the Public Health Service Act to require the Secretary of Health and Human Services to provide for, by contract with a private nonprofit entity, the establishment and operation of an Organ Procurement and Transplantation Network.

(2) The Organ Procurement and Transplantation Network represents a unique public-private organization that requires each party to contribute a certain amount of funding to the network's operation.

(3) The National Organ Transplant Act of 1984 provided a statutory annual authorization of $2,000,000 for such purpose with remaining costs to be paid by the private sector contractor.

(4) In 1984, the annual total operating cost of the Organ Procurement and Transplantation Network was $5,000,000, but in 2007 such annual cost exceeded $27,000,000.

(5) The original authorization amount for the Organ Procurement and Transplantation Network has never been increased since the enactment of the National Organ Transplant Act of 1984, resulting in a greatly increased cost burden on the private sector contractor.

(6) Much of the increased costs of operation of the Organ Procurement and Transplantation Network have resulted from additional duties and responsibilities assigned to the private sector contractor by Federal regulations and Secretarial directives.

**SEC. 3. INCREASED FUNDING FOR THE ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.**

Section 372(a) of the Public Health Service Act (42 U.S.C. 274(a)) is amended by striking ''$2,000,000'' and inserting ''$7,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 6469, the Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008. This legislation would provide important new funding for the Organ Procurement and Transplantation Network.

Nearly 100,000 people are on the U.S. organ transplant waiting list, and 19 people in the U.S. die every day because a lifesaving organ does not become available to them.

The Organ Procurement and Transportation Network, OPTN, performs the critical functions of maintaining the Nation's organ transplant waiting list and facilitating the matching of deceased donor organs with individuals in need of a transplant. It also develops policies and procedures for organ recovery, distribution and transportation, collects data about organ donation and transplantation and provides professional and public education about organ donation and transplantation.

Since its creation in 1984, authorization levels for the OPTN have stagnated at no more than $2 million annually. Today the projected cost of operating the OPTN is approximately $27 million. Over the years, both the demand for transplantation and the responsibilities of the OPTN have increased, yet funding levels have obviously not followed suit. This legislation provides a much-needed increase in the authorization of appropriations for OPTN from $2 million to $7 million annually.

The bill is aptly named in honor of Representative Stephanie Tubbs Jones, our Democrat of Ohio who died on August 20, 2008, from a brain aneurysm. Representative Tubbs Jones was a strong and vocal advocate for organ donation during her life and donated her organs upon her passing. It is estimated that as many as 58 people will benefit from her donation. When enacted, Mr. Speaker, this legislation will provide critical funding to ensure the OPTN has resources it needs to continue to perform its valuable services to our Nation.

I would particularly like to thank Representative DIANA DEGETTE for all her hard work on ensuring passage of this legislation. I urge my colleagues to support this important piece of legislation.

I reserve the balance of my time.

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

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the sponsor of the legislation, the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I want to thank the subcommittee chairman for working with us on this bill. And I especially want to thank Mr. COSTA and Mr. CAMP for all of their hard work and advocacy in helping us bring such an important bill to the House floor.

I stand here in strong support of H.R. 6469, which has been named the Stephanie Tubbs Jones Organ Transplant Act of 2008. We named this bill in honor of our dear departed colleague because Stephanie Tubbs Jones was a committed advocate of organ transplantation and was an organ and tissue donor herself. Upon her passing she was able to continue serving her constituents and the Nation by donating her tissue and organs.

As the chairman said, the National Organ Transplant Act authorized the creation and operation of the Organ Procurement and Transportation Network in 1984. Among other things, the OPTN's responsibilities include facilitating the matching of deceased donor organs with individuals waiting for an organ transplant, developing policies and procedures for organ recovery, distribution and transportation, collecting and managing scientific data about organ donation and transplantation, and maintaining the Nation's organ transplant waiting list.

The National Organ Transplant Act limits Federal support to the OPTN to no more than $2 million annually. But this figure has not been increased since the network was created in 1984. Since then, though, the annual operating costs of OPTN have increased from $5 million to $27 million. The demand for transplantation has increased, and the costs of transplantation have increased, but funding levels have remained stagnant.

The problem is compounded by the fact that OPTN has been asked to take on new responsibilities. For example, Congress recently clarified that paired kidney donation is not a violation of the act and therefore must also be facilitated by the network. But there are no plans available to implement such a national program. The Health Resources and Services Association has also directed the network to assume jurisdiction over living organ donors, a new and very challenging jurisdiction.

Therefore, Mr. Speaker, this bill increases the authorized funding by $5 million to $7 million annually. And quite frankly this amount is modest considering there are almost 100,000 patients on the waiting list for an organ transplant.

This bill is supported by numerous groups, Mr. Speaker. It is a vitally important bill. I look forward to passing it tonight and further continuing Stephanie Tubbs Jones' legacy of public service.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I too want to thank the subcommittee chairman, Mr. FRANK PALLONE from New Jersey, for his good work in this important legislation that we are going to vote on. This effort is really a culmination of a lot of people's hopes, desires and dreams to further advance the medical science that has taken place in recent decades on organ transplants.

As a founder and the cochair of the Congressional Organ and Tissue Donation Awareness Caucus, I am very pleased to support this measure before us, H.R. 6469, otherwise known thereafter as the Stephanie Tubbs Jones Organ Transplant Authorization Act.

I want to thank my colleague Congresswoman DEGETTE for her hard work with me on this important legislation, as well as the caucus cochairs, Congress Member CAMP, Congress Member CLAY and Congresswoman ROS-LEHTINEN, all champions of transplant communities throughout our country.

This bill reaffirms our Nation's commitment to providing lifesaving care through transplantation, and at the same time it honors our late colleague, Congresswoman Stephanie Tubbs Jones, who gave the gift of life by becoming an organ donor after her passing.

The Organ Procurement and Transplantation Network was created in 1984 as a public-private partnership to facilitate the safe, effective and efficient sharing of organs through donation and transplantation. Since its inception, the Organ Procurement and Transplantation Network, which contracts with the United Network for Organ Sharing, has helped facilitate the transplantation of over 435,000 organs. And nearly 53,000 of them have occurred in my home State of California. I know, because I have worked with the transplant community. My good friend, Dr. Sue McDiarmid, who was formerly the president of the United Network for Organ Sharing, and her colleagues have been doing some amazing work at UCLA Transplant Center to serve the needs of our youngest children specializing in pediatric transplantation with the largest record of transplantation that has taken place probably anywhere in the world, giving these young children, and in some cases babies, a second chance at a full life.

Whether it's a kidney transplant that ends a child's need for dialysis or a liver transplant that gives a person a second chance to play catch with his or her daughter or son, the impact of these lifesaving procedures cannot be overstated. With the advancement of medical science today, we are able to do more and more in this gift of life that is so important.

The SPEAKER pro tempore (Mr. DONNELLY). The time of the gentleman from California has expired.

Mr. PALLONE. Mr. Speaker, I yield 1 additional minute to the gentleman.

□ 2000

Mr. COSTA. Still, despite the amazing advances the United Network for Organ Sharing and its partners in the transplant community have made, there is still much work to be done. As has been noted, over 100,000 people are currently waiting for an organ, and the numbers grow each day.

Today, we take an important step toward reducing that number by providing additional resources to continue the increased number of donors to improve and to expand the outreach and to help provide those in need with the access to life-saving organs.

I encourage all of my colleagues to join in honoring Congresswoman Tubbs Jones by supporting this bill and by also following her example in becoming organ donors. After all, it's perhaps the most precious gift we can give. I know because I am one of those who intends to do just that.

I urge an ''aye'' vote on this important measure.

Mr. BURGESS. Mr. Speaker, I rise in support of H.R. 6469, the Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008. I am proud to support this bill in honor of the late Congresswoman Stephanie Tubbs Jones.

I would also like to commend Congresswoman DIANA DEGETTE for her work on this bill.

This bill increases the authorized funding for the Organ Procurement and Transplantation Network, which has not been increased since 1984. The Organ Procurement and Transplantation Network provides coordination between individuals in need of an organ transplant and donor organs made available from deceased donors. I support the increased authorization levels for the program, which currently represent only 7 percent of the operating cost for this valuable resource.

For those concerned about the increased expenditure, do consider for a moment, in just the arena of kidney dialysis and of kidney transplant, the cost of keeping someone on dialysis three times a week indefinitely. That person can be relieved of that burden, of that dialysis burden. The dialysis, itself, costs significant amounts of money. Of course, that's not to say anything about the quality of life that may be returned to that person who is a recipient of a transplant.

I agree with the gentleman from California. We should sign our donor cards, if we're able, and should become donors because there are people on waiting lists. There is no point in sending organs to heaven. Heaven knows we need them here. With that, I urge support of the legislation.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, at this time, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. The gentlewoman is recognized for 3 minutes.

Ms. JACKSON-LEE of Texas. I thank the Speaker very much, and I appreciate his leadership this evening, and I appreciate his managing the floor in such a dynamic and excellent manner.

Let me also thank the chairman of the subcommittee on Energy and Commerce, Mr. PALLONE, the manager of this bill. Let me thank our loyal opposition, Dr. BURGESS, a colleague and friend from Texas. As well, let me thank DIANA DEGETTE, who has worked so hard to get this legislation to the floor, one legislative initiative that has been championed by Stephanie Tubbs Jones and the honor that has been given her by naming this the Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008.

This is a difficult question to debate on the floor of the House because, whenever you think of organ transplants, you're well aware that someone you've loved or some friend or some neighbor has passed away, and we know that when a loved one dies it is never a happy moment. Experiences like this

always bring sadness and sorrow, but when that loved one's death can serve, however, as a beacon of hope for someone else, maybe there can be an additional moment of comfort for those who have lost their loved ones. That's probably one of the most difficult aspects is to predict loss of life or to be able to say to your family that you want to be an organ donor.

This legislation, I think, goes a long way in responding to the thousands and thousands who are on the list for organ donations, such as for kidney and liver donations. Currently, there are over 60,000 people on the transplant list for kidneys, praying that someday they will receive a kidney and will be able to live a full life. Liver donations, I know, are extremely difficult.

I want to pay tribute to one of our very fine public servants in the State of Texas, State Senator Mario Gallegos, who goes around speaking openly about how his life was saved because of a liver transplant and about how he works tirelessly for full coverage for those individuals who receive transplants.

This bill is an important bill because the formula that was developed for organ transplants was developed in 1984. It is old and outdated. Since then, there have been countless new regulations that have increased the cost. In response, the marketplace has been shifting this cost on to private entities. Often, these entities are nonprofits that lack the funds to help in all they should be able to do or would like to do.

We need to help these patients with high-quality, low-cost health care and assure those who are needing transplants that they can rest easy in that they will receive the care they deserve. That is the advocacy of Senator Mario Gallegos.

This bill will create the Organ Procurement and Transplantation Network public-private partnership that will greatly increase a patient's access to transplants. Additionally, it will take some of the burden off of the nonprofit entities that are already facing some of the toughest conditions in the sector.

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

Mr. PALLONE. Mr. Speaker, I yield the gentlewoman an additional minute.

Ms. JACKSON-LEE of Texas. This bill will also provide an updated reimbursement formula to these nonprofits to modernize the system. Most importantly, it will make a very important statement, Mr. Speaker—the need for organ donors and the great need of those needing organ transplants.

We know that we lost our very dear friend in August, a friend who championed health care, who championed her own health system in the State of Ohio. More importantly, she valued life because she lived it to the fullest. Yet she understood that, in death, you can also give life. This is a great tribute to Congresswoman Stephanie Tubbs Jones. It reminds us again of the need of organ transplants and of donors in the African American population, which makes up about 12 percent of the Nation's population, about 12 percent of the patients who donate but 23 percent of the need.

So this is an important step forward, this legislation that is now being renewed. It is an important tribute to Congresswoman Stephanie Tubbs Jones and to her family. Out of the joyful life that she had, she then gave life in death and reminded us of the importance of organ transplants and of the life they give to others.

I ask my colleagues to support this legislation.

Mr. Speaker, I rise today to voice my support for House Resolution 6469, The Organ Transplant Authorization Act of 2008. Whether in war or peace, the greatest gift one person can give to another is the gift of life.

When a loved one dies, it is never a happy moment; experiences like this always bring sadness and sorrow. When that loved one's death can serve as a beacon of hope for another, it does not lessen the sadness; it allows the family to have a good, if small, memory of the loss of their loved one.

Thankfully, there are a great number of cases of living donors sharing the gift of life instead of giving it. In this country, the need for kidneys grows every year as kidney disease increases. It is estimated that within the next decade, the rate of kidney disease will double. Currently there are over 60,000 people on the transplant list praying that someday they will receive a kidney and will be able to live a full life, free of dialysis three times a week. It is time to help patients, all across the country, in need of lifesaving transplants of not just the kidney, but also heart, liver, lung and other vital organs.

Currently, we are facing a crisis in this country with regards to transplanting organs. As costs and governmental regulations go up, so does the cost, and so must the funding. As of now we are using a formula that was developed in 1984. It is old and outdated. Since then, there have been countless new regulations that have increased the cost. In response, the marketplace has been shifting this cost on to private entities. Often these entities are nonprofits that lack the funds to help all they should be able to. We need to help these patients with high quality, low cost health care that will assure that even those needing transplants can rest easy that they will receive the care they deserve.

This bill will create the Organ Procurement and Transplantation Network. This public and private partnership will greatly increase patients' access to transplants. Additionally it will take some of the burden off of the nonprofit entities that are already facing some of the toughest conditions in the sector. This bill will also provide an updated reimbursement formula to these nonprofits to modernize the system.

Finally, this bill will honor an ardent supporter of transplantation, the Honorable Stephanie Tubbs Jones. Before her death, she ordered that when she passed away, her organs be donated, to any in need. Her death, while a great loss for myself, her state, and anyone who knew her and loved her, will hopefully serve as an example for her fellow Ohioans and beyond. Congresswoman Tubbs Jones knew, like all of us will, that there is a growing need among the African American community for transplantation. Currently, African Americans make up about 12 percent of the Nation's population and about 12 percent of the patients who donate. However, of all the patients requiring a transplant, 23 percent of them are African American. This disparity is a growing epidemic and must be resolved.

Mr. Speaker, Congresswoman Tubbs Jones served as a model for how we should live our lives and beyond. I hope that her memory will inspire millions around the Nation to take up the noble cause of saving those who have no other choice. I urge passage of this bill.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I would urge the support for and the passage of this bill, not only because of its significance but also in honor of our colleague Ms. Stephanie Tubbs Jones.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6469, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## HEALTHY START REAUTHORIZATION ACT OF 2007

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1760) to amend the Public Health Service Act with respect to the Healthy Start Initiative.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1760

*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 ''Healthy Start Reauthorization Act of 2007''.

**SEC. 2. AMENDMENTS TO HEALTHY START INITIATIVE.**

(a) CONSIDERATIONS IN MAKING GRANTS.—Section 330H(b) of the Public Health Service Act (42 U.S.C. 254c–8(b)) is amended—

(1) by striking ''(b) REQUIREMENTS'' and all that follows through ''In making grants under subsection (a)'' and inserting the following:

''(b) CONSIDERATIONS IN MAKING GRANTS.—

''(1) REQUIREMENTS.—In making grants under subsection (a)''; and

(2) by adding at the end the following paragraphs:

''(2) OTHER CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall take into consideration the following:

''(A) Factors that contribute to infant mortality, such as low birthweight.

''(B) The extent to which applicants for such grants facilitate—

''(i) a community-based approach to the delivery of services; and

''(ii) a comprehensive approach to women's health care to improve perinatal outcomes.

''(3) SPECIAL PROJECTS.—Nothing in paragraph (2) shall be construed to prevent the Secretary from awarding grants under subsection (a) for special projects that are intended to address significant disparities in perinatal health indicators in communities along the United States-Mexico border or in Alaska or Hawaii.''.

(b) OTHER GRANTS.—Section 330H of the Public Health Service Act (42 U.S.C. 254c–8) is amended—

(1) in subsection (a), by striking paragraph (3); and

(2) by striking subsections (e) and (f).

(c) FUNDING.—Section 330H of the Public Health Service Act, as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

''(A) $120,000,000 for fiscal year 2008; and

''(B) for each of fiscal years 2009 through 2013, the amount authorized for the preceding fiscal year increased by the percentage increase in the Consumer Price Index for all urban consumers for such year.

''(2) ALLOCATION.—

''(A) PROGRAM ADMINISTRATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

''(B) EVALUATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise this evening in support of S. 1760, the Healthy Start Reauthorization Act of 2007. The Healthy Start Program was developed in 1991 in order to combat alarming rates of infant mortality and racial disparities in maternal and infant health. It has grown from a small demonstration project with 15 grantees to an impressive 97 grantees in 2005. Healthy Start has since expanded its targeted population to include women and infants through 2 years postpartum.

S. 1760 promotes grant applications that facilitate a community-based approach to the delivery of services and a comprehensive approach to women's health care to improve perinatal outcomes. S. 1760 also ensures the Secretary is not prohibited from addressing disparities in perinatal health indicators in communities along the U.S.-Mexico border and in Alaska and Hawaii.

This legislation reauthorizes appropriations through 2013 for the Healthy Start Initiative. The Healthy Start Program has made great strides in combating infant mortality and in improving maternal and infant health. With increased resources, the Healthy Start Program will be able to continue its important role in improving maternal and infant health outcomes and in reducing health disparities.

I want to particularly thank Representative TOWNS and Representative UPTON for all of their hard work on this legislation. Messrs. TOWNS and UPTON introduced the House companion to S. 1760, and both have been huge advocates for the Healthy Start Program and for its reauthorization.

S. 1760 passed the Senate by unanimous consent on April 30, 2008. I urge its passage.

I reserve the balance of my time.

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

I rise in support of S. 1760, the Healthy Start Reauthorization Act of 2007. I want to commend Congressman TOWNS and Congressman UPTON of Michigan on this bill. This bill reauthorizes the Healthy Start Program.

In the United States, each year, approximately 6 million women become pregnant. Most women have a safe pregnancy and deliver a healthy infant, but that's not the experience for all. Healthy Start provides services tailored to the needs of high-risk pregnancies—to high-risk pregnant women, infants and their mothers in geographically, racially, ethnically, and linguistically diverse communities with exceptionally high rates of infant mortality—in an effort to reduce the factors that contribute to that high infant mortality rate, particularly among minority groups.

It is an important program which deserves reauthorization. That's why I'm happy to support it this evening. I urge Members to support this legislation.

I will reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no further requests for time. I would urge passage of the Healthy Start Reauthorization Act of 2007.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I would just also make the observation that September is Infant Mortality Awareness Month, so it's appropriate that we're passing the bill at this time.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 1760.

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

A motion to reconsider was laid on the table.

## COMPREHENSIVE TUBERCULOSIS ELIMINATION ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1532) to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1532

*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 ''Comprehensive Tuberculosis Elimination Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES IN COORDINATION WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND OTHER APPROPRIATE AGENCIES

Subtitle A—National Strategy for Combating and Eliminating Tuberculosis

Sec. 101. National strategy.

Subtitle B—Interagency Collaboration

Sec. 111. Advisory Council for Elimination of Tuberculosis and the Federal Tuberculosis Task Force .

Subtitle C—Evaluation of Public Health Authorities

Sec. 121. Evaluation of public health authorities.

Subtitle D—Authorization of Appropriations

Sec. 131. Authorizations of appropriations.

TITLE II—NATIONAL INSTITUTES OF HEALTH

Sec. 201. Research and development concerning tuberculosis.

**TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES IN COORDINATION WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND OTHER APPROPRIATE AGENCIES**

**Subtitle A—National Strategy for Combating and Eliminating Tuberculosis**

**SEC. 101. NATIONAL STRATEGY.**

Section 317E of the Public Health Service Act (42 U.S.C. 247b–6) is amended—

(1) by striking the heading for the section and inserting the following: ''NATIONAL STRATEGY FOR COMBATING AND ELIMINATING TUBERCULOSIS'';

(2) by amending subsection (b) to read as follows:

''(b) RESEARCH AND DEVELOPMENT; DEMONSTRATION PROJECTS; EDUCATION AND TRAINING.—With respect to the prevention, treatment, control, and elimination of tuberculosis, the Secretary may, directly or

through grants to public or nonprofit private entities, carry out the following:

''(1) Research, with priority given to research and development concerning latent tuberculosis infection, strains of tuberculosis resistant to drugs, and research concerning cases of tuberculosis that affect certain populations at risk for tuberculosis.

''(2) Research and development and related activities to develop new tools for the elimination of tuberculosis, including drugs, diagnostics, vaccines, and public health interventions, such as directly observed therapy and non-pharmaceutical intervention, and methods to enhance detection and response to outbreaks of tuberculosis, including multidrug resistant tuberculosis. The Secretary is encouraged to give priority to programmatically relevant research so that new tools can be utilized in public health practice.

''(3) Demonstration projects for—

''(A) the development of regional capabilities to prevent, control, and eliminate tuberculosis and prevent multidrug resistant and extensively drug resistant strains of tuberculosis;

''(B) the intensification of efforts to reduce health disparities in the incidence of tuberculosis;

''(C) the intensification of efforts to control tuberculosis along the United States-Mexico border and among United States-Mexico binational populations, including through expansion of the scope and number of programs that—

''(i) detect and treat binational cases of tuberculosis; and

''(ii) treat high-risk cases of tuberculosis referred from Mexican health departments;

''(D) the intensification of efforts to prevent, detect, and treat tuberculosis among foreign-born persons who are in the United States;

''(E) the intensification of efforts to prevent, detect, and treat tuberculosis among populations and settings documented as having a high risk for tuberculosis; and

''(F) tuberculosis detection, control, and prevention.

''(4) Public information and education activities.

''(5) Education, training, clinical skills improvement activities, and workplace exposure prevention for health professionals, including allied health personnel and emergency response employees.

''(6) Support of Centers to carry out activities under paragraphs (1) through (4).

''(7) Collaboration with international organizations and foreign countries in carrying out such activities.

''(8) Develop, enhance, and expand information technologies that support tuberculosis control including surveillance and database management systems with cross-jurisdictional capabilities, which shall conform to the standards and implementation specifications for such information technologies as recommended by the Secretary.''; and

(3) in subsection (d), by adding at the end the following:

''(3) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—

''(A) PRIORITY.—In awarding grants under subsection (a) or (b), the Secretary shall give highest priority to an applicant that provides assurances that the applicant will contribute non-Federal funds to carry out activities under this section, which may be provided directly or through donations from public or private entities and may be in cash or in kind, including equipment or services.

''(B) FEDERAL AMOUNTS NOT TO BE INCLUDED AS CONTRIBUTIONS.—Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of non-Federal contributions as described in subparagraph (A).''.

**Subtitle B—Interagency Collaboration**

**SEC. 111. ADVISORY COUNCIL FOR ELIMINATION OF TUBERCULOSIS AND THE FEDERAL TUBERCULOSIS TASK FORCE.**

(a) IN GENERAL.—Section 317E(f) of the Public Health Service Act (42 U.S.C. 247b–6(f)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by striking paragraphs (2) through (4), and inserting the following:

''(2) DUTIES.—The Council shall provide advice and recommendations regarding the elimination of tuberculosis to the Secretary. In addition, the Council shall, with respect to eliminating such disease, provide to the Secretary and other appropriate Federal officials advice on—

''(A) coordinating the activities of the Department of Health and Human Services and other Federal agencies that relate to the disease, including activities under subsection (b);

''(B) responding rapidly and effectively to emerging issues in tuberculosis; and

''(C) efficiently utilizing the Federal resources involved.

''(3) COMPREHENSIVE PLAN.—

''(A) IN GENERAL.—In carrying out paragraph (2), the Council shall make or update recommendations on the development, revision, and implementation of a comprehensive plan to eliminate tuberculosis in the United States.

''(B) CONSULTATION.—In carrying out subparagraph (A), the Council may consult with appropriate public and private entities, which may, subject to the direction or discretion of the Secretary, include—

''(i) individuals who are scientists, physicians, laboratorians, and other health professionals, who are not officers or employees of the Federal Government and who represent the disciplines relevant to tuberculosis elimination;

''(ii) members of public-private partnerships or private entities established to address the elimination of tuberculosis;

''(iii) members of national and international nongovernmental organizations whose purpose is to eliminate tuberculosis;

''(iv) members from the general public who are knowledgeable with respect to tuberculosis elimination including individuals who have or have had tuberculosis; and

''(v) scientists, physicians, laboratorians, and other health professionals who reside in a foreign country with a substantial incidence or prevalence of tuberculosis, and who represent the specialties and disciplines relevant to the research under consideration.

''(C) CERTAIN COMPONENTS OF PLAN.—In carrying out subparagraph (A), the Council shall, subject to the direction or discretion of the Secretary—

''(i) consider recommendations for the involvement of the United States in continuing global and cross-border tuberculosis control activities in countries where a high incidence of tuberculosis directly affects the United States; and

''(ii) review the extent to which progress has been made toward eliminating tuberculosis.

''(4) BIENNIAL REPORT.—

''(A) IN GENERAL.—The Council shall submit a biennial report to the Secretary, as determined necessary by the Secretary, on the activities carried under this section. Each such report shall include the opinion of the Council on the extent to which its recommendations regarding the elimination of tuberculosis have been implemented, including with respect to—

''(i) activities under subsection (b); and

''(ii) the national plan referred to in paragraph (3).

''(B) PUBLIC.—The Secretary shall make a report submitted under subparagraph (A) public.

''(5) COMPOSITION.—The Council shall be composed of—

''(A) ex officio representatives from the Centers for Disease Control and Prevention, the National Institutes of Health, the United States Agency for International Development, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, the United States-Mexico Border Health Commission, and other Federal departments and agencies that carry out significant activities related to tuberculosis;

''(B) State and local tuberculosis control and public health officials;

''(C) individuals who are scientists, physicians, laboratorians, and other health professionals who represent disciplines relevant to tuberculosis elimination; and

''(D) members of national and international nongovernmental organizations established to address the elimination of tuberculosis.''.

(b) RULE OF CONSTRUCTION REGARDING CURRENT MEMBERSHIP.—With respect to the advisory council under section 317E(f) of the Public Health Service Act, the amendments made by subsection (a) may not be construed as terminating the membership on such council of any individual serving as such a member as of the day before the date of the enactment of this Act.

(c) FEDERAL TUBERCULOSIS TASK FORCE.—Section 317E of the Public Health Service Act (42 U.S.C. 247b–6) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following subsection:

''(g) FEDERAL TUBERCULOSIS TASK FORCE.—

''(1) DUTIES.—The Federal Tuberculosis Task Force (in this subsection referred to as the 'Task Force') shall provide to the Secretary and other appropriate Federal officials advice on research into new tools under subsection (b)(2), including advice regarding the efficient utilization of the Federal resources involved.

''(2) COMPREHENSIVE PLAN FOR NEW TOOLS DEVELOPMENT.—In carrying out paragraph (1), the Task Force shall make recommendations on the development of a comprehensive plan for the creation of new tools for the elimination of tuberculosis, including drugs, diagnostics, and vaccines.

''(3) CONSULTATION.—In developing the comprehensive plan under paragraph (1), the Task Force shall consult with external parties including representatives from groups such as—

''(A) scientists, physicians, laboratorians, and other health professionals who represent the specialties and disciplines relevant to the research under consideration;

''(B) members from public-private partnerships, private entities, or foundations (or both) engaged in activities relevant to research under consideration;

''(C) members of national and international nongovernmental organizations established to address tuberculosis elimination;

''(D) members from the general public who are knowledgeable with respect to tuberculosis including individuals who have or have had tuberculosis; and

''(E) scientists, physicians, laboratorians, and other health professionals who reside in a foreign country with a substantial incidence or prevalence of tuberculosis, and who represent the specialties and disciplines relevant to the research under consideration.''.

**Subtitle C—Evaluation of Public Health Authorities**

**SEC. 121. EVALUATION OF PUBLIC HEALTH AUTHORITIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Comprehensive Tuberculosis Elimination Act of 2008, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report that evaluates and provides recommendations on changes needed to Federal and State public health authorities to address current disease containment challenges such as isolation and quarantine.

(b) CONTENTS OF EVALUATION.—The report described in subsection (a) shall include—

(1) an evaluation of the effectiveness of current policies to detain patients with active tuberculosis;

(2) an evaluation of whether Federal laws should be strengthened to expressly address the movement of individuals with active tuberculosis; and

(3) specific legislative recommendations for changes to Federal laws, if any.

(c) UPDATE OF QUARANTINE REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to update the current interstate and foreign quarantine regulations found in parts 70 and 71 of title 42, Code of Federal Regulations.

**Subtitle D—Authorization of Appropriations**

**SEC. 131. AUTHORIZATIONS OF APPROPRIATIONS.**

Section 317E of the Public Health Service Act, as amended by section 111(c) of this Act, is amended by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GENERAL PROGRAM.—

''(A) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $200,000,000 for fiscal year 2009, $210,000,000 for fiscal year 2010, $220,500,000 for fiscal year 2011, $231,525,000 for fiscal year 2012, and $243,101,250 for fiscal year 2013.

''(B) RESERVATION FOR EMERGENCY GRANTS.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve not more than 25 percent for emergency grants under subsection (a) for any geographic area, State, political subdivision of a State, or other public entity in which there is, relative to other areas, a substantial number of cases of tuberculosis, multidrug resistant tuberculosis, or extensively drug resistant tuberculosis or a substantial rate of increase in such cases.

''(C) PRIORITY.—In allocating amounts appropriated under subparagraph (A), the Secretary shall give priority to allocating such amounts for grants under subsection (a).

''(D) ALLOCATION OF FUNDS.—

''(i) REQUIREMENT OF FORMULA.—Of the amounts appropriated under subparagraph (A), not reserved under subparagraph (B), and allocated by the Secretary for grants under subsection (a), the Secretary shall distribute a portion of such amounts to grantees under subsection (a) on the basis of a formula.

''(ii) RELEVANT FACTORS.—The formula developed by the Secretary under clause (i) shall take into account the level of tuberculosis morbidity and case complexity in the respective geographic area and may consider other factors relevant to tuberculosis in such area.

''(iii) NO CHANGE TO FORMULA REQUIRED.—This subparagraph does not require the Secretary to modify the formula that was used by the Secretary to distribute funds to grantees under subsection (a) for fiscal year 2009.

''(2) LIMITATION.—The authorization of appropriations established in paragraph (1) for a fiscal year is effective only if the amount appropriated under such paragraph for such year equals or exceeds the amount appropriated to carry out this section for fiscal year 2009.''.

**TITLE II—NATIONAL INSTITUTES OF HEALTH**

**SEC. 201. RESEARCH AND DEVELOPMENT CONCERNING TUBERCULOSIS.**

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424B the following section:

**''SEC. 424C. TUBERCULOSIS.**

''(a) IN GENERAL.—The Director of the National Institutes of Health may expand, intensify, and coordinate research and development and related activities of the Institutes with respect to tuberculosis including activities toward the goal of eliminating such disease.

''(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

''(1) enhancing basic and clinical research on tuberculosis, including drug resistant tuberculosis;

''(2) expanding research on the relationship between such disease and the human immunodeficiency virus; and

''(3) developing new tools for the elimination of tuberculosis, including public health interventions and methods to enhance detection and response to outbreaks of tuberculosis, including multidrug resistant tuberculosis.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 1532, the Comprehensive Tuberculosis Elimination Act—a bill to amend and reauthorize the preventative health services regarding tuberculosis.

Tuberculosis causes more deaths than any other infectious disease caused by a single microorganism with approximately 1.6 million people worldwide succumbing to the disease each year. While the U.S. has done well in combating the disease in the past, the global burden continues to be high, and the emergence of drug-resistant tuberculosis has added a new level of difficulty to the problem.

The bill before us recognizes these issues by creating a Federal tuberculosis task force, by modifying the structure and duties of the Advisory Council for the Elimination of Tuberculosis and by encouraging the director of the National Institutes of Health to expand, intensify and coordinate research and development activities with respect to tuberculosis.

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All of these efforts will steer us closer to the final goal of the elimination of tuberculosis.

I want to acknowledge my colleague on the Energy and Commerce Committee, Congressman GENE GREEN of Texas, for his leadership on this issue. This bill was negotiated in a bipartisan and bicameral fashion. I am proud to support it. I urge my colleagues to do the same.

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

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

I rise in support of H.R. 1532, the Comprehensive Tuberculosis Elimination Act of 2008.

I certainly want to join in commending Congressman GENE GREEN, Congresswoman TAMMY BALDWIN, and Congresswoman HEATHER WILSON for their work on this bill.

This bill revises the national strategy to combat tuberculosis at the Centers for Disease Control. The Centers for Disease Control provides leadership and assistance to domestic and international efforts to prevent, control and eliminate tuberculosis.

Despite the lower incidence rate of tuberculosis in 2007, according to the Centers for Disease Control, the average annual percentage decline in the tuberculosis rate slowed from just over 7 percent per year in the 1993 to 2000 range to under 4 percent from 2000 to 2007.

The high global burden of this disease, coupled with continued problems of drug-resistant strains and lack of better tools for tuberculosis control, threatens our ability to eliminate tuberculosis in the United States. The Centers for Disease Control's national TB program provides grants to States and other entities for prevention and control services, researches the prevention and control of tuberculosis, funds demonstration projects, sponsors public information and education programs and supports education training and clinical skills improvement activities to address tuberculosis.

This bill will help in the noble goal of continuing to try to eradicate this disease. I do urge Members to support this legislation.

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

Mr. PALLONE. Mr. Speaker, I have no further requests for time. I would urge support of this tuberculosis act and yield back the balance of my time.

Mr. BURGESS. I also have no further requests for time, and I will yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1532, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## NATIONAL PAIN CARE POLICY ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2994) to amend the Public Health Service Act with respect to pain care, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2994

*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 ''National Pain Care Policy 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. Institute of Medicine Conference on Pain.*
*Sec. 3. Pain research at National Institutes of Health.*
*Sec. 4. Pain care education and training.*
*Sec. 5. Public awareness campaign on pain management.*

***SEC. 2. INSTITUTE OF MEDICINE CONFERENCE ON PAIN.***

*(a) CONVENING.—Not later than June 30, 2009, the Secretary of Health and Human Services shall seek to enter into an agreement with the Institute of Medicine of the National Academies to convene a Conference on Pain (in this section referred to as ''the Conference'').*

*(b) PURPOSES.—The purposes of the Conference shall be to—*

*(1) increase the recognition of pain as a significant public health problem in the United States;*

*(2) evaluate the adequacy of assessment, diagnosis, treatment, and management of acute and chronic pain in the general population, and in identified racial, ethnic, gender, age, and other demographic groups that may be disproportionately affected by inadequacies in the assessment, diagnosis, treatment, and management of pain;*

*(3) identify barriers to appropriate pain care, including—*

*(A) lack of understanding and education among employers, patients, health care providers, regulators, and third-party payors;*

*(B) barriers to access to care at the primary, specialty, and tertiary care levels, including barriers—*

*(i) specific to those populations that are disproportionately undertreated for pain;*

*(ii) related to physician concerns over regulatory and law enforcement policies applicable to some pain therapies; and*

*(iii) attributable to benefit, coverage, and payment policies in both the public and private sectors; and*

*(C) gaps in basic and clinical research on the symptoms and causes of pain, and potential assessment methods and new treatments to improve pain care; and*

*(4) establish an agenda for action in both the public and private sectors that will reduce such barriers and significantly improve the state of pain care research, education, and clinical care in the United States.*

*(c) OTHER APPROPRIATE ENTITY.—If the Institute of Medicine declines to enter into an agreement under subsection (a), the Secretary of Health and Human Services may enter into such agreement with another appropriate entity.*

*(d) REPORT.—A report summarizing the Conference's findings and recommendations shall be submitted to the Congress not later than June 30, 2010.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $500,000 for each of fiscal years 2009 and 2010.*

***SEC. 3. PAIN RESEARCH AT NATIONAL INSTITUTES OF HEALTH.***

*Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:*

***''SEC. 409J. PAIN RESEARCH.***

*''(a) RESEARCH INITIATIVES.—*

*''(1) IN GENERAL.—The Director of NIH is encouraged to continue and expand, through the Pain Consortium, an aggressive program of basic and clinical research on the causes of and potential treatments for pain.*

*''(2) ANNUAL RECOMMENDATIONS.—Not less than annually, the Pain Consortium, in consultation with the Division of Program Coordination, Planning, and Strategic Initiatives, shall develop and submit to the Director of NIH recommendations on appropriate pain research initiatives that could be undertaken with funds reserved under section 402A(c)(1) for the Common Fund or otherwise available for such initiatives.*

*''(3) DEFINITION.—In this subsection, the term 'Pain Consortium' means the Pain Consortium of the National Institutes of Health or a similar trans-National Institutes of Health coordinating entity designated by the Secretary for purposes of this subsection.*

*''(b) INTERAGENCY PAIN RESEARCH COORDINATING COMMITTEE.—*

*''(1) ESTABLISHMENT.—The Secretary shall establish not later than 1 year after the date of the enactment of this section and as necessary maintain a committee, to be known as the Interagency Pain Research Coordinating Committee (in this section referred to as the 'Committee'), to coordinate all efforts within the Department of Health and Human Services and other Federal agencies that relate to pain research.*

*''(2) MEMBERSHIP.—*

*''(A) IN GENERAL.—The Committee shall be composed of the following voting members:*

*''(i) Not more than 7 voting Federal representatives as follows:*

*''(I) The Director of the Centers for Disease Control and Prevention.*

*''(II) The Director of the National Institutes of Health and the directors of such national research institutes and national centers as the Secretary determines appropriate.*

*''(III) The heads of such other agencies of the Department of Health and Human Services as the Secretary determines appropriate.*

*''(IV) Representatives of other Federal agencies that conduct or support pain care research and treatment, including the Department of Defense and the Department of Veterans Affairs.*

*''(ii) 12 additional voting members appointed under subparagraph (B).*

*''(B) ADDITIONAL MEMBERS.—The Committee shall include additional voting members appointed by the Secretary as follows:*

*''(i) 6 members shall be appointed from among scientists, physicians, and other health professionals, who—*

*''(I) are not officers or employees of the United States;*

*''(II) represent multiple disciplines, including clinical, basic, and public health sciences;*

*''(III) represent different geographical regions of the United States; and*

*''(IV) are from practice settings, academia, manufacturers or other research settings; and*

*''(ii) 6 members shall be appointed from members of the general public, who are representatives of leading research, advocacy, and service organizations for individuals with pain-related conditions*

*''(C) NONVOTING MEMBERS.—The Committee shall include such nonvoting members as the Secretary determines to be appropriate.*

*''(3) CHAIRPERSON.—The voting members of the Committee shall select a chairperson from among such members. The selection of a chairperson shall be subject to the approval of the Director of NIH.*

*''(4) MEETINGS.—The Committee shall meet at the call of the chairperson of the Committee or upon the request of the Director of NIH, but in no case less often than once each year.*

*''(5) DUTIES.—The Committee shall—*

*''(A) develop a summary of advances in pain care research supported or conducted by the Federal agencies relevant to the diagnosis, prevention, and treatment of pain and diseases and disorders associated with pain;*

*''(B) identify critical gaps in basic and clinical research on the symptoms and causes of pain;*

*''(C) make recommendations to ensure that the activities of the National Institutes of Health and other Federal agencies, including the Department of Defense and the Department of Veteran Affairs, are free of unnecessary duplication of effort;*

*''(D) make recommendations on how best to disseminate information on pain care; and*

*''(E) make recommendations on how to expand partnerships between public entities, including Federal agencies, and private entities to expand collaborative, cross-cutting research.*

*''(6) REVIEW.—The Secretary shall review the necessity of the Committee at least once every 2 years.''.*

***SEC. 4. PAIN CARE EDUCATION AND TRAINING.***

*(a) PAIN CARE EDUCATION AND TRAINING.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—*

*(1) by redesignating sections 754 through 758 as sections 755 through 759, respectively; and*

*(2) by inserting after section 753 the following:*

***''SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN CARE.***

*''(a) IN GENERAL.—The Secretary may make awards of grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain care.*

*''(b) PRIORITIES.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.*

*''(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include information and education on—*

*''(1) recognized means for assessing, diagnosing, treating, and managing pain and related signs and symptoms, including the medically appropriate use of controlled substances;*

*''(2) applicable laws, regulations, rules, and policies on controlled substances, including the degree to which misconceptions and concerns regarding such laws, regulations, rules, and policies, or the enforcement thereof, may create barriers to patient access to appropriate and effective pain care;*

*''(3) interdisciplinary approaches to the delivery of pain care, including delivery through specialized centers providing comprehensive pain care treatment expertise;*

*''(4) cultural, linguistic, literacy, geographic, and other barriers to care in underserved populations; and*

''(5) recent findings, developments, and improvements in the provision of pain care.

''(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs, and other graduate programs in the health professions; entities that provide continuing education in medicine, pain management, dentistry, psychology, social work, nursing, and pharmacy; hospices; and such other programs or sites as the Secretary determines to be appropriate.

''(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice of pain care.

''(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain care.

''(g) DEFINITIONS.—For purposes of this section the term 'pain care' means the assessment, diagnosis, treatment, or management of acute or chronic pain regardless of causation or body location.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 758(b)(1) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by inserting after subparagraph (C) the following:

''(D) not less than $5,000,000 for awards of grants, cooperative agreements, and contracts under sections 754.''.

(c) TECHNICAL AMENDMENTS.—Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended—

(1) in paragraph (2) of section 757(b) (as redesignated by subsection (a)(1)), by striking ''754(3)(A), and 755(b)'' and inserting ''755(3)(A), and 756(b)''; and

(2) in subparagraph (C) of section 758(b)(1) (as redesignated by subsection (a)(1)), by striking ''754, and 755'' and inserting ''755, and 756''.

**SEC. 5. PUBLIC AWARENESS CAMPAIGN ON PAIN MANAGEMENT.**

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

**''SEC. 249. NATIONAL EDUCATION OUTREACH AND AWARENESS CAMPAIGN ON PAIN MANAGEMENT.**

''(a) ESTABLISHMENT.—Not later than June 30, 2009, the Secretary shall establish and implement a national pain care education outreach and awareness campaign described in subsection (b).

''(b) REQUIREMENTS.—The Secretary shall design the public awareness campaign under this section to educate consumers, patients, their families, and other caregivers with respect to—

''(1) the incidence and importance of pain as a national public health problem;

''(2) the adverse physical, psychological, emotional, societal, and financial consequences that can result if pain is not appropriately assessed, diagnosed, treated, or managed;

''(3) the availability, benefits, and risks of all pain treatment and management options;

''(4) having pain promptly assessed, appropriately diagnosed, treated, and managed, and regularly reassessed with treatment adjusted as needed;

''(5) the role of credentialed pain management specialists and subspecialists, and of comprehensive interdisciplinary centers of treatment expertise;

''(6) the availability in the public, nonprofit, and private sectors of pain management-related information, services, and resources for consumers, employers, third-party payors, patients, their families, and caregivers, including information on—

''(A) appropriate assessment, diagnosis, treatment, and management options for all types of pain and pain-related symptoms; and

''(B) conditions for which no treatment options are yet recognized; and

''(7) other issues the Secretary deems appropriate.

''(c) CONSULTATION.—In designing and implementing the public awareness campaign required by this section, the Secretary shall consult with organizations representing patients in pain and other consumers, employers, physicians including physicians specializing in pain care, other pain management professionals, medical device manufacturers, and pharmaceutical companies.

''(d) COORDINATION.—

''(1) LEAD OFFICIAL.—The Secretary shall designate one official in the Department of Health and Human Services to oversee the campaign established under this section.

''(2) AGENCY COORDINATION.—The Secretary shall ensure the involvement in the public awareness campaign under this section of the Surgeon General of the Public Health Service, the Director of the Centers for Disease Control and Prevention, and such other representatives of offices and agencies of the Department of Health and Human Services as the Secretary determines appropriate.

''(e) UNDERSERVED AREAS AND POPULATIONS.—In designing the public awareness campaign under this section, the Secretary shall—

''(1) take into account the special needs of geographic areas and racial, ethnic, gender, age, and other demographic groups that are currently underserved; and

''(2) provide resources that will reduce disparities in access to appropriate diagnosis, assessment, and treatment.

''(f) GRANTS AND CONTRACTS.—The Secretary may make awards of grants, cooperative agreements, and contracts to public agencies and private nonprofit organizations to assist with the development and implementation of the public awareness campaign under this section.

''(g) EVALUATION AND REPORT.—Not later than the end of fiscal year 2011, the Secretary shall prepare and submit to the Congress a report evaluating the effectiveness of the public awareness campaign under this section in educating the general public with respect to the matters described in subsection (b).

''(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2009 and $4,000,000 for each of fiscal years 2010 and 2011.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 2994, the National Pain Care Policy Act of 2007, a bill to amend the Public Health Service Act with respect to pain care. All of us have probably experienced pain resulting from an illness or disease in our lives. Some people are fortunate enough to be able to access drugs and other treatments to relieve pain and suffering.

However, millions are not able to obtain that relief and suffer from acute pain. The National Center for Health Statistics estimates that one in every four Americans has suffered from pain that lasts longer than 24 hours. Pain can impact every aspect of our daily lives, from an inability to work, to being unable to spend time with family and friends.

This bill would do much to help us better manage pain. H.R. 2994 would encourage the Secretary of Health and Human Services to enter into an agreement with the Institute of Medicine to convene a conference on pain, encourage the Director of the National Institutes of Health to expand a research program on the causes of and potential treatment for pain, establish an interagency pain research coordinating committee within HHS, allow the HHS Secretary to award grants to public and private entities for the development of programs to provide education and training to health care professionals in pain care, and require the HHS Secretary to establish and implement a national pain care education outreach and awareness campaign.

Pain is the leading reason Americans come into contact with the health care system, and it's also a huge contributor to the growing costs of health care. We must do a better job of helping to alleviate that suffering, and I believe this bill would go a long way towards achieving that end.

I want to thank my colleagues on the Energy and Commerce Committee, particularly Congresswoman CAPPS and Congressman ROGERS, for their leadership on this issue. I urge my colleagues to join me in voting for adoption of this bill.

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

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

I rise in support of H.R. 2994, the National Pain Care Policy Act of 2008. Certainly, I also want to join the chairman of the subcommittee in commending Congresswoman Lois Capps and Congressman Mike Rogers for their work on this bill.

Chronic pain is disabling, and it's debilitating. It would certainly be frustrating for both the patients and caregivers alike. Fortunately, most painful conditions can be relieved with proper treatment and adequate pain management. This bill will create an interagency coordinating committee to coordinate all the efforts within the Health and Human Services and other Federal agencies related to pain research.

This effort, along with other efforts of the National Institutes of Health,

via the pain consortium, will go a long way towards increasing research and awareness of chronic pain. I do urge Members to support this legislation.

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the sponsor of the bill, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 2994, the National Pain Care Policy Act.

I want to thank the chairman of our subcommittee, Mr. PALLONE, for yielding me the time and also for his leadership in making sure this bill has gotten to this point.

I thank the chairman of the full committee, Mr. DINGELL, and our staff who are here and have been working diligently on both sides of the aisle to get this bill to where it is today. I thank our colleague from Michigan, MIKE ROGERS, for his work in paving the way for the passage of this bill today.

The National Pain Care Policy Act would take important steps to improve the coordination of research and treatment of pain. More than 75 million Americans suffer from pain, both chronic and acute, making pain the most common reason Americans access or try to access the health care system.

Yet they often face significant barriers in receiving the proper diagnosis and treatment. Pain is often, too often, only researched and considered as a symptom of another disease, and best practices haven't always been shared across disciplines.

H.R. 2994 would amplify research at the National Institutes of Health and also improve education and outreach efforts for health professionals and the general public alike. I am proud of the significant support we have received in the community from various advocacy groups, health professionals and providers.

I urge all of our colleagues to vote ''yes'' on H.R. 2994.

AMERICAN ASSOCIATION
OF NURSE ANESTHETISTS,
*Washington, DC, September 22, 2008.*

Hon. LOIS CAPPS,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSWOMAN CAPPS: On behalf of the more than 39,000 members of the American Association of Nurse Anesthetists (AANA), I am pleased to express the Association's support for HR 2994, the National Pain Care Policy Act of 2007.

The AANA is the professional association for Certified Registered Nurse Anesthetists (CRNAs) and student nurse anesthetists, representing over 90 percent of the nurse anesthetists in the United States. CRNAs are advanced practice nurses who administer about 30 million anesthetics to patients each year in the U.S., provide assessment and evaluation for acute and chronic pain and deliver pain management services, and are the sole anesthesia providers in most rural hospitals, affording these medical facilities obstetrical, surgical, and trauma stabilization, and pain management capabilities.

AANA is pleased to support HR 2994, which seeks to eliminate barriers to pain care and improve pain care research, education, and clinical practice. Recognizing that pain is both a significant public health challenge and a burden to millions of Americans' quality of life, we believe that adoption of the National Pain Care Policy Act would help focus our nation's healthcare research in a new and important way on the cause, prevention, treatment and management of pain. As recognized experts in the field of anesthesia and pain management, America's CRNAs have made substantial contributions to clinical practice in pain care, and help provide millions of patients relief from pain. As HR 2994 would help focus national resources on research and translate research findings into improved clinical practice, we ask that upon the measure's enactment that representatives of the profession of nurse anesthesia be represented on government panels and councils that the legislation authorizes, such as the National Institutes of Health (NIH) National Pain Care Research Advisory Committee, the development of the Institute of Medicine Conference on Pain, the development of the Secretary of Health and Human Services' Public Awareness Campaign on Pain Management, and any others intended to guide and lead this critical healthcare policy agenda. In addition, we ask that grants that the legislation would authorize for expanding education and training to health care professionals in pain care also be made available to accredited nurse anesthesia educational programs.

The AANA applauds the work of the Committee on Energy and Commerce for its bipartisan effort in advancing the National Pain Care Policy Act and will continue working toward its enactment. If we can be of further assistance, please contact Frank Purcell, AANA Senior Director Federal Government Affairs.

Sincerely,

JACKIE S. ROWLES,
*President.*

Mr. BURGESS. Mr. Speaker, I would just simply add that many providers, many physicians across the country, will welcome that establishment of parameters and best practices. Oftentimes we feel caught between the situation where do we provide adequate pain relief to our patients and perhaps risk scrutiny from the department of drug enforcement, or do we risk the scrutiny of the patient and their family because of inadequate efforts at pain management.

Oftentimes it can be a fine line and quite a balancing act. I think we will go a long way towards alleviating the suffering of those who are sufferers of chronic and debilitating pain, but also provide additional resources to the caregivers when faced with these difficult situations.

Mr. Speaker, I have no further requests for time on my side, and I will yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no further requests for time. I would urge adoption of this bill dealing with pain care policy and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2994, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH, AND EDUCATION AMENDMENTS OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5265) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5265

*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 ''Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008''.

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) The muscular dystrophies are devastating diseases that have a significant impact on quality of life—not only for the individual who experiences its painful symptoms and resulting disability, but also for family members and caregivers.

(2) DMD is the most common lethal genetic disorder of childhood worldwide, affecting approximately 1 in every 3,500 boys born each year around the globe. It is characterized by a rapidly progressive muscle weakness that almost always results in death from respiratory or cardiac failure, typically in the late teens or twenties.

(3) Myotonic muscular dystrophy is the second most prominent form of muscular dystrophy and the type most commonly found in adults affecting an estimated 1 in 8,000 people. However, it can affect people of any age—from birth to old age. Described as the most variable disease known in medicine, it is multi-systemic and can cause not only muscle atrophy and myotonia, but also serious cardiac, respiratory, endocrine, gastrointestinal, skeletal and central nervous system complications, as well as problems with the eyes, teeth and hair. As it passes from one generation to the next, it generally worsens with earlier onset. Congenital myotonic muscular dystrophy is the most severe form of myotonic muscular dystrophy affecting infants and causing severe cognitive delays. It often causes sudden death; however, others can live for many years with this slowly degenerative disorder.

(4) Facioscapulohumeral muscular dystrophy (referred to in this section as ''FSHD'') is the second most prevalent adult muscular dystrophy and the third most prevalent muscular dystrophy of men, women and children. It is inherited genetically and has an estimated incidence of 1 in 20,000 persons. Many leading FSHD scientists note

that the prevalence may be three times higher due to undiagnosed and misdiagnosed cases. FSHD, affecting between 15,000 to 40,000 persons, causes a lifelong progressive and severe loss of all skeletal muscles gradually bringing weakness and reduced mobility. It is genetically transmitted to children, can occur spontaneously, and may affect entire families. Persons with FSHD may also experience hearing loss, vision problems and respiratory insufficiency; some may become severely physically disabled and spend decades in a wheelchair and on a ventilator. FSHD is caused by a novel epigenetic phenomenon not found in other forms of muscular dystrophy and is caused by a contraction of repetitive DNA previously thought to be ''junk DNA''. The unique epigenetic structure of FSHD is unprecedented in other muscular dystrophies and genetic disorders and demands novel approaches and new research groups. Understanding this mechanism will have great benefit to other areas of biomedical research including cancer and other disease of epigenetic origin.

(5) Congenital muscular dystrophies represent a group of distinct diseases, which begin at birth, with varying severity and involvement of both muscle strength and brain. These diseases often lead to premature infant death, or severely disabled young children who require 24-hour care given their developmental delay compounded by muscle weakness. Other children live to young adulthood and typically require the use of a wheelchair for mobility.

(6) Forms of muscular dystrophy affecting children and adults include Becker, congenital, distal, Duchenne, Emery-Dreifuss, facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies. The limb-girdle muscular dystrophies are of 15 known different types.

(7) Each of the muscular dystrophies, though distinct in progressivity and severity of symptoms, has a devastating impact on hundreds of thousands of children and adults throughout the United States and worldwide, as well as imposes severe physical and economic burdens on those affected. In many of the muscular dystrophies, there are associated medical problems arising from pulmonary issues, respiratory insufficiency, cardiomyopathy, which in many cases is the cause of death for persons with muscular dystrophy.

(8) In the 5 years since enactment of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (MD–CARE Act) and due directly to the momentum established by the MD–CARE Act, progress has been made in the battle against the Muscular Dystrophies.

(9) Investments made by the Federal Government as a result of the MD–CARE Act include the creation of the MD Coordinating Committee (MDCC), the development of the MDCC Action Plan, establishment of 6 Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers (co-funded, in part, by a national non-profit health organization), development of the Muscular Dystrophy Surveillance, Tracking and Research Network (MD STARnet), and the launch of a comprehensive education and outreach initiative.

(10) In the past few years, the NIH program in translational research in muscular dystrophy has grown significantly and funded a number of large-scale projects to further the development of therapies for muscular dystrophy. As part of this program, the National Institute of Neurological Disorders and Stroke (NINDS) and the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) of the National Institutes of Health (NIH) awarded a $15.4 million, five-year cooperative agreement to develop new small molecule drugs for the treatment of Duchenne muscular dystrophy (DMD) and potentially other forms of muscular dystrophy as well. The project is a unique research collaboration between private, public, and non-profit partners to build upon previous research and discovery work originally initiated by non-profit partners to identify new treatments for muscular dystrophy. Also through the translational program, three other major cooperative agreements have been awarded for highly targeted therapy development projects in the muscular dystrophies.

(11) Advancements in care have helped prolong life and quality of life for patients with muscular dystrophy.

(12) There remains a shortage of qualified researchers in the field of muscular dystrophy research. Many family physicians and health care professionals still lack the knowledge and resources to detect and properly diagnose muscular dystrophy as early as possible, thus delaying management of symptoms in cases that go undetected or misdiagnosed.

(13) As new understandings of the genetic basis for disease and potential treatment has emerged, the public and health care communities are in urgent need of education and outreach to ensure competent, informed engagement in genetic testing and counseling and appropriate patient characterization so that patients are able to participate in new avenues of research and clinical trials.

(14) As basic research into the muscular dystrophies points the way to new therapeutic targets, there is an urgent need to support the clinical research infrastructure necessary to bring these therapeutic leads to human trials; these infrastructure needs include validated endpoints, current natural history studies, biomarkers, clinical research networks, patient registries and databases.

(15) In order to improve lives and develop effective treatments for individuals with muscular dystrophy, there must be improved communications and partnerships between patients, patient advocacy, researchers, and clinical care providers. To that end, renewed effort to work together by all parties is a critical element for successful outcomes in the years to come.

(16) Continued focus and investment are required to build on the current momentum, respond to public need, and ensure that research and other innovation is translated to therapeutic targets as quickly as possible.

**SEC. 3. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NIH WITH RESPECT TO RESEARCH ON MUSCULAR DYSTROPHY.**

(a) TECHNICAL CORRECTION.—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended by striking subsection (f) (relating to reports to Congress) and redesignating subsection (g) as subsection (f).

(b) AMENDMENTS.—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended—

(1) in subsection (a)(1), by inserting ''the National Heart, Lung, and Blood Institute,'' after ''the Eunice Kennedy Shriver National Institute of Child Health and Human Development,'';

(2) in subsection (b)(1), by adding at the end of the following: ''Such centers of excellence shall be known as the 'Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers'.''; and

(3) by adding at the end the following:

''(g) CLINICAL RESEARCH.—The Coordinating Committee may evaluate the potential need to enhance the clinical research infrastructure required to test emerging therapies for the various forms of muscular dystrophy by prioritizing the achievement of the goals related to this topic in the plan under subsection (e)(1).''.

**SEC. 4. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CDC WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.**

Section 317Q of the Public Health Service Act (42 U.S.C. 247b–18) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

''(d) DATA.—In carrying out this section, the Secretary shall ensure that any data on patients that is collected as part of the Muscular Dystrophy STARnet (under a grant under this section) is regularly updated to reflect changes in patient condition over time.

''(e) REPORTS AND STUDY.—

''(1) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, and annually thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of the Congress a report—

''(A) concerning the activities carried out by MD STARnet site funded under this section during the year for which the report is prepared;

''(B) containing the data collected and findings derived from the MD STARnet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and

''(C) that every 2 years outlines prospective data collection objectives and strategies.

''(2) TRACKING HEALTH OUTCOMES.—The Director of the Centers for Disease Control and Prevention shall provide health outcome data on the health and survival of people with muscular dystrophy.''.

**SEC. 5. INFORMATION AND EDUCATION.**

Section 5 of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b–19) is amended—

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

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

''(c) REQUIREMENTS OF CDC.—In carrying out this section, the Director of the Centers for Disease Control and Prevention shall—

''(1) partner with leaders in the muscular dystrophy patient community; and

''(2) widely disseminate the Duchenne-Becker muscular dystrophy care considerations as broadly as possible, including through partnership opportunities with the muscular dystrophy patient community.''.

**SEC. 6. STANDARDS OF CARE.**

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

**''SEC. 904. STANDARDS OF CARE RELATING TO MUSCULAR DYSTROPHY.**

''The Director—

''(1) shall evaluate the available scientific evidence for the appropriate medical or patient organizations for purposes of the development and issuance of an initial set of care considerations for Duchenne-Becker muscular dystrophy and provide periodic review and updates where appropriate; and

''(2) may replicate the same methodology used to develop the Duchenne-Becker muscular dystrophy care considerations developed under paragraph (1) as a model for other muscular dystrophies.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5265, the Paul Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, a bill to reauthorize programs at the National Institutes of Health and the Centers for Disease Control and Prevention for research on various forms of muscular dystrophy.

Duchenne-Becker muscular dystrophy, DBMD, is a combined spectrum of a genetic disorder. DBMD is usually diagnosed when the child is 3 to 6 years of age. Early signs include delays in walking and frequent falling. As the child grows older, muscle deterioration continues to progress until, finally, the disease reaches a fatal conclusion in the teen years.

Enacting H.R. 5265 would make a number of improvements to current programs at the NIH and CDC. It would allow the interagency coordinating committee for muscular dystrophy to give special consideration to enhancing the clinical research infrastructure required to test emerging therapies for the various forms of muscular dystrophy, require the director of the CDC to report on muscular dystrophy surveillance, tracking, and research network data collection and provide for respective health outcome data on the health and survival of people with muscular dystrophy and require the director of the Agency for Health Care Research and Quality to evaluate the available scientific evidence to develop and issue an initial set of care considerations for DBMD and provide ongoing review and updates. All of the above coordinated research and tracking efforts will continue to lead us down a path towards one day finding a cure for this tragic condition.

I want to thank my colleague on the Commerce Committee, Congressman ENGEL of New York, for his leadership on this legislation. He has been working on this bill for a long time, and I appreciate his efforts to craft a strong bipartisan product.

I fully support H.R. 5265 and urge my colleagues to join me in its adoption.

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

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 5265, the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008. I want to commend Congressman ENGEL for bringing this bill, and I was also proud to be the lead minority cosponsor on this bill.

H.R. 5265 reauthorizes the existing Centers for Disease Control efforts towards muscular dystrophy. The muscular dystrophies are a group of more than 30 genetic diseases characterized by progressive weakness and degeneration of the skeletal muscles that control voluntary movement. Muscular dystrophy funding is used for surveillance and family needs and assessment activities.

I am supportive of the bill's efforts to reauthorize and improve the existing muscular dystrophy registry at the Centers for Disease Control, and I urge Members to support the legislation.

Mr. Speaker, I yield back the balance my time.

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Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I urge adoption of this bill, the Paul Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.

Mr. ENGEL. Mr. Speaker, I am so proud that today we will move to pass H.R. 5265, the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008. Today we have over 120 bipartisan cosponsors, as well as the support of the medical community.

Muscular dystrophy is a genetic disease which results in progressive degeneration of skeletal muscles and other organs, notably the heart. There are nine muscular dystrophies affecting over 300,000 individuals in the United States. The most lethal is Duchenne muscular dystrophy, which affects 1 in every 3,500 boys. There is no cure.

Prior to 2001, there were few resources directed toward research and development of therapies and care models for those afflicted with muscular dystrophy. To address this issue, the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 was introduced. Congress overwhelmingly supported the legislation. Unfortunately, the authorization for this work expired in 2006.

The 2001 law specified a number of provisions for expanding and intensifying research on muscular dystrophy. These efforts included the establishment of six scientific centers of excellence, the creation of a Muscular Dystrophy Coordinating Committee (MDCC) to develop plans for supporting research and education on muscular dystrophy, and an expansion by the Centers for Disease Control and Prevention (CDC) into epidemiological activities regarding muscular dystrophy.

The reauthorization of the Paul D. Wellstone MD–CARE Amendments officially names the Centers of Excellence the Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers. In addition, it ensures that data collection at CDC is updated regularly with a requirement for regular reports to Congress. The bill also requires the Agency for Healthcare Research and Quality to work with appropriate medical or patient organizations to finalize an initial set of care considerations and for CDC to disseminate that information to targeted audiences.

Once again, thank you Mr. Speaker for your commitment to muscular dystrophy.

I know this bill will have a profound effect on so many families in America upon enactment.

Mr. PALLONE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5265, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## METH FREE FAMILIES AND COMMUNITIES ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6901) to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6901

*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 ''Meth Free Families and Communities Act''.

**SEC. 2. ENHANCING HEALTH CARE PROVIDER AWARENESS OF METHAMPHETAMINE ADDICTION.**

Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) collaborate with professionals in the addiction field and primary health care providers to raise awareness about how to—

''(A) recognize the signs of a substance abuse disorder; and

''(B) apply evidence-based practices for screening and treating individuals with or at-risk for developing an addiction, including addiction to methamphetamine or other drugs;''.

**SEC. 3. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND PARENTING WOMEN.**

Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''postpartum women treatment for substance abuse'' and inserting ''parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)'';

(B) in paragraph (1), by striking ''reside in'' and inserting ''reside in or receive outpatient treatment services from''; and

(C) in paragraph (2), by striking ''reside with the women in'' and inserting ''reside with the women in, or receive outpatient treatment services from,'';

(2) in subsection (d), by amending paragraph (2) to read as follows:

''(2) Referrals for necessary hospital and dental services.'';

(3) by amending subsection (h) to read as follows:

''(h) ACCESSIBILITY OF PROGRAM.—A funding agreement for an award under subsection (a) for an applicant is that the program operated pursuant to such subsection will be accessible to—

''(1) pregnant and parenting women in low-income households; and

''(2) pregnant and parenting women in health disparity populations.'';

(4) by amending subsection (m) to read as follows:

''(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

''(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

''(2) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.'';

(5) in subsection (p)—

(A) by striking ''October 1, 1994'' and inserting ''October 1, 2009'';

(B) by inserting ''In submitting reports under this subsection, the Director may use data collected under this section or other provisions of law.'' after ''biennial report under section 501(k).''; and

(C) by striking ''Each report under this subsection shall include'' and all that follows and inserting ''Each report under this subsection shall, with respect to the period for which the report is prepared, include the following:

''(1) A summary of any evaluations conducted under subsection (o).

''(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse under programs carried out pursuant to this section. Such data shall include, but not be limited to, the number of pregnant and parenting women in need of, but not receiving, treatment for methamphetamine abuse under such programs, disaggregated by State and tribe.

''(3) Data on recovery and relapse rates of women receiving treatment for substance abuse under programs carried out pursuant to this section, including data disaggregated with respect to treatment for methamphetamine abuse.'';

(6) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively;

(7) by inserting after subsection (p) the following:

''(q) METHAMPHETAMINE ADDICTION.—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide pregnant and parenting women treatment for addiction to methamphetamine or other drugs.'';

(8) in subsection (r) (as so redesignated)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) The term 'health disparity population' means a population in which there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.''; and

(9) in subsection (s) (as so redesignated), by striking ''such sums as may be necessary to fiscal years 2001 through 2003'' and inserting ''$20,000,000 for fiscal year 2009, $21,000,000 for fiscal year 2010, $22,050,000 for fiscal year 2011, $23,152,500 for fiscal year 2012, and $24,310,125 for fiscal year 2013''.

**SEC. 4. DRUG-FREE WORKPLACE INFORMATION CLEARINGHOUSE.**

Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb–21(b)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

''(11) develop a clearinghouse that provides information and educational materials to employers and employees about drug testing policies and programs; and''.

**SEC. 5. STUDENT-DRIVEN METHAMPHETAMINE AWARENESS PROJECT.**

Section 519E(c)(1) of the Public Health Service Act (42 U.S.C. 290bb–25e(c)(1)) is amended—

(1) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) to develop, with the guidance of adult mentors and professionals, a student-driven methamphetamine awareness project such as a public service announcement or a television, radio, or print advertisement;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise this evening in support of H.R. 6901, the Meth Free Families and Communities Act. Despite recent Federal efforts to curb abuse, meth addiction remains a national epidemic. In 2006, the National Survey on Drug Use and Health estimated that 1.9 million Americans age 12 and older had abused meth at least once in the year prior to being surveyed. Recent trends suggest that meth use is up among women, including pregnant women and women of child-bearing age.

H.R. 6901 would amend the Public Health Service Act to improve prevention and treatment programs for meth addiction. The bill expands grants available for student-driven meth awareness programs, and prioritizes grants that are intended to reach areas lacking in mental health professionals and substance abuse treatment options.

This legislation seeks to improve treatment for meth addiction to pregnant and parenting women, and aims to help professionals recognize vulnerable populations for the purpose of preventing and treating addiction.

H.R. 6901 also provides information and educational materials to employers and employees about drug testing policies and programs.

H.R. 6901 helps our communities battle meth addiction by providing targeted education and treatment programs to the areas and people that need it most. It is the result of the very hard work of Representatives HOOLEY and CUBIN. I urge my colleagues to support the passage of the bill.

I want to particularly thank Representative HOOLEY for her work on this legislation. As many of you know, she will not be with us after this session and I very much regret that because of all she has contributed as a congresswoman over the years. But passage of this bill is important to her legacy and important for the American people.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, in deference to the sponsor of the bill, I will reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield at this time 5 minutes to the sponsor of the bill, the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. I want to thank my colleague and good friend and wonderful chairman of my subcommittee on Energy and Commerce for giving me this opportunity.

I also want to thank, and I am sorry she is not here tonight, Representative CUBIN who has worked so hard on this issue. Battling the meth epidemic has been amongst my top priorities in Congress, and it is also a priority for the gentlewoman from Wyoming (Mrs. CUBIN). It is something that we share.

Those of us in the West have long been familiar with the ways that meth has worked to destroy communities, families and property. For over two decades as a county commissioner and as a Member of Congress representing the mid-Willamette Valley and Oregon's central coast, I've dealt with the fallout of meth production in small communities and rural areas where law enforcement and social services are stretched beyond their limit to handle this scourge.

The Federal Government must step up to the plate and do its part in defending families and communities against this threat. Meth is one of the fastest-growing drug problems in the

country because it is cheap, easy to make, and gives addicts an intense, long-lasting high. The consequences of its use can be severe not just for the addict but for the community.

Meth addicts frequently abuse or neglect their children. Meth labs are toxic to our environment. Meth use and production raise the rate of property crime and identity theft.

When we talk about fighting drug abuse, we frequently talk about this concept of a three-legged stool: prevention, treatment and enforcement. Just like a stool, our efforts to fight drug abuse will collapse if we try to stand on just one or two of those legs.

During the last Congress we in the Meth Caucus worked together to make significant progress on both the enforcement aspect and controlling the meth supply through the Combat Methamphetamine Epidemic Act. But treatment and prevention issues have largely been ignored, which is why I am so pleased that today we will consider the Meth Free Families and Communities Act that Congresswoman BARBARA CUBIN and I have worked together to craft.

Our legislation has four important provisions that will help our communities. One concern I have heard throughout Oregon in meetings with treatment and prevention officials and nationally is that we need to start looking at the meth epidemic as not just a criminal problem, but as a public health problem.

The first section will require the Center for Substance Abuse Treatment to work with primary care providers to apply evidence-based practices for screening and treating people with drug addiction or those at risk of developing one. It will also direct the center to collaborate with both addiction professionals and primary care providers to raise awareness of how do we recognize the signs of drug addiction so doctors can direct the addicted patients into treatment.

The second provision will reauthorize an existing grant program for pregnant and parenting women so they can receive comprehensive, family-based substance abuse treatment. Congresswoman CUBIN has led the way in fighting for the resources needed for this vital initiative. Too many children have gone into the foster system because their mothers are sent to jail for meth addiction. This initiative will provide treatment to pregnant and parenting women which is much more effective for the mother and certainly cost effective and better for the child.

Another issue that has employers seeking our help is ensuring safe and drug free workplaces. Employers are concerned about finding employees who are able to pass a drug test. In some cases, companies are worried about implementing drug free workplace policies out of concern for the employee filing suit against them. Although the Substance Abuse and Mental Health Services Administration already provides guidelines to employers on creating a drug free workplace policy, the chief concern I have heard from businesses is that the guidelines can be difficult to navigate and assistance is not readily accessible.

So this legislation will create a single information clearinghouse in the Office for Substance Abuse Prevention that will serve as a resource for both employers and employees on drug testing policies and programs.

Finally, this legislation will create a national version of an incredibly successful program we have in Oregon, the Methamphetamine Awareness Project. The project goes into the high schools throughout the State with a film production crew and works with the students to produce anti-meth advertisements or sometimes even short documentaries that are entirely student driven. It is a great project that allows students to create the message that they think will best reach their fellow students. And it also gives them an after-school activity that keeps them from being idle and teaches them new skills. This project has been so effective in Oregon, I want to see it expanded on a national level which is why this legislation will allow SAMHSA prevention grant dollars to be used for professionally mentored, student-driven methamphetamine awareness projects around the country.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. PALLONE. I yield the gentlewoman an additional 2 minutes.

Ms. HOOLEY. I thank the gentleman.

Congresswoman CUBIN and I have both met extensively with prevention and treatment experts in our respective States and throughout the country. These provisions reflect what professionals have told us are the greatest needs in their field.

With gratitude, I would like to recognize Alison Craig of my own staff and Landon Stropko of Congresswoman CUBIN's staff who have taken these ideas from sessions and turned them into provisions in this legislation.

I also want to recognize the work of the late Timm O'Cobhthaigh of my staff who helped Alison Craig put together many of these forums in Oregon.

I would like to thank Congresswoman CUBIN for her leadership and her great passion to do a bill against methamphetamine that isn't just limited to enforcement efforts. I urge my colleagues to join us in supporting the Meth Free Families and Communities Act.

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

I rise in support of H.R. 6901, the Meth Free Families and Communities Act. I also want to commend Congresswoman HOOLEY and Congresswoman CUBIN for their tireless work on this bill.

This bill reauthorizes a grant program administered by the Substance Abuse and Mental Health Services Administration. Methamphetamine is a powerful central nervous system stimulant which affects neurochemical mechanisms responsible for regulating heart rate, body temperature, blood pressure, appetite, attention and mood. The grant program at the agency provides comprehensive family-based substance abuse treatment for methamphetamine addiction for pregnant and parenting women.

The bill updates the law by directing the agency to expand, intensify and coordinate efforts to provide for pregnant and parenting women and for the family-based treatment for methamphetamine addiction. In addition, the bill attempts to increase awareness of methamphetamine addiction amongst providers and employers.

By helping people break their addiction, this program helps to put them on a road towards self-sufficiency and ends the vicious cycle of methamphetamine addiction.

I commend Congresswoman HOOLEY and Congresswoman CUBIN for their work on this bill and for all of their years of service to this body and to our Committee on Energy and Commerce. Both Members will be sorely missed, and I wish them well in whatever life has in store for them in the future.

Mrs. CUBIN. Mr. Speaker, I rise today in partnership with Representative DARLENE HOOLEY to address an issue that transcends district boundaries and party lines—methamphetamine addiction.

While we hail from different political parties, Representative HOOLEY and I are natural partners in the fight against meth. We both represent rural, western districts that have struggled with the horrible effects of the meth epidemic. We both feel that we need a comprehensive approach to fighting meth, including increased education, awareness, and treatment for the addicted.

For the benefit of Wyoming, Oregon, and other rural areas across the Nation, we decided to combine our work into one bill, H.R. 6901, the Meth Free Families and Communities Act. This legislation incorporates portions of H.R. 405, the Family-Based Meth Treatment Access Act, which I introduced in both the 109th and 110th Congresses. My meth treatment provisions, combined with the education and awareness provisions authored by Representative HOOLEY, will give our citizens more tools to fight meth in our schools, in places of work, and in the family unit itself.

Too many young men and women in Wyoming are getting hooked on meth. In a survey conducted in my home State of Wyoming, nearly half of Wyoming's young adults believe there are significant benefits to meth use, including weight loss and happiness.

It's this misperception that leads young people into the nightmare of meth. These people have families, and children, that suffer right along with them. We need increased awareness in Wyoming. We also need treatment options for those that succumb to meth addiction.

I crafted the provisions of H.R. 6901 that reauthorize the pregnant and parenting women grant program. These grants support family-based treatment centers, which meet the needs of the entire family—mother, father, and children, rather than just the addict. This

means healthy mothers, healthy fathers, and safe and healthy children. Every success story is one less family torn apart by meth.

H.R. 6901 authorizes over $110 million for family-based treatment over 5 years. We need this funding in rural areas like Wyoming that otherwise lack treatment options. This legislation points us in that direction,

I know that some question the wisdom of spending taxpayer dollars on drug treatment. I don't think we can afford not to invest in treatment. The cost of treatment pales in comparison to what meth has cost the taxpayer through our courtrooms, our prisons, our emergency rooms, and our foster care system. Moreover, the emotional cost to Wyoming's families has been immeasurable. Family treatment is a sound investment, one that this body should make.

I want to thank Representative HOOLEY for her leadership and willingness to tackle the meth problem in a bipartisan fashion. I urge my colleagues on both sides of the aisle to join me in support of H.R. 6901, which will make a real difference for meth-affected families in Wyoming and across the Nation.

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

Mr. PALLONE. Mr. Speaker, I would urge passage of this meth addiction bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6901.

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

The point of no quorum is considered withdrawn.

## PHYSICIAN WORKFORCE ENHANCEMENT ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2583) to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2583

*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 ''Physician Workforce Enhancement Act of 2008''.*

***SEC. 2. HOSPITAL RESIDENCY LOAN PROGRAM.***

*Subpart 2 of part E of title VII of the Public Health Service Act is amended by adding at the end the following new section:*

***''SEC. 771. HOSPITAL RESIDENCY LOAN PROGRAM.***

*''(a) ESTABLISHMENT.—Not later than October 1, 2010, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a hospital residency loan program that provides loans to eligible hospitals to establish a residency training program.*

*''(b) APPLICATION.—No loan may be provided under this section to an eligible hospital except pursuant to an application that is submitted and approved in a time, manner, and form specified by the Administrator of the Health Resources and Services Administration. A loan under this section shall be on such terms and conditions and meet such requirements as the Administrator determines appropriate, in accordance with the provisions of this section.*

*''(c) ELIGIBILITY; PREFERENCE FOR RURAL AREAS.—*

*''(1) ELIGIBLE HOSPITAL DEFINED.—For purposes of this section, an 'eligible hospital' means, with respect to a loan under this section, a public or non-profit hospital that, as of the date of the submission of an application under subsection (b), meets, to the satisfaction of the Administrator of the Health Resources and Services Administration, each of the following criteria:*

*''(A) The hospital does not operate a residency training program and has not previously operated such a program.*

*''(B) The hospital has secured initial accreditation by the American Council for Graduate Medical Education or the American Osteopathic Association.*

*''(C) The hospital provides assurances to the satisfaction of the Administrator of the Health Resources and Services Administration that such loan shall be used, consistent with subsection (d), only for the purposes of establishing and conducting an allopathic or osteopathic physician residency training program in at least one of the following, or a combination of the following:*

*''(i) Family medicine.*

*''(ii) Internal medicine.*

*''(iii) Obstetrics or gynecology.*

*''(iv) Behavioral or Mental health.*

*''(v) Pediatrics.*

*''(D) The hospital enters into an agreement with the Administrator that certifies the hospital will provide for the repayment of the loan in accordance with subsection (e).*

*''(2) PREFERENCE FOR RURAL AREAS.—In making loans under this section, the Administrator of the Health Resources and Services Administration shall create guidelines that give preference to rural areas (as such term is defined in section 1886(d)(2)(D) of the Social Security Act).*

*''(d) PERMISSIBLE USES OF LOAN FUNDS.—A loan provided under this section shall be used, with respect to a residency training program, only for costs directly attributable to the residency training program, except as otherwise provided by the Administrator of the Health Resources and Services Administration.*

*''(e) REPAYMENT OF LOANS.—*

*''(1) REPAYMENT PLANS.—For purposes of subsection (c)(1)(D), a repayment plan for an eligible hospital is in accordance with this subsection if it provides for the repayment of the loan amount in installments, in accordance with a schedule that is agreed to by the Administrator of the Health Resources and Services Administration and the hospital and that is in accordance with paragraphs (2), (3), and (4).*

*''(2) COMMENCEMENT OF REPAYMENT.—Repayment by an eligible hospital of a loan under this section shall commence not later than the date that is 18 months after the date on which the loan amount is disbursed to such hospital.*

*''(3) REPAYMENT PERIOD.—A loan made under this section shall be fully repaid not later than the date that is 24 months after the date on which the repayment is required to commence.*

*''(4) LOAN PAYABLE IN FULL IF RESIDENCY TRAINING PROGRAM CANCELED.—In the case that an eligible hospital borrows a loan under this section, with respect to a residency training program, and terminates such program before the date on which such loan has been fully repaid in accordance with a plan under paragraph (1), such loan shall be payable by the hospital not later than 45 days after the date of such termination.*

*''(f) NO INTEREST CHARGED.—The Administrator of the Health Resources and Services Administration may not charge or collect interest on any loan made under this section.*

*''(g) LIMITATION ON TOTAL AMOUNT OF LOAN.—The cumulative annual dollar amount of a loan made to an eligible hospital under this section may not exceed $250,000.*

*''(h) PENALTIES.—The Administrator of the Health Resources and Services Administration shall establish penalties to which an eligible hospital receiving a loan under this section would be subject if such hospital is in violation of any of the criteria described in subsection (c)(1). Such penalties shall include the charge or collection of interest, at a rate to be determined by the Administrator of the Health Resources and Services Administration. Except as otherwise provided, penalties collected under this subsection shall be paid to the Administrator of the Health Resources and Services Administration and shall, subject to appropriation Acts, be available until expended for the purpose of enforcing the provisions of this section.*

*''(i) REPORTS.—Not later than January 1, 2012, and annually thereafter (before January 2, 2014), the Administrator of the Health Resources and Services Administration shall submit to Congress a report on the efficacy of the program under this section in increasing the number of residents practicing in each medical specialty described in subsection (c)(1)(C) during such year and the extent to which the program resulted in an increase in the number of available practitioners in each of such medical specialties that serve medically underserved populations.*

*''(j) FUNDING.—*

*''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for loans under this section, there are authorized to be appropriated such sums as may be necessary to provide—*

*''(A) $8,000,000 in loans for fiscal year 2010;*

*''(B) $8,400,000 in loans for fiscal year 2011;*

*''(C) $8,820,000 in loans for fiscal year 2012;*

*''(D) $9,261,000 in loans for fiscal year 2013; and*

*''(E) $9,724,050 in loans for fiscal year 2014.*

*''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.*

*''(k) TERMINATION OF PROGRAM.—No loan may be made under this section after December 31, 2013.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise this evening in support of H.R. 2583, the Physician Workforce Enhancement Act of 2008. This legislation seeks to address shortages in the physician workforce by creating a loan program for rural and

urban hospitals to start residency training programs.

Demand for primary care has grown due to an increase in the number of people living with chronic diseases and due to the long-term care needs of an aging population. However, recent trends show that the growth in the physician workforce is not keeping pace with the growth of the general population. In fact, there has been a decline in the number of medical students and training opportunities for primary care in certain areas of practice, including pediatrics, which are expected to have more critical shortages in the future.

H.R. 2583 seeks to address the physician shortage by establishing a loan program for eligible hospitals to establish residency training programs in allopathic and osteopathic medicine with a preference for hospitals located in rural areas.

Residency training programs are an integral way for rural and small urban communities to attract physicians as it encourage doctors to put down roots in the community where they completed their residency.

One important source of funding for residency training programs is Medicare. However, the Medicare program caps the number of residents and fellows eligible for Medicare reimbursement.

□ 2045

This can narrow the number of resources available to some smaller hospitals that have the greater need for residents that will later serve the community as physicians. That cap was implemented at the time when it appeared that the physician workforce would enjoy surpluses for some time, and that the use of managed care services would reduce the demand of medical services. But both trends have significantly reversed in recent years, precipitating the need for a new strategy to improve the health and vitality of the U.S. physician workforce.

H.R. 2583 provides such a strategy. This legislation will make great strides in attracting new physicians to serve in rural and small urban districts that need them most.

I want to urge my colleagues to support the passage of this bill.

I reserve the balance of my time.

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

Health care workforce issues are going to be a major and developing problem over the next several years, and it's a problem that the country really doesn't know a great deal about. In fact, in the next 20 to 30 years our population is going to age, and it's going to grow. And the current trends suggest that we will reach a critical shortage of physicians in growing communities, and it'll be especially acute in some specialties.

The problem is complex. The problem is varied, and does not have just one solution. But in a modest attempt to spark the discussion on how to increase the domestic supply of physicians and provide at least one solution, Congressman MATHESON and I introduced H.R. 2583 last year.

H.R. 2583 will assist small hospitals that serve rural or growing areas by providing them with financial resources to establish a residency training program for certain high need medical specialties.

While we need to increase the number of doctors, we also need to make certain that they practice in areas where they're needed. We need to develop new residency training programs away from the major urban centers. It is a rule of thumb that most physicians tend to settle and start their families and integrate into the community where they complete their residency training program. H.R. 2583 will help smaller emerging communities attract and retain the medical professionals that their communities will need to rely on well into the future.

H.R. 2583 would establish an interest-free loan program for eligible hospitals to establish residency training programs. Over the period of its authorization, it should operate at no cost to the American taxpayer.

To qualify, hospitals will need to have secured preliminary accreditation from the American Council of Graduate Medical Education or the American Osteopathic Association, and have not had a residency training program in the past. These loans would go to pay salaries or benefits for residents, salaries of faculty and other costs directly attributable to the residency training program.

Mr. Speaker, in response to concerns raised during discussions on this bill, House Energy and Commerce staff and Member office staff have worked together in a bipartisan manner to address areas of concern. This bill represents a modest and an accountable approach to the growing problem of physician workforce issues.

This bill is supported by medical groups, and most notably, the American Osteopathic Association. I'm pleased also to have worked with Congressman MATHESON on this important proposal.

So, Mr. Speaker, if Members want to help their smaller rural communities, and if they want to help attract medical professionals that their communities will need in the future, I urge a ''yes'' vote on H.R. 2583 today.

I reserve the balance of my time.

Mr. MATHESON. Mr. Speaker, I rise today in support of H.R. 2583, the "Physician Workforce and Graduate Medical Education Enhancement Act." I am proud to join Representative BURGESS as a lead sponsor of this legislation and want to thank him along with Chairman DINGELL and the Energy and Commerce staff for moving this legislation forward.

Data shows that physicians typically will practice within 100 miles of where they train. While current residency training programs continue to excel at producing high quality physicians, they do not adequately distribute physicians to communities across the Nation. H.R. 2583 aims to create new residency programs in geographic regions that face physician shortages, especially those in the South, Southwest, Rocky Mountain, and West regions.

A major obstacle often preventing the establishment of new residency training programs are the costs associated with the creation of such programs. Under current law, a hospital starting a new residency program is not eligible immediately for direct graduate medical education or indirect medical education funding. This financing arrangement presents challenges for hospitals that operate on narrow margins, especially community hospitals that lack adequate reserve funds to offset the financial commitments associated with staffing a new residency program.

I believe this legislation provides the appropriate incentives that would lead to the creation of new residency training programs in geographic areas that lack an adequate supply of physicians, thus enhancing the Nation's ability to meet future physician workforce needs. If carried out over 10 years, the loan program established by the "Physician Workforce and Graduate Medical Education Enhancement Act" has the potential of assisting in the establishment of up to 50 new residency programs.

Thank you and I urge my colleagues to support this piece of legislation.

Mr. PALLONE. Mr. Speaker, I have no further speakers. I urge passage of the Physician Workforce and Graduate Medical Education bill, and I yield back the balance of my time.

Mr. BURGESS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2583, as amended.

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

A motion to reconsider was laid on the table.

## SUPPORTING THE WE DON'T SERVE TEENS CAMPAIGN

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1042) supporting the We Don't Serve Teens campaign, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1042

Whereas the 2007 National Survey on Drug Use and Health conducted by the Substance Abuse and Mental Health Services Administration estimates there are 10,700,000 underage alcoholic beverage drinkers in the United States;

Whereas research shows that young people who start drinking alcoholic beverages before the age of 15 are 4 times more likely to develop an alcohol-related disorder later in life;

Whereas surveys show that 17 percent of 8th graders, 33 percent of high school sophomores, and 47 percent of high school seniors

report recent drinking of alcoholic beverages;

Whereas in a 2003 survey of such drinkers ages 10 to 18, 65 percent said they got the alcohol from family members or friends—some took alcohol from their home or a friend's home without permission, and in other cases adults, siblings, or friends provided the alcohol;

Whereas the Surgeon General issued a national Call to Action against underage drinking in March 2007, asking Americans to do more to stop current underage drinkers from using alcohol and to keep other youth from starting to drink alcohol before the age of 21;

Whereas the Leadership to Keep Children Alcohol Free initiative is a coalition of Governors' spouses, Federal agencies, and public and private organizations which specifically targets prevention of drinking in the 9- to 15-year-old age group;

Whereas the National Alliance to Prevent Underage Drinking is a coalition of public health, law enforcement, religious, treatment and prevention, and other organizations with the goal of supporting and promoting implementation of a comprehensive strategy to reduce underage drinking;

Whereas the best protections against underage drinking are comprehensive prevention and enforcement strategies that include educating parents and members of the community;

Whereas beverage alcohol is a unique product and is regulated in such a way as to encourage social responsibility;

Whereas parents should be encouraged to talk to their children about the dangers of underage drinking;

Whereas the goal of the We Don't Serve Teens campaign is to educate parents and community leaders about effective ways of reducing underage drinking;

Whereas the Federal Trade Commission has partnered with other Government entities, members of the beverage alcohol industry, and members of the advocacy community to educate the public on the dangers of underage drinking;

Whereas the Federal Trade Commission has created a Web site, www.dontserveteens.gov, as a resource for parents, educators, and community leaders concerned with underage drinking;

Whereas Congress has demonstrated its commitment to the prevention of underage drinking by enacting the Sober Truth on Preventing Underage Drinking Act (STOP), which recognizes that the continued State regulation of all three tiers of the beverage alcohol industry (manufacturer, wholesaler, and retailer), as well as of the sale, distribution, transportation, and importation of alcohol is critical to preventing access to alcohol by persons under 21 years of age; and

Whereas the We Don't Serve Teens campaign seeks to unite State officials, business leaders, parents, community leaders, and all three tiers of the beverage alcohol industry in fighting underage drinking, and unites all those participants in a concerted effort to protect America's youth: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of campaigns working to improve long-term public health and well being, including campaigns that work to prevent underage drinking of alcoholic beverages, such as the We don't Serve Teens Campaign;

(2) encourages Americans to utilize resources, including the Web site of the Federal Trade Commission at www.dontserveteens.gov and the Web site of the National Institute of Alcohol Abuse and Alcoholism at www.alcoholfreekids.org, that provide a wealth of information beneficial to combating and reducing such underage drinking; and

(3) commends the leadership and continuing efforts of all groups working to reduce such underage drinking, including the Federal Trade Commission, the Department of Health and Human Services, State and local officials, law enforcement, public health organizations, community groups, and the beverage alcohol industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 1042, supporting the We Don't Serve Teens Campaign.

Underage drinking is an ongoing problem in our country, as over half of high school seniors drink alcoholic beverages, while more than a quarter of them engage in binge drinking. Binge drinking at a young age is an especially troubling activity, as those teens are more susceptible to both alcohol addiction and dependence.

Besides binge drinking, teens who drink are more likely to engage in other risky behavior, including smoking, having sex without birth control, and drinking and driving. This last behavior should be a particular concern to everyone as the combination of inexperience behind the wheel and alcohol often results in a deadly conclusion.

Currently, car crashes rank as the leading cause of death among individuals ages 15 to 20. We must all work to prevent such tragedies from occurring.

The resolution before us supports the goals and ideals of campaigns working to improve long-term health, encourages Americans to use resources to help combat underage drinking, and commends organizations that are already working to reduce underage drinking.

I want to thank my colleague, Representative BONO MACK, for her leadership on this resolution. It's an important issue to address.

I urge my colleagues on both sides of the aisle to join me in support of its adoption.

I reserve the balance of my time.

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

And I do rise in support of House Resolution 1042.

Since Congress passed the National Minimum Drinking Age in 1984, teen drinking rates have dropped; 25 percent fewer high school seniors drink than in 1983. But despite these gains, many teens still drink, and when they do, it can be to excess, with 25 percent of seniors reporting binge drinking.

Mr. Speaker, adolescent years can be fraught with peril. It is said that being a teenager is risky business. Adding alcohol to the mix can compound the difficulties, and especially when driving, being behind the wheel of a car. Drunk driving is the leading cause of death among people ages 15 to 20. These crashes claim and kill almost 2,000 teenagers each year; and in 65 percent of them, the kids got the alcohol without permission from family or friends.

The best protections against underage drinking are prevention and enforcement strategies by parents and members of the community. Parents should take the time to discuss with their children the dangers of underage drinking, and can use the Federal Trade Commission's Web site as a resource for parents, educators and community leaders concerned about underage drinking.

The We Don't Serve Teens campaign has worked to unite State officials, business leaders, parents and all three tiers of the beverage alcohol industry in fighting underage drinking, and unites all of those participants in a concerted effort to protect America's youth.

I do want to thank the sponsor of the resolution, Mrs. BONO MACK of California, for raising public awareness and her continued effort to reduce underage drinking.

I encourage all of my colleagues to vote in favor of this resolution.

Having no additional requests for time on my side, I will yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would yield 5 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H. Res. 1042, which supports the We Don't Serve Teens campaign.

I commend my California colleague, MARY BONO MACK, for her leadership in offering this resolution, and for highlighting the public health crisis of underage drinking in our country. This crisis is real, and the impact on the health and safety of our children is profound.

During the 10 years I've been working on this issue, one thing has been made perfectly clear: underage drinking and its serious consequences are not inevitable. From research, we know that parents are the leading influence over their children's decision to drink or not drink alcohol. Simply stated, when parents talk, kids really do listen. Unfortunately, many parents under estimate the problem of underage drinking in their communities and therefore do not talk to their children about the dangers of alcohol consumption.

The facts are, however, that each year, 10.8 million Americans between the ages of 12 and 20 report illegal alcohol consumption. This number includes

41 percent of 8th grade students, 62 percent of 10th grade students, and 73 percent of 12th graders.

State officials, business leaders, parents and community leaders can also make a difference. When they come together to fight this public health crisis, it is possible to reduce the terrible toll underage drinking has on our youth. The We Don't Serve Teens Campaign will help us reach that goal.

From my personal experience in my own district, I can attest to how highly successful the program is in educating parents and their children about the dangers of underage drinking. Last fall I worked with the Century Council and the Federal Trade Commission to bring this important public safety campaign to Los Angeles during National We Don't Serve Teens Week.

The Wine and Spirits Wholesalers Association and the California Highway Patrol joined us in sending a strong message to retailers, parents and adults that providing alcohol to any person under the age of 21 is unsafe, irresponsible, and illegal.

I was privileged to host this important campaign in my district, and I am honored to support this resolution today.

I hope that passage of this resolution will encourage others to become more actively involved in the fight against underage drinking. By working together to reduce underage drinking, we will provide a safer and healthier future for our children.

I encourage my colleagues to vote ''yes'' on H. Res. 1042 and to do what they can in their communities to get the message out.

Mr. PALLONE. Mr. Speaker, I have no additional requests for time, I would urge passage of this resolution relative to underage drinking, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1042, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL SUDDEN CARDIAC ARREST AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 393) supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. Con. Res. 393

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac arrest takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving the disease a mortality rate of approximately 95 percent;

Whereas to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if administered in time;

Whereas according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting people at risk for sudden cardiac arrest;

Whereas according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double the chances that a victim will survive;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African-Americans are at a higher risk than the general population for dying as a result of sudden cardiac arrest, yet this fact is not well known to people at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas the Heart Rhythm Society and the Sudden Cardiac Arrest Coalition are preparing related public awareness and education campaigns on sudden cardiac arrest to be held each year during the month of October: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) supports the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month'';

(2) supports efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Con. Res. 393, a resolution expressing support for the goals and ideals of National Sudden Cardiac Arrest Awareness Month.

While many of us are aware of the importance of maintaining a healthy diet in order to mitigate the risk of heart attacks, there is much less information concerning the risk of cardiac arrest. However, the dangers to the public are no less severe. It's estimated that more than 250,000 people die each year from sudden cardiac arrest.

Sudden cardiac arrest occurs when the heart stops functioning properly, usually as a result of an irregular heart rhythm. Any type of heart disease can lead to cardiac arrest.

□ 2100

Often, though, two or more major coronary arteries are narrowed due to fatty buildups.

H. Con. Res. 393 recognizes October as an appropriate month to support National Sudden Cardiac Heart Awareness. This resolution would support efforts to educate the American public about cardiac arrest and raise awareness regarding prevention and warning signs.

It's especially important that warning signs are recognized immediately because death can occur in as little as 6 minutes after experiencing cardiac arrest. Moreover, women and African Americans need to make themselves particularly familiar with this health problem as they are at a higher risk than other populations.

I want to thank my colleague, Representative PICKERING, for his work in bringing this resolution to the floor. I urge my colleagues to join me in support of H. Con. Res. 393.

I reserve the balance of my time.

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

I rise today in support of House Concurrent Resolution 393, recognizing October as the National Sudden Cardiac Awareness Month.

Sudden cardiac arrest is one of the Nation's leading killers, claiming the lives of over a quarter million Americans a year. The most incidents of sudden cardiac arrest occur without any warning signs and can strike at any age, even in healthy infants, high school athletes, and adults with no prior signs of distress or heart disease.

Most victims of sudden cardiac arrest—95 percent—die because they are not able to receive a life-saving shock from an automated external defibrillator within 4 to 6 minutes before brain and permanent death start to occur.

Sudden cardiac arrest occurs when the heart stops working and no blood is

pumped to vital organs. The heart's electrical system malfunctions. And in fact, for those who can be identified to be at risk for SCA, an implantable cardioverter-defibrillator is very effective at preventing a deadly arrest.

This resolution will support continued efforts to raise awareness about the risk of sudden cardiac arrest, to improve the public's ability to identify warning signs and encourage individuals to seek medical attention in a timely manner.

I certainly would like to thank the Heart Rhythm Society and the 29 organizations that comprise the Sudden Cardiac Arrest Coalition for their support. I would also like to point out their ongoing efforts promoting public awareness and education campaigns that will be held each year during the month of October.

Certainly I also want to thank the sponsor of the resolution, Mr. CHIP PICKERING of Mississippi, for raising awareness about sudden cardiac arrest and improving national cardiovascular health.

I encourage all of my colleagues to vote in favor of this resolution.

I will yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would yield 2 minutes to the sponsor of the legislation, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of House Concurrent Resolution 393 which would recognize October as Sudden Cardiac Arrest Awareness Month, and I want to thank my colleague from New Jersey, our chairman of our Health Subcommittee, for recognizing me. I also want to thank the resolution's sponsor, CHIP PICKERING, and thank him for his leadership on this topic.

I have proudly served with Mr. PICKERING as cochair of the Heart and Stroke Coalition for the past 2 years. I have enjoyed working with him as well on the Stop Stroke Act, which we are so close to passing into law, and for his advocacy on behalf of these issues. He will sorely be missed when he retires this year from Congress.

Sudden cardiac arrest claims the life of over 300,000 people per year. It's known as SCA, and it can strike at any age in people who appear to be otherwise healthy. We all know the famous stories of young athletes mysteriously dying on the basketball court or the football field. But perhaps none of us know enough about how to prevent it from happening in the future in our families with our loved ones and in the future.

There are certain warning signs for sudden cardiac arrest which can be identified through screenings, and we hope that establishing a Sudden Cardiac Awareness Month will help more Americans learn what those warning signs are and to encourage more medical professionals to conduct proper screenings.

I'd also like to take this time to promote awareness about the greatest chance for survival after a sudden cardiac arrest: the automated external defibrillators, or AEDs. Throughout my tenure in Congress, I have been proud of the efforts to increase the presence of AEDs on school campuses and other public buildings. Many of you are probably familiar with the placement of AEDs on every floor through the Capitol and our office buildings. They are so simple to use and are crucial to improving survival.

I urge my colleagues to vote in favor of House Concurrent Resolution 393 and help improve awareness about sudden cardiac events and AEDs.

Mr. PALLONE. Mr. Speaker, I have no additional speakers. I would urge passage of this resolution with regard to sudden cardiac arrest.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 393.

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

The point of no quorum is considered withdrawn.

## MRSA AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 988) designating the month of March 2008 as ''MRSA Awareness Month,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 988

Whereas Methicillin-resistant Staphylococcus aureus (MRSA) is a type of infection that is resistant to treatment with the usual antibiotics and is one of the most common pathogens that cause Healthcare-Associated Infections (HAIs) in the United States and in many parts of the world;

Whereas a study led by the Centers for Disease Control and Prevention estimates that in 2005 more than 94,000 invasive MRSA infections occurred in the United States and more than 18,500 of these infections resulted in death;

Whereas the percentage of Staphylococcus aureus infections in the United States that are attributable to MRSA has grown from 2 percent in 1974 to 63 percent in 2004;

Whereas the annual number of hospitalizations associated with MRSA infections, including both HAIs and community-based infections, more than tripled between 1999 and 2005, from 108,600 to 368,600;

Whereas approximately 85 percent of all invasive MRSA infections were associated with healthcare;

Whereas serious MRSA infections occur most frequently among individuals in hospitals and healthcare facilities, particularly the elderly, those undergoing dialysis, and those with surgical wounds;

Whereas individuals infected with MRSA are most likely to have longer and more expensive hospital stays, with an average cost of $35,000;

Whereas there has been an increase in reported community-acquired staph infection outbreaks, including antibiotic-resistant strains, in States such as Illinois, New York, Kentucky, Virginia, Maryland, Ohio, North Carolina, Florida, the District of Columbia, and Alaska;

Whereas clusters of community-acquired MRSA infections have been reported since the late 1990s among competitive sports teams, correctional facilities, schools, workplaces, military facilities, and other community settings;

Whereas a person who is not infected with MRSA can be a vehicle for the transmission of infections through skin-to-skin contact; and

Whereas many instances of MRSA transmission can be prevented through the use of appropriate hygienic practices, such as hand washing and appropriate first aid for open wounds and active skin infections, are followed: Now, therefore, be it

*Resolved,* That the United States House of Representatives—

(1) recognizes the importance of reducing the transmission of infections in hospitals and ensuring appropriate use and utilization of antibiotics to meet patient and public health needs;

(2) recognizes the importance of operational research for finding the best ways of preventing hospital- and community-acquired Methicillin-resistant Staphylococcus aureus (MRSA) and developing new antibiotics for improving care for MRSA patients;

(3) recognizes the importance of raising awareness of MRSA and methods of preventing MRSA infections; and

(4) supports the work of advocates, healthcare practitioners, and science-based experts in educating, supporting, and providing hope for individuals and their families affected by community and healthcare associated infections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise this evening in support of H. Res. 988 designating the month of March 2008 as MRSA Awareness Month.

MRSA is a type of infection that is resistant to treatment with regular antibiotics. While healthy individuals can acquire MRSA as well, it is most likely to occur among parts of our population least equipped to deal with its

effects such as those individuals in hospitals and health care facilities who have weakened immune systems.

The latest information regarding MRSA is disconcerting. Infections are on the rise as hospitalizations associated with MRSA more than tripled from 1999 to 2005. We must do more to raise awareness and stem the tide of this infection.

The resolution before us recognizes the need to continue research to find the best ways of preventing hospital and community-acquired MRSA. As a community, we must be careful to prevent overuse of antibiotics and to create hygienic and sanitary conditions in our hospitals and other health care facilities.

This resolution also lends support to advocates, health care practitioners, and others on the front line in the battle against MRSA. Through a unified effort, we can provide hope for those who are personally affected by this infection.

I want to thank my colleague, Congressman MATHESON of Utah, for his hard work in bringing this resolution to the floor.

I urge my colleagues on both sides of the aisle to join me in support of its adoption.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I also rise in favor of House Resolution 988 and support designating the month of March as the Methicillin-Resistant Staphylococcus Aureus Awareness Month. I also want to thank the sponsor of this resolution, Representative JIM MATHESON of Utah, for his work on this issue.

Staphylococcus aureus, commonly known as ''staph,'' is a potentially dangerous bacterium that can cause skin infections that look like pimples or boils. Staph infections also can cause redness, swelling, pain, and drainage at the site of infection. They can be warm to the touch and cause a fever.

Some staph infections are resistant to certain antibiotics and this makes it harder to treat. These infections are known as methicillin-resistant Staphylococcus aureus, or MRSA. They result from direct contact with people who have the infection.

Now anyone can get a staph infection, anyone can get a resistant staph infection. It is becoming more and more common. The national Centers for Disease Control and Prevention says that Americans visit their physicians approximately 12 million times a year to get checked for potential staph infections. In some areas of the country, more than half of the skin infections are caused by resistant strains of staph, according to the CDC.

While most serious methicillin-resistant staph infections occur among individuals in hospitals and health care facilities, there are community-acquired infections among competitive sports teams, correctional facilities, schools, workplaces, military facilities, homeless shelters, and other community settings. These infections usually occur through skin-to-skin contact, and even individuals who are not infected with resistant staph can be a vehicle for its transmission.

This resolution recognizes the importance of raising the awareness of methicillin-resistant staph aureus and methods of preventing infections through appropriate hygienic practices, such as hand washing, appropriate first aid to open wounds. In addition, the Centers for Disease Control conducts MRSA surveillance, prevention, education campaigns to raise awareness, and laboratory research to identify genetic patterns or relationships among the different types of resistant staph that could be used for prevention and control strategies.

I urge my colleagues to join us in recognizing March as the Methicillin-Resistant Staphylococcus Aureus Awareness Month, and I urge Members to support the resolution.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no further requests for time. I urge adoption of this MRSA Awareness Month Resolution.

Mr. MATHESON. Mr. Speaker, I rise today in support of H. Res. 988, a resolution honoring MRSA awareness. I introduced this resolution with my colleague, Congresswoman BARBARA CUBIN. First, I would like to thank Representative CUBIN for working with me on this resolution, as well as the staff of the Energy and Commerce Committee, several stakeholder organizations who advocated in support of this resolution, and most importantly over 80 of my colleagues who joined me on this resolution.

Since the 1940s, the widespread availability of antibiotics, such as penicillin, and the subsequent discovery of additional antibiotics have led to a dramatic reduction in illness and death from infectious diseases. Today, antibiotics continue to save lives and also have led to many other advances. However, bacteria and other infectious disease-causing organisms through mutation and other mechanisms are able to develop resistance to antimicrobial drugs. The more antimicrobials are used, whether appropriately or inappropriately, the quicker resistance develops. Worrisome recent examples of drug resistance which have been highlighted in the news include community-associated MRSA.

An October 2007 article published in the Journal of the American Medical Association (JAMA) concluded that more than 94,000 invasive methicillin-resistant Staph aureus, MRSA, infections occurred in the United States in 2005. More than 18,500 of these infections ended in death. The CDC estimates that Americans visit doctors more than 12 million times per year for skin infections typical of those caused by staph bacteria. In some areas of the country, more than half of the skin infections are MRSA. In my home State of Utah, reported cases of MRSA are steadily rising. According to the Bureau of Epidemiology for the Utah Department of Health, there were 4,904 cases in 2006.

MRSA and other drug-resistant microbes that were once confined to ill hospital patients are now striking down otherwise healthy individuals, including schoolchildren, athletes and members of the Armed Forces. The resulting ''super infections'' are painful, difficult to treat, and cost billions of dollars to the U.S. health care system annually. Patient stories about this silent, yet sinister, pandemic are tragic and heart-wrenching. They should not go unnoticed and unanswered by Congress.

By bringing much needed attention to MRSA, this resolution will highlight the need for Congress and Federal health agencies to identify and coordinate efforts to address this growing problem.

Thank you and I urge my colleagues to support adoption of the resolution.

Mr. PALLONE. I yield back the balance of my time.

Mr. BURGESS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 988, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## SENSE OF HOUSE REGARDING PREVENTION AND PUBLIC HEALTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1381) expressing the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1381

Whereas the United States has the highest rate of preventable deaths among 19 industrialized U.N. nations and lags behind 28 other U.N. nations in life expectancy;

Whereas various research studies estimate that nearly 60 percent of premature deaths in the United States could be addressed through prevention activities;

Whereas of the more than $2,200,000,000,000 spent nationally on health care in the United States every year (more than any other nation in the world), approximately $88,000,000,000 (or about 4 percent) is estimated to be spent on prevention and public health;

Whereas chronic diseases are the leading causes of preventable death and disability in the United States, accounting for 7 out of every 10 deaths and killing more than 1,700,000 people in the United States every year;

Whereas these often preventable chronic diseases account for 75 percent of health care

spending in the United States, including more than 96 cents out of every dollar spent in Medicare and more than 83 cents out of every dollar spent in Medicaid;

Whereas these chronic diseases cost the United States an additional $1,000,000,000,000 each year in lost productivity, and are a major contributing factor to the overall poor health that is placing the Nation's economic security and competitiveness in jeopardy;

Whereas the number of people with chronic conditions is rapidly increasing, and it is estimated that if we do not intervene now that by 2025 nearly half of the population will suffer from at least one chronic disease;

Whereas current research has shown that increasing to 90 percent the use of just 5 preventive services, including—

(1) the portion of adults who take aspirin daily to prevent heart disease;

(2) the portion of smokers who are advised by a health professional to quit and are offered medication or other assistance;

(3) the portion of adults age 50 and older who are up to date with any recommended screening for colorectal cancer;

(4) the portion of adults age 50 and older immunized against flu annually; and

(5) the portion of women age 40 and older who have been screened for breast cancer in the past 2 years, would save more than 100,000 lives each year in the United States; and

Whereas research has shown that prevention and community-level interventions that promote and enable proper nutrition, increased access to physical activity, and smoking cessation programs can prevent and mitigate chronic diseases, improve quality of life, increase economic productivity, and reduce health care costs: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes that in order to reduce the disease burden and health care costs associated with preventable disease and injury, it is imperative that this Nation strengthen its public health system to—

(A) encourage all persons in the United States to obtain the proper information and educational resources they need to make healthier choices and live healthier lives; and

(B) protect all people in this country from health threats beyond their control, such as bioterrorism, natural disasters, infectious disease outbreaks, and environmental hazards;

(2) encourages the creation of public health strategies in the public and private sectors to improve the health of all people in the United States regardless of race, ethnicity, or socioeconomic status;

(3) supports public and private partnerships focusing on the prevention of disease and injury, and encourages community-based programs to support healthy lifestyles, including those that promote proper nutrition and increased access to physical activity;

(4) emphasizes the importance of the 5 prevention strategies of daily aspirin therapy, smoking cessation, colorectal cancer screening, annual flu immunizations, and breast cancer screening that can save more than 100,000 lives each year;

(5) believes that the congressional budget process should reflect the significant savings associated with investments in prevention of disease and injury, and therefore strongly encourages the Congressional Budget Office to consider the health care savings associated with reduced chronic disease burden due to clinical and community preventive services and programs when formulating its health care cost estimates; and

(6) supports helping the United States be the healthiest nation by encouraging an increased focus on public health and prevention efforts in the public and private sectors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) will each control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise this evening in support of H. Res. 1381, expressing the sense of the House that there should be an increased commitment to prioritizing prevention and public health for all people in the United States.

At a time when our health care costs are rising exponentially, it's important now more than ever for us to prioritize public health spending. Spending on chronic diseases is particularly egregious as these diseases are the leading cause of preventible death and disability costing the Nation approximately $1 billion a year. If we can better manage this type of disease, we can dramatically reduce the costs of health care spending.

We know from our past efforts with screenings and vaccines that prevention has proven to work to reduce incidences of illness. Accordingly, any step that we can undertake to prevent the spread of illness and disease needs to be implemented.

I want to thank my colleague and friend, the gentlewoman from California, Congresswoman ROYBAL-ALLARD, for her and her staff's late-night work to bring this resolution to the floor this evening.

I urge my colleagues on both sides of the aisle to join me in support of its adoption.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, again, in deference to the author of the bill, I will reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the sponsor of the legislation, the gentlewoman from California, Congresswoman ROYBAL-ALLARD.

Ms. ROYBAL-ALLARD. Mr. Speaker, the passage of H. Res. 1381 gives us an opportunity to send a clear message to the 111th Congress that public health and prevention must be an essential part of any health care reform package.

I introduced H. Res. 1381 because as we began the debate on national health care reform, focusing on prevention strategies is a key component to our ultimate success.

Currently our country spends a staggering $2.2 trillion each year on health care, more than any other country in the world, yet we are dying younger and we have the highest rate of preventible deaths among 19 industrialized nations.

□ 2115

Research tells us that nearly 60 percent of premature deaths in the United States could be prevented by strategies that address environmental conditions, social circumstances, and behavioral choices.

But we have not prioritized prevention in this country, and the serious consequences of neglecting prevention strategies has both an economic and a human toll.

When we survey the economic components of our health care budget, we see that chronic diseases account for 75 percent of the health care spending in the United States, including more than 96 cents out of every dollar spent in Medicare and more than 83 cents out of every dollar spent in Medicaid.

The human cost is reflected in the fact that each year these largely preventable chronic diseases account for seven out of ten deaths in the United States every year.

Science and the medical community are warning us that if we do not focus on prevention now, by the year 2025 nearly half of our U.S. population will suffer from at least one chronic disease.

Mr. Speaker, the entire public health community agrees that prevention is a critical component to successfully addressing our Nation's public health crisis and to reining in the astronomical cost of health care.

A study by the Partnership for Prevention found that each year there is the potential to save 100,000 lives through five simple behavioral changes.

And an analysis by the Trust for America's Health found that an annual investment of just $10 per person in proven community-based programs could save the country more than $60 billion annually within 5 years.

It is time for our country to adopt a proactive and strategic approach to health care aimed at preventable conditions.

H. Res. 1381 calls on our Nation to prioritize prevention and public health for all people in the United States.

The resolution urges community-based programs to support healthy lifestyles, and it promotes the expansion of prevention strategies like daily aspirin therapy, smoking cessation, colorectal and breast cancer screening, and annual flu immunizations.

The resolution also calls for the creation of public health strategies to improve our Nation's health and eliminate health disparities.

Finally, H. Res. 1381 challenges the Congressional Budget Office to consider the savings associated with the prevention of chronic disease when formulating its health care cost estimates.

I extend my sincere thanks to the bipartisan group of original cosponsors

who join me in this effort, including my co-chairs from the Study Group on Public Health, KAY GRANGER and JIM MCGOVERN; my colleagues, JIM MORAN from the Prevention Caucus and DIANA DEGETTE and MIKE CASTLE from the Diabetes Caucus.

We share a passion for improving public health and preventing chronic disease.

I also thank The Trust for America's Health and the Campaign for Public Health, in addition to over 150 public health organizations that have endorsed this resolution.

Mr. Speaker, the future health of our Nation depends on the priorities we set as we begin the process of health care reform.

By passing H. Res. 1381 today, we are sending an important message to the new 111th Congress that Public Health and Prevention must be a priority in any health reform package.

I urge my colleagues to vote ''yes'' on the passage of H. Res. 1381. We cannot solve the health care crisis in this country until we get serious about prevention.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume, and I also rise in support of House Resolution 1381, a resolution expressing the sense of the House that there should be an increased public and private commitment prioritizing prevention and public health for all people in the United States.

Each year almost 2 million people in the United States die from chronic diseases that are often preventible and also account for almost three-quarters of health care spending. It costs the United States almost $1 trillion a year in lost productivity that erodes our national competitiveness.

In an effort to alleviate chronic diseases, Americans need to eat right, quit smoking, and get exercise. You probably don't need to be an economist to understand why that will help increase economic productivity, and it's intuitively obvious to the most casual observer that this can help prevent the onset of chronic disease and improve the quality of our lives.

This resolution urges the people of the United States to use the five prevention strategies to create healthier lifestyles. It encourages daily aspirin therapy, smoking cessation, colorectal cancer screening, annual flue immunizations, and breast cancer screenings that can save more than 100,000 lives each year by addressing behavioral choices.

In addition, the resolution suggests that the Congressional Budget Office process should reflect the significant savings associated with prevention of disease and injury. And that's of particular concern to me and something that I argue for in many other vocations and other legislation that we have to have the ability to do dynamic scoring when we follow policies that are likely to result in savings.

So the line in the bill, that it is the sense of the House we believe ''the congressional budget process should reflect the significant savings associated with investments in prevention of disease and injury,'' and that is an important concept and one that this Congress and the next Congress would do well to recognize and encourage our Congressional Budget Office to follow likewise.

I would like to thank the author of this resolution, Representative LUCILLE ROYBAL-ALLARD of California, for her leadership in improving the awareness of the benefits of prevention and her efforts to lower the number of preventable chronic diseases in the United States.

I encourage all of my colleagues to vote in favor of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I stand for a commitment to making public healthcare a priority. I stand for universal healthcare as a universal right. I stand to support H. Res. 1381, "expressing the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States." I thank my colleague, Representative ROYBAL-ALLARD for introducing this important resolution.

I would be remiss if I did not also thank my dear colleague from Michigan, Chairman of Judiciary, and Congressman JOHN CONYERS, for his tireless work on prioritizing healthcare in this Congress. His bimonthly meetings to bring together the healthcare community, congressional Members and staff, and other stakeholders; speaks to his commitment to making universal healthcare a priority.

Sadly, the United States is the only wealthy, industrialized nation that does not have a universal health care system. Some of the other disturbing healthcare statistics are that:

HEALTH INSURANCE STATISTICS

In 2006, the percentage of Americans without health insurance was 15.8 percent, or approximately 47 million uninsured people. Source: US Census Bureau.

Among the 84.2 percent with health insurance in 2006, coverage was provided through an employer 59.7 percent, purchased individually 9.1 percent, and 27.0 percent was Government funded (Medicare, Medicaid, Military). Source: US Census Bureau.

The primary reason given for lack of health insurance coverage in 2005 was cost (more than 50 percent), lost job or a change in employment (24 percent), Medicaid benefits stopped (10 percent), ineligibility for family insurance coverage due to age or leaving school (8 percent). Source: National Center for Health Statistics.

Medicare, a federally funded health insurance program that covers the health care of most individuals 65 years of age and over and disabled persons, accounted for 13.6 percent of health care coverage in 2006. Source: US Census Bureau.

Medicare operates with 3 percent overhead, non-profit insurance 16 percent overhead, and private (for-profit) insurance 26 percent overhead. Source: Journal of American Medicine 2007.

HEALTH CARE EXPENDITURES

In 2005, personal health care expenditures were paid by private health insurance 36 percent, federal government 35 percent, state and local governments 11 percent, and out-of-pocket payments 15 percent. Source: National Center for Health Statistics.

The United States spends twice as much on health care per capita ($7,129) than any other country * * * and spending continues to increase. In 2005, the national health care expenditures totaled $2 trillion. Source: National Center for Health Statistics.

75 percent of all health care dollars are spent on patients with one or more chronic conditions, many of which can be prevented, including diabetes, obesity, heart disease, lung disease, high blood pressure, and cancer. Source: Health Affairs.

From 2000 to 2006, overall inflation has increased 3.5 percent, wages have increased 3.8 percent, and health care premiums have increased 87 percent. Source: Kaiser Family Foundation.

Mr. Speaker, it is time we make public health a priority for all Americans. Children cannot do well in school when they do not have proper healthcare. Parents are afraid to change jobs because of possible loss or reductions in healthcare coverage. Our elders, our seniors have to choose between groceries and prescriptions.

Healthcare will become a priority when we make it one. This body has the power to create a fundamental change in how our country views and manages its healthcare system. We have the power to make a change in the lives of everyday Americans for the better. For it does not matter how much money you have, how many languages you speak, or how many degrees you have earned—without your health, you have nothing. A healthier America—starts right here, right now. Let's make it a priority Today!

Mr. Speaker, I encourage my colleagues to join me in supporting American families in their struggle to provide basic needs to their children, to their parents, and for themselves. I encourage my colleagues to remember that they hold the power of the pen and the vote, to make universal healthcare a priority.

Mr. Burgess. Having no other requests for time, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, I would urge support of this resolution for an increased commitment to prevention in public health, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1381, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''A resolution expressing the sense of the House that there should be an increased public and private commitment prioritizing prevention and public health for all people in the United States.''.

A motion to reconsider was laid on the table.

## HEART FOR WOMEN ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1014) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1014

*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 ''Heart Disease Education, Analysis Research, and Treatment for Women Act'' or the ''HEART for Women Act''.*

***SEC. 2. REPORTING OF DATA IN APPLICATIONS FOR DRUGS, BIOLOGICS, AND DEVICES.***

*(a) DRUGS.—*

*(1) NEW DRUG APPLICATIONS.—Section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended—*

*(A) in paragraph (1), in the second sentence—*

*(i) by striking ''drug, and (G)'' and inserting ''drug; (G)''; and*

*(ii) by inserting before the period the following: ''; and (H) the information required under paragraph (7)''; and*

*(B) by adding at the end the following:*

*''(7)(A) With respect to clinical data in an application under this subsection, the Secretary may deny such an application if the application fails to meet the requirements of sections 314.50(d)(5)(v) and 314.50(d)(5)(vi)(a) of title 21, Code of Federal Regulations.*

*''(B) The Secretary shall modify the sections referred to in subparagraph (A) to require that an application under this subsection include any clinical data possessed by the applicant that relates to the safety or effectiveness of the drug involved by gender, age, and racial subgroup.*

*''(C) Promptly after approving an application under this subsection, the Secretary shall, through an Internet site of the Department of Health and Human Services, make available to the public the information submitted to the Secretary pursuant to subparagraphs (A) and (B), subject to sections 301(j) and 520(h)(4) of this Act, subsection (b)(4) of section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), and other provisions of law that relate to trade secrets or confidential commercial information.*

*''(D) The Secretary shall develop guidance for staff of the Food and Drug Administration to ensure that applications under this subsection are adequately reviewed to determine whether the applications include the information required pursuant to subparagraphs (A) and (B).''.*

*(2) INVESTIGATIONAL NEW DRUG APPLICATIONS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended—*

*(A) in paragraph (2), by striking ''Subject to paragraph (3),'' and inserting ''Subject to paragraphs (3) and (5),'' ; and*

*(B) by adding at the end the following:*

*''(5)(A) The Secretary may place a clinical hold (as described in paragraph (3)) on an investigation if the sponsor of the investigation fails to meet the requirements of section 312.33(a) of title 21, Code of Federal Regulations.*

*''(B) The Secretary shall modify the section referred to in subparagraph (A) to require that reports under such section include any clinical data possessed by the sponsor of the investigation that relates to the safety or effectiveness of the drug involved by gender, age, and racial subgroup.''.*

*(b) BIOLOGICS LICENSE APPLICATIONS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:*

*''(k) The provisions of section 505(b)(7) of the Federal Food, Drug, and Cosmetic Act (relating to clinical data submission) apply with respect to an application under subsection (a) of this section to the same extent and in the same manner as such provisions apply with respect to an application under section 505(b) of such Act.''.*

*(c) DEVICES.—*

*(1) PREMARKET APPROVAL.—Section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) is amended—*

*(A) in subsection (c)(1)—*

*(i) in subparagraph (G)—*

*(I) by moving the margin 2 ems to the left; and*

*(II) by striking ''and'' after the semicolon at the end;*

*(ii) by redesignating subparagraph (H) as subparagraph (I); and*

*(iii) by inserting after subparagraph (G) the following subparagraph:*

*''(H) the information required under subsection (d)(7); and''; and*

*(B) in subsection (d), by adding at the end the following paragraph:*

*''(7) To the extent consistent with the regulation of devices, the provisions of section 505(b)(7) (relating to clinical data submission) apply with respect to an application for premarket approval of a device under subsection (c) of this section to the same extent and in the same manner as such provisions apply with respect to an application for premarket approval of a drug under section 505(b).''.*

*(2) INVESTIGATIONAL DEVICES.—Section 520(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)(2)) is amended by adding at the end the following subparagraph:*

*''(D) To the extent consistent with the regulation of devices, the provisions of section 505(i)(5) (relating to individual study information) apply with respect to an application for an exemption pursuant to subparagraph (A) of this paragraph to the same extent and in the same manner as such provisions apply with respect to an application for an exemption under section 505(i).''.*

*(d) RULES OF CONSTRUCTION.—This Act and the amendments made by this Act may not be construed—*

*(1) as establishing new requirements under the Federal Food, Drug, and Cosmetic Act relating to the design of clinical investigations that were not otherwise in effect on the day before the date of the enactment of this Act; or*

*(2) as having any effect on the authority of the Secretary of Health and Human Services to enforce regulations under the Federal Food, Drug, and Cosmetic Act that are not expressly referenced in this Act or the amendments made by this Act.*

*(e) APPLICATION.—This section and the amendments made by this section apply only with respect to applications received under section 505 or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360e) or section 351 of the Public Health Service Act (42 U.S.C. 262) on or after the date of the enactment of this Act.*

***SEC. 3. REPORTING AND ANALYSIS OF PATIENT SAFETY DATA.***

*(a) DATA STANDARDS.—Section 923(b) of the Public Health Service Act (42 U.S.C. 299b–23(b)) is amended by adding at the end the following: ''The Secretary shall provide that all nonidentifiable patient safety work product reported to and among the network of patient safety databases be stratified by sex.''.*

*(b) USE OF INFORMATION.—Section 923(c) of the Public Health Service Act (42 U.S.C. 299b–23(c)) is amended by adding at the end the following: ''Such analyses take into account data that specifically relates to women and any disparities between treatment and the quality of care between males and females.''.*

***SEC. 4. QUALITY OF CARE REPORTS BY THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.***

*Section 903 of the Public Health Service Act (42 U.S.C. 299a–1) is amended—*

*(1) in subsection (b)(1)(B), by inserting before the semicolon the following: '', including quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases''; and*

*(2) in subsection (c), by adding at the end the following:*

*''(4) ANNUAL REPORT ON WOMEN AND HEART DISEASE.—Not later than September 30, 2009, and annually thereafter, the Secretary, acting through the Director, shall prepare and submit to Congress a report concerning the findings related to the quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases. The report shall contain recommendations for eliminating disparities in, and improving the treatment of, heart disease, stroke, and other cardiovascular diseases in women.''.*

***SEC. 5. EDUCATIONAL CAMPAIGNS.***

*(a) DISTRIBUTION OF EDUCATIONAL MATERIAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall develop and distribute to females who are age 65 or older, physicians, and other appropriate healthcare professionals, educational materials relating to the prevention, diagnosis, and treatment of heart disease, stroke, and cardiovascular diseases in women. The Secretary may carry out this subsection through contracts with public and private nonprofit entities.*

*(b) HEALTHCARE PROFESSIONAL EDUCATIONAL CAMPAIGN.—The Secretary, acting through the Bureau of Health Professions of the Health Resources and Services Administration, shall conduct an education and awareness campaign for physicians and other healthcare professionals relating to the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women. The Bureau of Health Professions may carry out this subsection through contracts with public and private nonprofit entities.*

***SEC. 6. EXTENSION OF WISEWOMAN PROGRAM.***

*Section 1509 of the Public Health Service Act (42 U.S.C. 300n–4a) is amended—*

*(1) in subsection (a)—*

*(A) by striking the heading and inserting ''IN GENERAL.—''; and*

*(B) in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''purpose'' and inserting the following: ''may make grants to such States for the purpose''; and*

*(2) in subsection (d)(1), by striking ''there are authorized'' and all that follows through the period and inserting ''there are authorized to be appropriated $37,000,000 for fiscal year 2009, $38,850,000 for fiscal year 2010, $40,792,500 for fiscal year 2011, $42,832,000 for fiscal year 2012, and $44,974,000 for fiscal year 2013.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1014, the Heart Disease Education, Analysis Research, and Treatment (HEART) for Women Act. This

legislation will go a long way in improving the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

Heart disease and other forms of cardiovascular disease are the leading cause of death in the United States and a major cause of disability. More than 850,000 people die of cardiovascular disease in the U.S. annually, representing nearly 36 percent of all U.S. deaths.

Although heart disease is sometimes thought of as ''man's disease,'' one in three American women die of heart disease and other cardiovascular diseases, making it the leading cause of death for both women and men in the United States. Heart disease is the leading cause of death among women aged 65 years and older and is the second and third leading cause of death among women aged 45 to 64 years, and women aged 25 to 44 years respectively.

H.R. 1014 proposes to reduce the cardiovascular disease death rate for women through improved health education, gender-specific analysis and research, and increased access to screening for women. H.R. 1014 authorizes the Department of Health and Human Services to educate health care professionals and older women about unique aspects of care in the prevention, diagnosis, and treatment of women with heart disease and stroke.

H.R. 1014 requires clinical data that is already being reported to the Federal Government by drug and advice manufacturers to be gender-specific. Additionally, the bill before us authorizes the expansion of the CDC's Well-Integrated Screening and Evaluation for Women Across the Nation (WISEWOMAN) program. This program, currently available in only 20 States, provides free cardiovascular screenings to low-income uninsured women.

H.R. 1014 is the result of the leadership of Representative LOIS CAPPS and BARBARA CUBIN and the hard work and cooperation of the Democratic and Republican members of the Energy and Commerce Committee. The bill enjoys the support of a majority of the House of Representatives and numerous public health organizations, including the American Heart Association and the American Stroke Association, the Society for Women's Health Research, and WomenHeart: The National Coalition for Women with Heart Disease.

I strongly urge all of my colleagues to vote to improve the health of women by passing this bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, in deference to the primary sponsor of the bill, I will reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield once again to the gentlewoman from California, the sponsor of the bill, the vice-chair of the Health Subcommittee and obviously someone who's worked very hard on so many health care initiatives, 3 minutes.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1014, the HEART for Women Act. I thank my colleague for yielding to me, and I thank the lead co-sponsor of this bill, Congresswoman BARBARA CUBIN of Wyoming.

I was proud to first introduce the HEART for Women Act in 2006 with the help of organizations such as the American Heart Association, WomenHeart, and the Society for Women's Health Research. Since then, the list of supporters has grown to over 50 organizations, 237 cosponsors in the House, and 47 cosponsors of the Senate companion legislation.

This legislation was borne out of the realization that despite heart disease being the number one killer of women, too few people are aware of it. In 2006, only 21 percent of women identified heart disease as women's greatest health problem, and too few people were aware that heart disease manifests itself differently in women than in men.

The HEART for Women Act would improve the diagnosis and treatment of cardiovascular disease in women in three important ways.

First, it would authorize educational campaigns aimed at health providers and older women to make them more aware of the risks for cardiovascular disease among women.

Secondly, it will authorize the expansion of CDC's highly successful WISEWOMAN program, to which our chairman alluded. Since 2000, WISEWOMAN has been providing screenings for low-income uninsured women. The CDC has touted the success of WISEWOMAN in that they have screened over 79,000 women in need, identified over 7,600 new cases of high blood pressure, over 7,900 new cases of high cholesterol, and over 1,000 cases of diabetes.

I am proud that this legislation will play a part in reaching hundreds of thousands of new women in the years to come.

Finally, H.R. 1014 will improve the way we collect and analyze research data. By directing the FDA to collect data about safety and the efficacy of new and investigational drugs and devices according to gender, age, and racial subgroups.

We will help women and their health care providers better understand which course of treatment may yield the best outcome.

Once again, I thank our colleague Congresswoman CUBIN, the coalition of supporters, and the Energy and Commerce Committee majority and minority staff.

I urge my colleagues to vote ''yes'' on H.R. 1014.

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

Mr. Speaker, I rise in support of H.R. 1014. This legislation encourages manufacturers of drugs and devices to report to the Food and Drug Administration gender and race-specific information on their products. The legislation also authorizes the Secretary to develop a public awareness campaign relating to the prevention, diagnosis, and treatment of heart disease, stroke, and cardiovascular diseases in women.

Lastly, the bill authorizes the WISEWOMAN program at the Centers for Disease Control which provides heart disease and stroke prevention screening, such as tests for high blood pressure and high cholesterol, to low-come uninsured and underinsured women.

I urge Members to support the bill.

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

Mr. PALLONE. Mr. Speaker, I urge support of this important legislation relative to heart disease.

Mr. RADANOVICH. Mr. Speaker, I would like to thank my colleagues Mrs. CAPPS and Mrs. CUBIN for sponsoring H.R. 1014, the Heart Disease Education, Analysis Research and Treatment, or HEART, for Women Act. I lend my strong support for its swift passage both here and on the House floor Heart for Women Act will be a vital step forward in addressing the disparities in the diagnosis and treatment of heart disease and stroke between men and women.

Heart disease, stroke, and other cardiovascular diseases are the number one killer of women, both nationally and in my home state of California. They account for over 30 percent of all female deaths in California, and there are currently approximately 43 million adult women living with one or more forms of heart disease.

These numbers are very telling about the need for this reporting and authorization. But to really understand the importance of this legislation, you must look at how this can affect the lives of any one of those 43 million women living with heart disease today. I personally have seen the effects it can have—the struggles for the individual and the difficulties it can place on a family—through the experiences of a longtime and valued member of my staff But also through her, I have seen the courage displayed by women living with heart disease. They are dedicated to this cause, so that others may have it a little easier than they have. For her and all women living with this disease, this legislation today is a triumph and a testament to their strength.

Thank you again to the bill's sponsors, and I encourage all my colleagues to fully support this extremely important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1014, as amended.

The question was taken.

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

Mr. BURGESS. 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. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## RYAN HAIGHT ONLINE PHARMACY CONSUMER PROTECTION ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6353) to amend the Controlled Substances Act to address online pharmacies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6353

*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 ''Ryan Haight Online Pharmacy Consumer Protection Act of 2008''.*

***SEC. 2. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.***

*Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following:*

*''(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—*

*''(1) No controlled substance that is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.*

*''(2) As used in this subsection:*

*''(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—*

*''(i) a practitioner who has conducted at least 1 in-person medical evaluation of the patient; or*

*''(ii) a covering practitioner.*

*''(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.*

*''(ii) Nothing in clause (i) shall be construed to imply that 1 in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.*

*''(C) The term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—*

*''(i) has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous 24 months; and*

*''(ii) is temporarily unavailable to conduct the evaluation of the patient.*

*''(3) Nothing in this subsection shall apply to—*

*''(A) the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine; or*

*''(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.''.*

***SEC. 3. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.***

*(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:*

*''(50) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.*

*''(51) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.*

*''(52) The term 'online pharmacy'—*

*''(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and*

*''(B) does not include—*

*''(i) manufacturers or distributors registered under subsection (a), (b), (d), or (e) of section 303 who do not dispense controlled substances to an unregistered individual or entity;*

*''(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;*

*''(iii) any hospital or other medical facility that is operated by an agency of the United States (including the Armed Forces), provided such hospital or other facility is registered under section 303(f);*

*''(iv) a health care facility owned or operated by an Indian tribe or tribal organization, only to the extent such facility is carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act;*

*''(v) any agent or employee of any hospital or facility referred to in clause (iii) or (iv), provided such agent or employee is lawfully acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee, with such hospital or facility, and, with respect to agents or employees of health care facilities specified in clause (iv), only to the extent such individuals are furnishing services pursuant to the contracts or compacts described in such clause;*

*''(vi) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance;*

*''(vii) a person, entity, or Internet site that is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States;*

*''(viii) a pharmacy registered under section 303(f) whose dispensing of controlled substances via the Internet consists solely of—*

*''(I) refilling prescriptions for controlled substances in schedule III, IV, or V, as defined in paragraph (55); or*

*''(II) filling new prescriptions for controlled substances in schedule III, IV, or V, as defined in paragraph (56); or*

*''(ix) any other persons for whom the Attorney General and the Secretary have jointly, by regulation, found it to be consistent with effective controls against diversion and otherwise consistent with the public health and safety to exempt from the definition of an 'online pharmacy'.*

*''(53) The term 'homepage' means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.*

*''(54) The term 'practice of telemedicine' means, for purposes of this title, the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act, which practice—*

*''(A) is being conducted—*

*''(i) while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f); and*

*''(ii) by a practitioner—*

*''(I) acting in the usual course of professional practice;*

*''(II) acting in accordance with applicable State law; and*

*''(III) registered under section 303(f) in the State in which the patient is located, unless the practitioner—*

*''(aa) is exempted from such registration in all States under section 302(d); or*

*''(bb) is—*

*''(AA) an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract; and*

*''(BB) registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);*

*''(B) is being conducted while the patient is being treated by, and in the physical presence of, a practitioner—*

*''(i) acting in the usual course of professional practice;*

*''(ii) acting in accordance with applicable State law; and*

*''(iii) registered under section 303(f) in the State in which the patient is located, unless the practitioner—*

*''(I) is exempted from such registration in all States under section 302(d); or*

*''(II) is—*

*''(aa) an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract; and*

*''(bb) registered under section 303(f) in any State or is using the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);*

*''(C) is being conducted by a practitioner—*

*''(i) who is an employee or contractor of the Indian Health Service, or is working for an Indian tribe or tribal organization under its contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act;*

*''(ii) acting within the scope of the employment, contract, or compact described in clause (i); and*

*''(iii) who is designated as an Internet Eligible Controlled Substances Provider by the Secretary under section 311(g)(2);*

*''(D)(i) is being conducted during a public health emergency declared by the Secretary under section 319 of the Public Health Service Act; and*

*''(ii) involves patients located in such areas, and such controlled substances, as the Secretary, with the concurrence of the Attorney General, designates, provided that such designation shall not be subject to the procedures prescribed by subchapter II of chapter 5 of title 5, United States Code;*

*''(E) is being conducted by a practitioner who has obtained from the Attorney General a special registration under section 311(h);*

*''(F) is being conducted—*

*''(i) in a medical emergency situation—*

*''(I) that prevents the patient from being in the physical presence of a practitioner registered under section 303(f) who is an employee or contractor of the Veterans Health Administration acting in the usual course of business and employment and within the scope of the official duties or contract of that employee or contractor;*

*''(II) that prevents the patient from being physically present at a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);*

*''(III) during which the primary care practitioner of the patient or a practitioner otherwise practicing telemedicine within the meaning of this paragraph is unable to provide care or consultation; and*

''(IV) that requires immediate intervention by a health care practitioner using controlled substances to prevent what the practitioner reasonably believes in good faith will be imminent and serious clinical consequences, such as further injury or death; and

''(ii) by a practitioner that—

''(I) is an employee or contractor of the Veterans Health Administration acting within the scope of that employment or contract;

''(II) is registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f); and

''(III) issues a controlled substance prescription in this emergency context that is limited to a maximum of a 5-day supply which may not be extended or refilled; or

''(G) is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety.

''(55) The term 'refilling prescriptions for controlled substances in schedule III, IV, or V'—

''(A) means the dispensing of a controlled substance in schedule III, IV, or V in accordance with refill instructions issued by a practitioner as part of a valid prescription that meets the requirements of subsections (b) and (c) of section 309, as appropriate; and

''(B) does not include the issuance of a new prescription to an individual for a controlled substance that individual was previously prescribed.

''(56) The term 'filling new prescriptions for controlled substances in schedule III, IV, or V' means filling a prescription for an individual for a controlled substance in schedule III, IV, or V, if—

''(A) the pharmacy dispensing that prescription has previously dispensed to the patient a controlled substance other than by means of the Internet and pursuant to the valid prescription of a practitioner that meets the applicable requirements of subsections (b) and (c) of section 309 (in this paragraph referred to as the 'original prescription');

''(B) the pharmacy contacts the practitioner who issued the original prescription at the request of that individual to determine whether the practitioner will authorize the issuance of a new prescription for that individual for the controlled substance described in subparagraph (A); and

''(C) the practitioner, acting in the usual course of professional practice, determines there is a legitimate medical purpose for the issuance of the new prescription.''.

(b) REGISTRATION REQUIREMENTS.—Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended in the matter preceding paragraph (1)—

(1) in the first sentence, by adding after ''schedule II, III, IV, or V'' the following: ''and shall modify the registrations of pharmacies so registered to authorize them to dispense controlled substances by means of the Internet''; and

(2) in the second sentence, by striking ''if he determines that the issuance of such registration'' and inserting ''or such modification of registration if the Attorney General determines that the issuance of such registration or modification''.

(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—

(1) striking ''(d) Every'' and inserting ''(d)(1) Every''; and

(2) adding at the end the following:

''(2) Each pharmacy with a modified registration under section 303(f) that authorizes the dispensing of controlled substances by means of the Internet shall report to the Attorney General the controlled substances it dispenses, in the amount specified, and in such time and manner as the Attorney General by regulation shall require, except that the Attorney General, under this paragraph, may not require any pharmacy to report any information other than the total quantity of each controlled substance that the pharmacy has dispensed each month. For purposes of this paragraph, no reporting shall be required unless the pharmacy has met 1 of the following thresholds in the month for which the reporting is required:

''(A) 100 or more prescriptions dispensed.

''(B) 5,000 or more dosage units of all controlled substances combined.''.

(d) ONLINE PRESCRIPTION REQUIREMENTS.—

(1) IN GENERAL.—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

''ADDITIONAL REQUIREMENTS RELATING TO ONLINE PHARMACIES AND TELEMEDICINE

''SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

''(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet, pursuant to applicable licensure requirements, as determined by each such State.

''(c) INTERNET PHARMACY SITE DISCLOSURE INFORMATION.—Each online pharmacy shall post in a visible and clear manner on the homepage of each Internet site it operates, or on a page directly linked thereto in which the hyperlink is also visible and clear on the homepage, the following information for each pharmacy that delivers, distributes, or dispenses controlled substances pursuant to orders made on, through, or on behalf of, that website:

''(1) The name and address of the pharmacy as it appears on the pharmacy's Drug Enforcement Administration certificate of registration.

''(2) The pharmacy's telephone number and email address.

''(3) The name, professional degree, and States of licensure of the pharmacist-in-charge, and a telephone number at which the pharmacist-in-charge can be contacted.

''(4) A list of the States in which the pharmacy is licensed to dispense controlled substances.

''(5) A certification that the pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

''(6) The name, address, telephone number, professional degree, and States of licensure of any practitioner who has a contractual relationship to provide medical evaluations or issue prescriptions for controlled substances, through referrals from the website or at the request of the owner or operator of the website, or any employee or agent thereof.

''(7) The following statement, unless revised by the Attorney General by regulation: 'This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner. This includes at least one prior in-person medical evaluation or medical evaluation via telemedicine in accordance with applicable requirements of section 309.'.

''(d) NOTIFICATION.—

''(1) IN GENERAL.—Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in such form and manner as the Attorney General shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

''(2) CONTENTS.—The notification required under paragraph (1) shall include—

''(A) the information required to be posted on the online pharmacy's Internet site under subsection (c) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under subsection (c) is true and accurate;

''(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

''(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (c), as applicable.

''(3) EXISTING ONLINE PHARMACIES.—An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after such date.

''(e) DECLARATION OF COMPLIANCE.—On and after the date on which it makes the notification under subsection (d), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

''(f) REPORTS.—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.

''(g) NOTICE AND DESIGNATIONS CONCERNING INDIAN TRIBES.—

''(1) IN GENERAL.—For purposes of sections 102(52) and 512(c)(6)(B), the Secretary shall notify the Attorney General, at such times and in such manner as the Secretary and the Attorney General determine appropriate, of the Indian tribes or tribal organizations with which the Secretary has contracted or compacted under the Indian Self-Determination and Education Assistance Act for the tribes or tribal organizations to provide pharmacy services.

''(2) DESIGNATIONS.—

''(A) IN GENERAL.—The Secretary may designate a practitioner described in subparagraph (B) as an Internet Eligible Controlled Substances Provider. Such designations shall be made only in cases where the Secretary has found that there is a legitimate need for the practitioner to be so designated because the population served by the practitioner is in a sufficiently remote location that access to medical services is limited.

''(B) PRACTITIONERS.—A practitioner described in this subparagraph is a practitioner who is an employee or contractor of the Indian Health Service, or is working for an Indian tribe or tribal organization under its contract or compact under the Indian Self-Determination and Education Assistance Act with the Indian Health Service.

''(h) SPECIAL REGISTRATION FOR TELEMEDICINE.—

''(1) IN GENERAL.—The Attorney General may issue to a practitioner a special registration to engage in the practice of telemedicine for purposes of section 102(54)(E) if the practitioner, upon application for such special registration—

''(A) demonstrates a legitimate need for the special registration; and

''(B) is registered under section 303(f) in the State in which the patient will be located when receiving the telemedicine treatment, unless the practitioner—

''(i) is exempted from such registration in all States under section 302(d); or

''(ii) is an employee or contractor of the Department of Veterans Affairs who is acting in

*the scope of such employment or contract and is registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f).*

*''(2) REGULATIONS.—The Attorney General shall, with the concurrence of the Secretary, promulgate regulations specifying the limited circumstances in which a special registration under this subsection may be issued and the procedures for obtaining such a special registration.*

*''(3) DENIALS.—Proceedings to deny an application for registration under this subsection shall be conducted in accordance with section 304(c).*

*''(i) REPORTING OF TELEMEDICINE BY VHA DURING MEDICAL EMERGENCY SITUATIONS.—*

*''(1) IN GENERAL.—Any practitioner issuing a prescription for a controlled substance under the authorization to conduct telemedicine during a medical emergency situation described in section 102(54)(F) shall report to the Secretary of Veterans Affairs the authorization of that emergency prescription, in accordance with such requirements as the Secretary of Veterans Affairs shall, by regulation, establish.*

*''(2) TO ATTORNEY GENERAL.—Not later than 30 days after the date that a prescription described in subparagraph (A) is issued, the Secretary of Veterans Affairs shall report to the Attorney General the authorization of that emergency prescription.*

*''(j) CLARIFICATION CONCERNING PRESCRIPTION TRANSFERS.—Any transfer between pharmacies of information relating to a prescription for a controlled substance shall meet the applicable requirements under regulations promulgated by the Attorney General under this Act.''.*

*(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 310 the following:*

*''Sec. 311. Additional requirements relating to online pharmacies and telemedicine.''.*

*(e) OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (D), by striking ''or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam''; and*

*(B) by adding at the end the following:*

*''(E)(i) Except as provided in subparagraphs (C) and (D), in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.*

*''(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.*

*''(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.'';*

*(2) in paragraph (2)—*

*(A) by striking ''3 years'' and inserting ''5 years'';*

*(B) by striking ''6 years'' and inserting ''10 years'';*

*(C) by striking ''after one or more prior convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and*

*(3) in paragraph (3)—*

*(A) by striking ''2 years'' and inserting ''4 years'';*

*(B) by striking ''after one or more convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and*

*(C) by adding at the end the following ''Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.''.*

*(f) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:*

*''(h) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—*

*''(1) IN GENERAL.—It shall be unlawful for any person to knowingly or intentionally—*

*''(A) deliver, distribute, or dispense a controlled substance by means of the Internet, except as authorized by this title; or*

*''(B) aid or abet (as such terms are used in section 2 of title 18, United States Code) any activity described in subparagraph (A) that is not authorized by this title.*

*''(2) EXAMPLES.—Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—*

*''(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with a modification authorizing such activity as required by section 303(f) (unless exempt from such registration);*

*''(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of section 309(e);*

*''(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(f) or 309(e);*

*''(D) offering to fill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire; and*

*''(E) making a material false, fictitious, or fraudulent statement or representation in a notification or declaration under subsection (d) or (e), respectively, of section 311.*

*''(3) INAPPLICABILITY.—*

*''(A) This subsection does not apply to—*

*''(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;*

*''(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or*

*''(iii) except as provided in subparagraph (B), any activity that is limited to—*

*''(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934); or*

*''(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 shall not constitute such selection or alteration of the content of the communication.*

*''(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates paragraph (1).*

*''(4) KNOWING OR INTENTIONAL VIOLATION.—Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b).''.*

*(g) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—*

*(1) striking ''(c)'' and inserting ''(c)(1)''; and*

*(2) adding at the end the following:*

*''(2)(A) It shall be unlawful for any person to knowingly or intentionally use the Internet, or cause the Internet to be used, to advertise the sale of, or to offer to sell, distribute, or dispense, a controlled substance where such sale, distribution, or dispensing is not authorized by this title or by the Controlled Substances Import and Export Act.*

*''(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered with a modification under section 303(f).*

*''(C) Subparagraph (A) does not apply to material that either—*

*''(i) merely advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or*

*''(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.''.*

*(h) INJUNCTIVE RELIEF.—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding at the end the following:*

*''(c) STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.—*

*''(1) IN GENERAL.—In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(f), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—*

*''(A) to enjoin the conduct which violates this section;*

*''(B) to enforce compliance with this section;*

*''(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and*

*''(D) to obtain such other legal or equitable relief as the court may find appropriate.*

*''(2) SERVICE; INTERVENTION.—*

*''(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.*

*''(B) Upon receiving notice respecting a civil action pursuant to this section, the United States shall have the right to intervene in such action and, upon so intervening, to be heard on all matters arising therein, and to file petitions for appeal.*

*''(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of rule 4(i)(1) of the Federal Rule of Civil Procedure.*

*''(3) POWERS CONFERRED BY STATE LAW.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.*

*''(4) VENUE.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.*

*''(5) NO PRIVATE RIGHT OF ACTION.—No private right of action is created under this subsection.*

*''(6) LIMITATION.—No civil action may be brought under paragraph (1) against—*

*''(A) the United States;*

*''(B) an Indian Tribe or tribal organization, to the extent such tribe or tribal organization is lawfully carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act; or*

*''(C) any employee of the United States or such Indian tribe or tribal organization, provided such agent or employee is acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee therewith.''.*

*(i) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—*

*(1) in paragraph (4)—*

*(A) by striking ''or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)'';*

*(B) by inserting ''or'' before ''less than one kilogram of hashish oil''; and*

*(C) by striking ''imprisoned'' and all that follows through the end of the paragraph and inserting ''sentenced in accordance with section 401(b)(1)(D).'';*

*(2) by adding at the end the following:*

*''(5) In the case of a violation of subsection (a) involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1).*

*''(6) In the case of a violation of subsection (a) involving a controlled substance in schedule IV, such person shall be sentenced in accordance with section 401(b)(2).*

*''(7) In the case of a violation of subsection (a) involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3).''; and*

*(3) in paragraph (3), by striking '', nor shall a person so sentenced be eligible for parole during the term of such a sentence'' in the final sentence.*

*(j) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.*

*(2) DEFINITION OF PRACTICE OF TELEMEDICINE.—*

*(A) IN GENERAL.—Until the earlier of 3 months after the date on which regulations are promulgated to carry out section 311(h) of the Controlled Substances Act, as amended by this Act, or 15 months after the date of enactment of this Act—*

*(i) the definition of the term ''practice of telemedicine'' in subparagraph (B) of this paragraph shall apply for purposes of the Controlled Substances Act; and*

*(ii) the definition of the term ''practice of telemedicine'' in section 102(54) of the Controlled Substances Act, as amended by this Act, shall not apply.*

*(B) TEMPORARY PHASE-IN OF TELEMEDICINE REGULATION.—During the period specified in subparagraph (A), the term ''practice of telemedicine'' means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), if the practitioner is using an interactive telecommunications system that satisfies the requirements of section 410.78(a)(3) of title 42, Code of Federal Regulations.*

*(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to create a precedent that any specific course of conduct constitutes the ''practice of telemedicine'' (as that term is defined in section 102(54) of the Controlled Substances Act, as amended by this Act) after the end of the period specified in subparagraph (A).*

*(k) GUIDELINES AND REGULATIONS.—*

*(1) IN GENERAL.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this Act or the amendments made by this Act, and, with the concurrence of the Secretary of Health and Human Services where this Act or the amendments made by this Act so provide, promulgate any interim rules necessary for the implementation of this Act or the amendments made by this Act, prior to its effective date.*

*(2) SENTENCING GUIDELINES.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act, should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend, or establish a new, guideline or policy statement.*

*(l) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—*

*(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;*

*(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and*

*(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.*

***SEC. 4. RULE OF CONSTRUCTION.***

*Nothing in this Act or the amendments made by this Act shall be construed as authorizing, prohibiting, or limiting the use of electronic prescriptions for controlled substances.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 6353, the Ryan Haight Online Pharmacy Consumer Protection Act of 2008. This legislation addresses serious concerns about the purchase of controlled substances through online pharmacies.

According to the Drug Enforcement Agency, nearly seven million Americans are abusing prescription drugs, more than the number who are abusing cocaine, heroin, hallucinogens, ecstasy and inhalants combined.

Prescription pain relievers are new drug users' drug of choice. Nearly one in 10 high school seniors admits to abusing powerful prescription pain relievers. And prescription pain relievers appear to be among the drugs most heavily dispensed by certain Internet pharmacies using prescriptions that are issued based on online questionnaires. Most times, the doctor providing the prescription has never seen the patient or even had a conversation with them. This practice has sometimes been abused by rogue sites and it has led to instances of addiction, overdose and death.

H.R. 6353 will go a long way in combating this harmful practice. The bill prohibits the delivery, distribution, or dispensing of controlled substances over the Internet without a valid prescription. A valid prescription is defined as a prescription that is issued for a legitimate purpose by a practitioner who has conducted at least one in-person medical evaluation of the patient.

H.R. 6353 also imposes new registration and reporting requirements for online pharmacies. The legislation before us also increases criminal penalties involving controlled substances in Schedules II, IV and V of the Controlled Substances Act.

H.R. 6353 is named after Ryan Haight, a young man who unfortunately was the victim of illegal sales of pharmaceuticals through the Internet. Ryan died on February 12, 2001 at the age of 18 from an overdose of prescription drugs he had purchased on the Internet. Ryan was prescribed the drugs by a doctor whom he never saw and was never examined by, and an Internet pharmacy delivered them to his home.

H.R. 6353 is the result of the leadership of Representative BART STUPAK

and the hard work and cooperation of the Democratic and Republican members of the Energy and Commerce Committee and the Judiciary Committee.

The bill is a bipartisan product. It enjoys the support of the administration and the National Association of Chain Drug Stores.

I strongly urge all of my colleagues to vote to prevent another needless death similar to that of Ryan Haight and vote for the passage of this bill.

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

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume and rise in support of H.R. 6353. I would like to commend Congressman BART STUPAK and Ranking Member LAMAR SMITH of the Judiciary Committee for their work on this bill.

This bill prohibits the delivery, distribution or dispensing of controlled substances over the Internet without a valid prescription. Ryan Haight overdosed and died on February 12, 2001 on narcotics that he had purchased over the Internet. He was prescribed the medication from a doctor on the Internet, and the doctor never examined the patient. He was 17 when he purchased the narcotics and 18 when he died.

This bill will provide the Drug Enforcement Agency better tools to combat rogue Internet sites that are peddling narcotics to our children.

I urge Members to support this legislation.

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

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California. Again, Mrs. CAPPS has played such an important role on this and other bills of this nature that are important. Reading about this legislation, it really is so crucial.

Mrs. CAPPS. I thank our chairman for yielding and for his leadership.

Mr. Speaker, I rise in support of H.R. 6353, the Ryan Haight Online Pharmacy bill. And in doing so, I want to pay tribute to its author, BART STUPAK, who would be here giving this statement except that his voice ran out tonight. So I am stepping in on his behalf, but it is something that I truly support as well.

Nearly 7 million Americans are abusing prescription drugs; more than the number of individuals who are abusing cocaine, heroin, hallucinogens, ecstasy and inhalants all combined.

Over the past 6 years, we have witnessed a dramatic 80 percent increase in prescription drug abuse from 3.8 million to 7 million. That's more than double. A large number of individuals are obtaining their prescription drugs over the Internet through rogue Internet pharmacies.

Purchasing drugs online without a valid prescription can be simple: A consumer just types the name of the drug into a search engine, quickly identifies a site selling the medication, fills out a brief questionnaire, and then clicks to purchase.

The risks of self-medicating, however, can include potential adverse reactions from inappropriately prescribed medicines, dangerous drug interactions, use of counterfeit or tainted products, and addiction to habit-forming substances.

Several of these illegitimate sites failed to produce information about potential adverse side effects, effectiveness, and where the pharmacies are located.

A 2004 GAO study obtained 68 samples of 11 different prescription drugs, each from a different Web site. GAO found that 45 online pharmacies provided a prescription based on their own medical questionnaire or had no prescription requirement. Among the drugs GAO obtained without prescription were those with special safety restrictions and highly addictive narcotic pain killers.

The tragic case of Ryan Haight has already been mentioned. His mother has testified before Congress and is nationally known. Ryan died at the age of 18, as has been stated, from an overdose of pain killers, including Vicodin. He ordered these over the Internet without a legitimate prescription while he was a 17-year-old minor.

The Ryan Haight Online Pharmacy Consumer Protection Act would bar the sale or distribution of all controlled substances via the Internet without a valid prescription. In order for a prescription to be valid, it must be issued by a practitioner who has conducted at least one in-person examination of the particular patient.

H.R. 6353 would also require online pharmacies to clearly display on their Web site a statement of compliance with U.S. laws and DEA regulations. This would allow consumers to clearly identify which pharmacies are safe and which are not.

This legislation also creates a new Federal cause of action that would allow a State attorney general to shut down a rogue site selling controlled substances in any State and increase the penalties for all illegal distributions of controlled substances classified as Schedule III, IV or V substances.

This legislation is supported by the administration, including the DEA and FDA, the Chain Drug Stores, Go Daddy, eBay, Federation of State Medical Boards, and the Fraternal Order of Police.

I encourage all of my colleagues to vote in favor of this legislation. I thank Congressman LAMAR SMITH, Congresswoman MARY BONO MACK, Senator FEINSTEIN, Chairman DINGELL and Ranking Member BARTON. I also want to thank Virgil Miller, Ryan Long, Caroline Lynch and Jeff Spalding with the committee staff, and Erika Orloff of Mr. STUPAK's personal staff for their hard work on this bill.

Mr. BURGESS. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I want to urge, strongly, passage of this important bill regarding consumer protection for controlled substances.

Mr. SMITH of Texas. Mr. Speaker, America is no stranger to the plague of illegal drugs and drug addiction. For decades, Congress has fought to curb the flow of drugs such as heroin, cocaine, and marijuana into our country.

Today, America is facing a new threat—prescription drug abuse. According to the Office of National Drug Control Policy, prescription drugs now rank second—only behind marijuana—as America's drug of choice.

The Drug Enforcement Administration estimates that as many as 7 million Americans are addicted to prescription drugs—more than the number of cocaine and heroin addicts combined.

Today, prescription painkillers cause a higher number of overdose-related deaths than cocaine or heroin. And large quantities of these drugs are just a few mouse clicks away. The dangers posed by illegal online pharmacies are real. The National Center on Addiction and Substance Abuse reports a 542-percent increase in abuse of prescription opiates among 12- to 17-year olds between 1992 and 2002.

Hundreds of rogue online pharmacies peddle these highly-addictive painkillers to adults and teenagers without a valid prescription. The most popular of these drugs is commonly known as Vicodin.

Teenagers are fast becoming addicted to prescription painkillers, in large part because of their availability on the Internet. The Partnership for a Drug Free America reports that every day, 2,500 teenagers use a prescription drug to get high for the first time. Teenagers are abusing prescription drugs at a higher rate because they perceive them as less dangerous than illegal drugs.

Today, the House has the opportunity to put a stop to illegal online pharmacies. I am pleased to join Congressman BART STUPAK and Congresswoman MARY BONO MACK as an original sponsor of H.R. 6353, the Ryan Haight Online Pharmacy Consumer Protection Act of 2008.

On February 12, 2001, Ryan Haight died of an overdose of Vicodin. He was just 18. An investigation into his death revealed that Ryan ordered the drugs from a doctor he had never seen and who had never examined him. The drugs were shipped directly to his home by an online pharmacy.

This legislation amends the Controlled Substances Act to address the growing sale of prescription drugs by these so-called online pharmacies. The bill prohibits the sale or distribution of all controlled substances via the Internet without a valid prescription and requires online pharmacies to display information identifying the business and any pharmacy and doctor associated with the Web site. The bill also provides tough penalties for the illegal sale of prescription drugs.

Legislation sponsored by Senators FEINSTEIN and SESSIONS unanimously passed the Senate in April. It is time for the House to do the same.

This legislation represents months of hard work and bipartisan negotiations by House and Senate Republicans and Democrats. I wish to thank my House colleagues, Mr. STUPAK and Mrs. BONO MACK and my Senate colleagues, Senators FEINSTEIN and SESSIONS, for their efforts to complete this legislation.

I urge my colleagues to join me in supporting this important bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6353, as amended.

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

A motion to reconsider was laid on the table.

## CODE TALKERS RECOGNITION ACT OF 2008

Mr. GUTIERREZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4544) to require the issuance of medals to recognize the dedication and valor of Native American code talkers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4544

*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 ''Code Talkers Recognition Act of 2008''.*

***SEC. 2. PURPOSE.***

*The purpose of this Act is to require the issuance of medals to express the sense of the Congress that—*

*(1) the service of Native American code talkers to the United States deserves immediate recognition for dedication and valor; and*

*(2) honoring Native American code talkers is long overdue.*

***SEC. 3. FINDINGS.***

*The Congress finds the following:*

*(1) When the United States entered World War I, Native Americans were not accorded the status of citizens of the United States.*

*(2) Without regard to that lack of citizenship, members of Indian tribes and nations enlisted in the Armed Forces to fight on behalf of the United States.*

*(3) The first reported use of Native American code talkers was on October 17, 1918.*

*(4) Because the language used by the Choctaw code talkers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions.*

*(5) This use of Native American code talkers was the first time in modern warfare that such a transmission of messages in a native language was used for the purpose of confusing an enemy.*

*(6) On December 7, 1941, Japan attacked Pearl Harbor, Hawaii, and the Congress declared war the following day.*

*(7) The Federal Government called on the Comanche Nation to support the military effort during World War II by recruiting and enlisting Comanche men to serve in the Army to develop a secret code based on the Comanche language.*

*(8) The United States Army recruited approximately 50 Native Americans for special native language communication assignments.*

*(9) The United States Marine Corps recruited several hundred Navajos for duty in the Pacific region.*

*(10) During World War II, the United States employed Native American code talkers who developed secret means of communication based on native languages and were critical to winning the war.*

*(11) To the frustration of the enemies of the United States, the code developed by the Native American code talkers proved to be unbreakable and was used extensively throughout the European theater.*

*(12) In 2001, the Congress and President Bush honored Navajo code talkers with congressional gold medals for the contributions of the code talkers to the United States Armed Forces as radio operators during World War II.*

*(13) The heroic and dramatic contributions of Native American code talkers were instrumental in driving back Axis forces across the Pacific during World War II.*

*(14) The Congress should provide to all Native American code talkers the recognition the code talkers deserve for the contributions of the code talkers to United States victories in World War I and World War II.*

***SEC. 4. DEFINITIONS.***

*In this Act, the following definitions shall apply:*

*(1) CODE TALKER.—The term ''code talker'' means a Native American who—*

*(A) served in the Armed Forces during a foreign conflict in which the United States was involved; and*

*(B) transmitted (encoded and translated) secret coded messages for tactical military operations during World War I and World War II using their native tribal language (non-spontaneous communications)*

*(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.*

***SEC. 5. CONGRESSIONAL GOLD MEDALS.***

*(a) AWARD AUTHORIZATION.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of gold medals of appropriate design in recognition of the service of Native American code talkers during World War I and World War II.*

*(b) IDENTIFICATION OF RECIPIENTS.—The Secretary, in consultation with the Secretary of Defense and the tribes, shall—*

*(1) determine the identity, to the maximum extent practicable, of each Native American tribe that had a member of that tribe serve as a Native American code talker, with the exception of the Navajo Nation;*

*(2) include the name of each Native American tribe identified under subparagraph (A) on a list; and*

*(3) provide the list, and any updates to the list, to the Smithsonian Institution for maintenance under section 5(c)(2).*

*(c) DESIGN AND STRIKING OF MEDALS.—*

*(1) IN GENERAL.—The Secretary shall strike the gold medals awarded under subsection (a) with appropriate emblems, devices, and inscriptions, as determined by the Secretary.*

*(2) DESIGNS OF MEDALS EMBLEMATIC OF TRIBAL AFFILIATION AND PARTICIPATION.—The design of a gold medal under paragraph (1) shall be emblematic of the participation of the code talkers of each recognized tribe.*

*(3) TREATMENT.—Each medal struck pursuant to this subsection shall be considered to be a national medal for purposes of chapter 51 of title 31, United States Code.*

*(d) ACTION BY SMITHSONIAN INSTITUTION.—The Smithsonian Institution—*

*(1) shall accept and maintain such gold medals, and such silver duplicates of those medals, as recognized tribes elect to send to the Smithsonian Institution;*

*(2) shall maintain the list developed under section 6(1) of the names of Native American code talkers of each recognized tribe; and*

*(3) is encouraged to create a standing exhibit for Native American code talkers or Native American veterans.*

***SEC. 6. NATIVE AMERICAN CODE TALKERS.***

*The Secretary, in consultation with the Secretary of Defense and the tribes, shall—*

*(1) with respect to tribes recognized as of the date of the enactment of this Act —*

*(A) determine the identity, to the maximum extent practicable, of each Native American code talker of each recognized tribe with the exception of the Navajo Nation;*

*(B) include the name of each Native American code talker identified under subparagraph (A) on a list, to be organized by recognized tribe; and*

*(C) provide the list, and any updates to the list, to the Smithsonian Institution for maintenance under section 5(d)(2);*

*(2) in the future, determine whether any Indian tribe that is not a recognized as of the date of the enactment of this Act, should be eligible to receive a gold medal under this Act; and*

*(3) with consultation from the tribes listed in following subsection, examine the following specific tribes to determine the existence of Code Talkers:*

*(A) Assiniboine.*
*(B) Chippewa and Oneida.*
*(C) Choctaw.*
*(D) Comanche.*
*(E) Cree.*
*(F) Crow.*
*(G) Hopi.*
*(H) Kiowa.*
*(I) Menominee.*
*(J) Mississauga.*
*(K) Muscogee.*
*(L) Sac and Fox.*
*(M) Sioux.*

***SEC. 7. DUPLICATE MEDALS.***

*(a) SILVER DUPLICATE MEDALS.—*

*(1) IN GENERAL.—The Secretary shall strike duplicates in silver of the gold medals struck under section 5(b), to be awarded in accordance with paragraph (2).*

*(2) ELIGIBILITY FOR AWARD.—*

*(A) IN GENERAL.—A Native American shall be eligible to be awarded a silver duplicate medal struck under paragraph (1) in recognition of the service of Native American code talkers of the recognized tribe of the Native American, if the Native American served in the Armed Forces as a code talker in any foreign conflict in which the United States was involved during the 20th century.*

*(B) DEATH OF CODE TALKER.—In the event of the death of a Native American code talker who had not been awarded a silver duplicate medal under this subsection, the Secretary may award a silver duplicate medal to the next of kin or other personal representative of the Native American code talker.*

*(C) DETERMINATION.—Eligibility for an award under this subsection shall be determined by the Secretary in accordance with section 6.*

*(b) BRONZE DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 4 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold and silver medals.*

***SEC. 8. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.***

*(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the cost of the medals struck pursuant to this Act.*

*(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 7(b) shall be deposited into the United States Mint Public Enterprise Fund.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. GUTIERREZ. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 4544, the Code Talkers Recognition Act of 2008.

This legislation directs the Speaker of the House and the President pro tempore of the Senate to authorize the award of gold medals to deserving individual Native American code talkers from specified Native American tribes.

The bill defines ''code talker'' as a Native American who served in the Armed Forces during a foreign conflict and who participated in military communications using a native language. However, the bill excludes members of the Navajo tribe because, in 2001, the Congress honored Navajo code talkers with Congressional Gold Medals for their contributions as radio operators during World War II.

The legislation further directs the Secretary of the Treasury and the Secretary of Defense to identify individual code talkers deserving of this recognition.

I urge passage of this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, September 12, 2008.*

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN FRANK: I understand that your committee is considering bringing to the Floor H.R. 4544, the ''Code Talkers Recognition Act of 2007.'' The Committee on House Administration received an additional referral for this bill due to the inclusion of section 5(c), which gives an important role to the Smithsonian Institution in maintaining a list of tribes and receiving medals which the tribes may choose to donate. It is my understanding that the intent of the legislation is that, if the tribes provide the medals to the Smithsonian, they then would become the Smithsonian's property for possible exhibition or other appropriate purpose.

The House Administration Committee is the principal committee of jurisdiction over the Smithsonian Institution under Rule X. We recognize that, at this point in the session, there is a desire to move legislation as expeditiously as possible. Therefore, we will waive any further consideration of the bill and agree to be discharged. However, we do so with the understanding that the Committee does not waive any future jurisdictional claims over similar measures. In the event of any conference with the Senate, the Committee reserves the right to seek the appointment of conferees and to have your support.

I would appreciate the inclusion of this letter in the Congressional Record during any consideration of H.R. 4544 on the House floor.

Sincerely,

ROBERT A. BRADY,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, September 19, 2008.*

Hon. ROBERT A. BRADY,
*Chairman, Committee on House Administration, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 4544, the ''Code Talkers Recognition Act of 2007.'' This bill was introduced in the House on December 13, 2007 and referred to the Committee on Financial Services and in addition to the Committee on House Administration. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. The legislation gives an important role to the Smithsonian Institution in maintaining a list of tribes and receiving medals which the tribe may wish to donate and I acknowledge your committee's jurisdictional interest in such matters. However, I appreciate your willingness to forego committee action on H.R. 4544 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on House Administration with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
*Chairman.*

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

Mrs. CAPITO. Mr. Speaker, I rise in strong support of H.R. 4544, the Code Talkers Recognition Act of 2008, introduced by the gentleman from Oklahoma (Mr. BOREN).

This legislation honoring the Native American code talkers, who served this country so honorably in the First and Second World Wars, is long overdue.

Mr. Speaker, the history of Native American code talkers is long and honorable. And I'm going to go through a little bit of this, beginning with their striking display of patriotism.

When the First World War broke out, Native Americans were technically not citizens of the United States—hard to believe, really; nevertheless, many enlisted and fought honorably as part of the American Expeditionary Force that helped to defeat the German armies.

In those days, as the technology of warfare changed and the size of the battlefields grew, it was necessary to transmit tactical information over what we would consider rudimentary and very unsecure communications methods that in many cases were easy for the enemy to intercept.

During the Second Battle of the Somme in September of 1918, and later during the Meuse-Argonne campaign in the waning days of the war, Cherokee and Choctaw natives used their own language to communicate tactical information. Since their languages were not related to any European language, the Germans intercepting it were baffled, even though the code itself was rather simple—a tank was a turtle, for example.

Again, in the Second World War, Native Americans signed up in large numbers to fight in both Europe and in the Pacific theater. The best known of these were the Navajos, who worked with the Marines in the Pacific. But considering both wars, code talkers came from as many as 17 different tribes.

Interestingly, the code talkers weren't used much in the European theater until D-day, because it was known that Adolf Hitler had been aware of the code talkers' successful role in World War I and had sent teams of German anthropologists to learn Native American languages before the start of the Second World War. The effort was largely unsuccessful, though, because there were so many different languages and dialects of those languages.

The role of the code talkers was largely unknown until 1968, when the story was declassified. Since then, President Reagan declared a ''Code Talkers Day,'' and in 2001 President Bush presented the Congressional Gold Medal to several Navajo code talkers.

□ 2145

Unfortunately, the bill authorizing that medal did not acknowledge the role of Code Talker heroes from other tribes in the First World War as well as the second.

Mr. Speaker, it has taken nearly a decade to address this oversight, and through the hard work of the gentlelady from Texas, Ms. GRANGER, and most recently Mr. BOREN, bills were introduced to do so in each Congress since the original legislation passed. We are now at the historic point, thanks to Mr. BOREN's legislation, that we can move to recognize the other heroes from the other tribes. I urge my colleagues to support this bill enthusiastically.

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

Mr. GUTIERREZ. Mr. Speaker, I recognize the gentleman from Oklahoma (Mr. BOREN) for 7 minutes.

Mr. BOREN. Mr. Speaker, I rise today with the support of 300 of my colleagues to honor a forgotten group of American war heroes. As many of you know, the State of Oklahoma has a long and rich Native American heritage. My congressional district is home to 17 of the 37 federally recognized tribes headquartered in Oklahoma.

Millions of these Native Americans count themselves among the proud veterans who defended this Nation during a time of war. But today, Mr. Speaker, I ask my fellow colleagues to join me in honoring the brave service of a small group of veterans. It is estimated that 12,000 Native Americans served in our Armed Forces during World War I and over 45,000 bravely fought during World War II. Among those was a small band of Choctaw Indians that were the beginning of what would become the Native American Code Talkers. They

would eventually play a critical but very unique role in the Allies' victory over evil and tyranny.

During World War I, feeling a sense of duty to the cause of freedom, a number of Choctaws answered the call to serve. They began their service assigned to the 142nd Infantry of the 36th Division of the Texas-Oklahoma National Guard. Their first action was as a unit in France. At that time, communication by telephone and by radio on the battlefield was still developing. But both types of transmissions were under constant surveillance by the German enemy.

Army movements and supply shipments were being ambushed by the Germans on a constant basis costing thousands of lives. At one point Colonel A.W. Bloor, the commanding officer of the 142nd Infantry, believed that the Germans were cracking every message his division sent by radio or by phone. Frustrated with the division's inability to communicate safely, an officer recalled that the division included a company of Native Americans. After hearing these men speak to one another on a regular basis, it occurred to him that their language could hold the key to encoding the Allies' transmissions. After all, a few of these men spoke 20 dialects, many of which had never even been written.

In October of 1918, the Choctaw Code Talkers' ability to secretly communicate over radio resulted in a surprise momentum-shifting attack on the German enemy in northern France's Argonne forest. What began as 6 to 10 Choctaw transmitting a handful of coded messages quickly grew into a much larger group of soldiers spread across the European battle front. As the tide of World War I began to turn in favor of the Allies, military commanders came to rely on these Native American Code Talkers to communicate their most sensitive information.

Many believe to this day that not a single Code Talker transmission was ever cracked by the enemy. Army leaders began to notice immediately that troop movements were no longer mirrored and supply convoys were not ambushed. After realizing the effectiveness of the Choctaw Code Talkers, U.S. military leadership sought out and recruited leaders of such tribes as the Comanche, Choctaw, Seminole, Hopis, Cherokee, Sioux, Navaho, as well as many others.

During World War II, the Native American Code Talkers would once again prove their effectiveness, this time on two fronts, in the Pacific and in Europe. Many high-ranking military officials contend that the United States would have never won the Battle of Iwo Jima without the unbreakable communications of the Native American Code Talkers.

So, Mr. Speaker, with this historical contribution to liberty and freedom in mind, it is our duty to honor these brave men, their families and their tribes. Let us never forget the valiant and noble service of the Native American Code Talkers. They are truly some of America's greatest war heroes.

In closing, I would like to take a moment to thank the many people who have worked tirelessly to commemorate these brave men. There are far too many to name in a brief time, but I would like to mention a few. I would like to commend the National Congress of American Indians for supporting this legislation and for their unwavering dedication to Native Americans everywhere. I would also like to acknowledge Chairman FRANK and his staff for working with me on bringing this legislation to the floor. I would also pay tribute to DALE KILDEE, and most especially my colleague from Oklahoma, TOM COLE, for his tireless effort in getting so many of the cosponsors on this legislation.

Finally, I would like to thank Chief Gregory Pyle of the Choctaw Nation. His dedication and leadership to his people, to all Native Americans, to the State of Oklahoma and to this great Nation is the mark of a true statesman. I am proud to call him both a mentor and a friend.

With that, Mr. Speaker, I urge support for the Native American Code Talkers Act.

Mrs. CAPITO. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. I thank my good friend from West Virginia for yielding so graciously.

Mr. Speaker, it is with great pleasure that I rise today in support of H.R. 4544, the Code Talkers Recognition Act, which would award the Congressional Gold Medal to Native American Code Talkers who assisted the allied powers in World War I and World War II to deceive and confuse our enemies in both conflicts. It's a particular personal pleasure to me, Mr. Speaker, because not only am I a Native American, Chickasaw, but my ancestry is both Choctaw and Chickasaw. My great grandfather had both tribes in his veins. And it's a wonderful treat for me to be able to participate in this.

I would also first like to thank my dear friend and colleague, Mr. BOREN, who introduced this legislation and without whose hard work this bill would simply not be here today. He has worked hard and tirelessly to honor a group of Americans that deserve recognition. And I appreciate it so much, my dear friend.

To date only the famous Navaho Wind Talkers have received this prestigious award, and it's only right and proper, Mr. Speaker, that Congress finally recognize all of the Code Talkers that dedicated their service to the United States of America. As an Oklahoman and as the only Native American currently serving in Congress, I am very happy to be here before you today to participate in awarding this honor to these fine individuals and their tribes.

Native Americans have a long, complex and honorable relationship with the United States military. Native Americans have fought against and with the United States military throughout the entire history of our country. And despite the often egregious policies of our government towards Indian country, thousands of Native Americans from dozens of tribes have helped protect our homeland. Indeed the first allies of the United States in the Revolution were the Oneida tribe. There was the Seneca present with Grant when he accepted the surrender of Robert E. Lee. As a matter of fact Robert E. Lee called him the only real American present at the ceremony. And of course in the Plains wars in the West, Indians fought on both sides of the conflict. Indeed our first President, General Washington, once commented the only way to defeat Native Americans was to be allied with Native Americans against other Native Americans because they were formidable and elusive foes.

Over the course of American history, Native Americans have demonstrated outstanding valor on the battlefield. And they have consistently received awards and commendations for their outstanding service. Historically Native Americans have the highest record of service per capita of any ethnic group or demographic group in our country. There are currently over 190,000 Native American veterans.

Mr. Speaker, this legislation awards the congressional medal to 13 individual tribes whose members assisted in this effort of defending our country. By using Native languages that were unidentifiable to the enemy forces in Europe and in the Pacific, the Code Talkers contributed to the victory of allied powers in both the First and the Second World Wars. Without their efforts it is clear that we would have lost countless additional lives and wars would have dragged on longer than necessary. Though most Native Americans did not even have United States citizenship in the First World War, there were a few. My tribe actually did. And we were pretty good negotiators. And most Oklahoma tribes got theirs a little bit ahead. But most tribes and most members who served in our Armed Forces were not citizens. They volunteered their service to defend their country despite that lack of citizenship.

It is estimated that more than 12,000 American Indians and about 600 Oklahoma tribal members served the United States military in the First World War. Despite the fact that most in the United States considered their heritage and their language to be obsolete in the first decade of the 20th century, these individuals volunteered for their country and helped turn the tide in one of the bloodiest wars in human history.

In 1917 a group of eight Choctaw serving in the Army's 36th Infantry Division trained to use their language in code. They helped the American Expeditionary Force win several key battles

in the final big push of the war. Other tribes continued to be recruited into the service of our country in later conflicts. Almost immediately after the Japanese attacked Pearl Harbor and the United States entered the Second World War, the Army recruited members of the Comanche Nation, located in my district, to assist the Allied Forces. Throughout the war other tribes were also recruited to carry out these efforts. And throughout that conflict, the Axis powers could neither decipher the codes based on Native language nor significantly undermine efforts to communicate in that language. The use of these languages significantly improved the tactical efforts of the Allied powers. These efforts were certainly remarkable, Mr. Speaker, and the contribution of these men clearly deserves to be recognized by Congress.

Mr. Speaker, Native American Code Talkers of the First and Second World War are true American heroes without whose efforts our troops would have certainly suffered greater casualties and would have certainly experienced slower progress in their efforts to end these conflicts. For too long our country has failed to recognize the efforts made by these great Native American citizens. It is time that we acknowledge and honor the contributions and service of these Native Americans who dedicated their service to our country by awarding them the Congressional Gold Medal.

I urge Members to honor these courageous men and their tribes and vote ''yes'' on H.R. 4544.

Mr. GUTIERREZ. I ask if there are any further requests for time on the other side or does the gentlelady yield back?

Mrs. CAPITO. I have no further requests.

I yield back the balance of my time.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 4544, the "Code Talker Recognition Act."

As a cosponsor of H.R. 4544, I would like to thank Representative BOREN for introducing this important bill to honor our nation's Native American Code Talkers—including code talkers from South Dakota's Sioux tribes—with this long overdue recognition.

South Dakota is home to the last living Lakota code talker—Clarence Wolf Guts. Clarence, who is an 84–year-old Lakota warrior from the Rosebud Indian Reservation in South Dakota, was the personal code talker for Major General Paul Mueller, commander of the U.S. Army's 81st Infantry. He traveled with Gen. Mueller and the 81st as the division moved from island to island during the fight against the Japanese during World War II.

I am privileged to have this opportunity to thank Clarence for his service during World War II and to honor all of our Nation's code talkers—whose efforts prevented the enemy from intercepting vital communications—saving the lives of countless American members of the Armed Forces.

Again, I would like to thank Representtive BOREN for his leadership and to thank our Nation's code talkers, who serve as an inspiration for all Americans to emulate.

Mr. BOSWELL. Mr. Speaker, I rise in strong support of H.R. 4544, the Code Talker Recognition Act.

I am proud to say that this legislation, which I am an original cosponsor, will finally recognize the men who served as code talkers for our great Nation during World War I and World War II.

Eight of those men who specifically will be honored today are members of the Meskwaki tribe based in Tama County, Iowa.

In January 1941, nearly a year before Pearl Harbor, 27 Meskwaki men, then 16 percent of Iowa's Meskwaki population enlisted in the Army. Of those 27, eight became code talkers: Edward Benson; Dewey Roberts; Frank Sanache; Willard Sanache; Melvin Twin; Judy Wayne Wabaunasee; Mike Wayne Wabaunasee; and Dewey Youngbear.

The Meskwaki men trained in Marshalltown and served together in the 168th Infantry, 34th Division. After jungle warfare training in Louisiana and code talker training in Scotland and then in England, they were sent to North Africa.

While in North Africa Frank Sanache ventured out far beyond the battalion and using a walkie-talkie directed artillery fire in the desert. He said "It was the worst place this side of hell."

The enemy was never able to translate the native Meskwaki language, and the Meskwaki Code Talkers, among other Code Talkers are credited with saving the lives of countless members of the United States Armed Forces and contributing significantly to the victory of our Nation.

I am pleased to see that finally this bill will be brought to the House floor—it has taken many years to get to this point and even though many of those who are being honored are no longer with us at least their family members and loved ones have the opportunity to finally see them receive the gratitude and respect of our country.

Mr. GUTIERREZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 4544, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## DEFENSE PRODUCTION ACT EXTENSION AND REAUTHORIZATION OF 2008

Mr. GUTIERREZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6894) to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6894

*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 ''Defense Production Act Extension and Reauthorization of 2008''.

**SEC. 2. EXTENSION OF TERMINATION DATE.**

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

**SEC. 3. REAUTHORIZATION.**

Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''2008'' and inserting ''2009''.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

□ 2200

Mr. GUTIERREZ. Mr. Speaker, I yield myself 5 minutes.

I rise in strong support of H.R. 6894, the Defense Production Act Extension and Reauthorization of 2008, and urge my colleagues to support the bill's passage.

This legislation reauthorizes the Defense Production Act of 1950, which expires at the end of fiscal year 2008, through September 30 of 2009.

Although the act is due for a comprehensive review, we did not have adequate time to conduct hearings and a markup in this Congress. Therefore, we are seeking this straight, 1-year extension that makes no substantive changes to the act.

Mr. Speaker, the Defense Production Act, or DPA, is a little known bill of great national significance. Put simply, the DPA gives the President a vital set of tools to ensure the constant readiness of those portions of our industrial base that support national security. These tools include production priorities and financial incentives, but they also extend to monitoring the increasing effects of globalization on the defense base.

Since it was enacted in 1950 during the Korean war, every administration since President Truman's has used the act carefully and prudently.

In addition to its national defense uses, the DPA holds the promise of helping to mitigate civil emergencies

during peacetime. For example, during the California energy crisis, former President Clinton authorized the U.S. Energy Secretary to use the act to compel a continuing supply of natural gas to Pacific Gas & Electric.

Mr. Speaker, the United States is currently fighting wars on two fronts—rebuilding from the damages caused by Hurricane Ike and, regrettably, still rebuilding from Hurricane Katrina. The DPA is a key component of our national security and civil emergency readiness, and we cannot let the act lapse.

I know that some of my colleagues have questions about how the act has been used, if at all, by the current administration during civil emergencies. I share these concerns, but I believe these oversight issues would be best addressed in the next Congress.

Next year, the Financial Services Committee will conduct a comprehensive review of the DPA, specifically looking at proposals to increase the amounts authorized in title III of the act. The 1-year extension will give the committee time to do its work in a thoughtful, bipartisan manner, and I urge the bill's passage.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 6894, the Defense Production Act Extension and Reauthorization of 2008.

In 1950, at the outset of the Korean war and at the behest of President Truman, Congress acted to give the President the ability to meet a specific national security need should we have a shortfall in supplies.

The ability of this Nation to call on private industry to meet the demands of securing a nation are just as prominent today as they were over a half century ago when Congress first enacted this law. In an uncertain world where we face constantly changing threats and remain vulnerable to national disaster, the ability of military and civilian agencies to be given priority service to aid the American people is paramount.

Today, with American soldiers fighting so courageously abroad, we have the same imperative: they must have the resources and equipment they need when they need them.

Similarly, this country has seen the toll natural disasters can take on the Nation. Within the last weeks alone, we have seen Hurricanes Gustav, Hanna and Ike bring destruction to this Nation's shores. Responding to the needs of the families affected should be a priority, and this legislation reauthorizes the President's ability to effectively respond to those needs with priority purchases of supplies, be they water or equipment, to repair damaged railroad switches.

The authorities in this act are too important to be allowed to expire for any amount of time. Yet, Mr. Speaker, without the Congress acting today, these authorities will expire on September 30. The legislation before us would reauthorize the Defense Production Act in its current form, for 1 year, with no other changes to the DPA's powers. This 1-year extension will continue these authorities while providing the Congress a window to consider any need for updating this act. A recently issued GAO report on the authorities, as well as volumes of other information, will ensure engagement in an important dialogue on how to improve on this authority's taking place. Passing this law today ensures that that debate takes place without the impending pressure of adjournment.

I hope, Mr. Speaker, that we can undertake any needed updates of the act at the beginning of the first session of the next Congress and then extend the authorization for multiple years at that point so that these important authorities remain available to protect America, Americans and American interests, uninterrupted.

In closing, I would like to thank Chairman LUIS GUTIERREZ and full committee Chairman BARNEY FRANK for authoring this bipartisan legislation. Because of their leadership on this issue, Congress has before it today a bill to ensure the American people and their security interests are well served. With that, Mr. Speaker, I urge the passage of H.R. 6894.

I reserve the balance of my time.

Mr. GUTIERREZ. I would ask the gentlelady if there are any requests for time on her side.

Mrs. CAPITO. I have no further speakers.

I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Speaker, I have no further requests for time.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 6894.

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

A motion to reconsider was laid on the table.

## STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008

Ms. MOORE of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6950) to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6950

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

**SECTION 1. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This Act may be cited as the ''Stephanie Tubbs Jones Gift of Life Medal Act of 2008''.

(b) FINDINGS.—The Congress makes the following findings:

(1) Congresswoman Stephanie Tubbs Jones was dedicated to eliminating health disparities and protecting vulnerable populations.

(2) Through her service on the Committee on Ways and Means, Subcommittee on Health, she was a strong voice for those who were poor, elderly, racial and ethnic minorities, and disenfranchised.

(3) Congresswoman Stephanie Tubbs Jones' concern for others was demonstrated by the decision to donate her organs, so that as her life ended, the lives of others continued.

(4) There are currently 99,625 candidates for organ donation on the national transplant waiting list. Every 16 minutes, a new name is added to such list. Sixteen persons die each day waiting for a life saving organ transplant.

(5) Minority populations account for nearly 50 percent of those on the national transplant waiting list.

(6) Diseases that can lead to organ failure, such as hypertension and diabetes, are found more frequently in ethnic minority populations than in the general population.

(7) While minorities donate organs in proportion to their population, the rate of organ donations fails to keep pace with the need for transplants in the population. African-Americans, for example, represent about 13 percent of the population and 12 percent of organ donors, but comprise roughly 23 percent of individuals on national transplant waiting list for kidney transplants.

(8) Transplantation success rates are higher when organs are matched between people sharing the same racial and ethnic background.

(9) Because of the disparities in the need for organs, minorities are more likely to wait longer to find a successful match and are more likely to be sicker when an organ is found.

(10) An increase in minority organ donations would decrease the waiting time and increase the likelihood of successful transplantations for minorities.

**SEC. 2. ELIGIBILITY REQUIREMENTS FOR STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL.**

(a) IN GENERAL.—Subject to the provisions of this section and the availability of funds under this Act, any organ donor, or the family of any organ donor, shall be eligible for a Stephanie Tubbs Jones Gift of Life Medal (hereafter in this Act referred to as a ''medal'').

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity operating the Organ Procurement and Transplantation Network to—

(1) establish an application procedure requiring the relevant organ procurement organization through which an individual or family of the individual made an organ donation, to submit to such entity documentation supporting the eligibility of the individual or the family, respectively, to receive a medal;

(2) determine through the documentation provided and, if necessary, independent investigation whether the individual or family, respectively, is eligible to receive such a medal; and

(3) arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to section 4 to individuals or families that are determined to be eligible to receive medals.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, a medal may be presented for each such organ donor.

**SEC. 3. SOLICITATION OF DONATIONS.**

(a) IN GENERAL.—The Organ Procurement and Transplantation Network may collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) PAYMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of Health and Human Services for purposes of purchasing medals under this Act for distribution.

(2) LIMITATION.—Not more than 7 percent of any funds received under subsection (a) may be used to pay administrative costs, and fundraising costs to solicit funds under subsection (a), incurred by the Organ Procurement and Transplantation Network in carrying out this Act.

**SEC. 4. DESIGN AND PRODUCTION OF MEDAL.**

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of the Treasury shall design and strike the Stephanie Tubbs Jones Gift of Life Medals, each of which shall—

(1) weigh 250 grams;

(2) have a diameter of 3 inches; and

(3) consist of bronze.

(b) DESIGN.—

(1) IN GENERAL.—The design of the medals shall commemorate the compassion and courage manifested by and the sacrifices made by organ donors and their families, and the medals shall bear suitable emblems, devices, and inscriptions.

(2) SELECTION.—The design of medals struck under this section shall be—

(A) selected by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the Organ Procurement and Transplantation Network, interested members of the family of Stephanie Tubbs Jones, Dr. William H. Frist, and the Commission of Fine Arts; and

(B) reviewed by the Citizens Coin Advisory Committee.

(c) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(d) STRIKING AND DELIVERY OF MINIMUM-SIZED LOTS.—The Secretary of the Treasury shall strike and deliver to the Secretary of Health and Human Services no fewer than 100 medals at any time pursuant to an order by such Secretary.

(e) COST OF MEDALS.—Medals struck under this section and sold to the Secretary of Health and Human Services for distribution in accordance with this Act shall be sold to the Secretary of Health and Human Services at a price sufficient to cover the cost of designing and striking the medals, including labor, materials, dies, use of machinery, and overhead expenses.

(f) NO EXPENDITURES IN ADVANCE OF RECEIPT OF FUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall not strike or distribute any medals under this Act until such time as the Secretary of Health and Human Services certifies that sufficient funds have been received by such Secretary to cover the cost of the medals ordered.

(2) DESIGN IN ADVANCE OF ORDER.—Notwithstanding paragraph (1), the Secretary of the Treasury may begin designing the medal at any time after the date of the enactment of this Act and take such other action as may be necessary to be prepared to strike such medals upon receiving the certification described in such paragraph, including preparing dies and striking test pieces.

**SEC. 5. MEDALS NOT TREATED AS VALUABLE CONSIDERATION.**

A medal under this Act shall not be treated as valuable consideration for purposes of section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)).

**SEC. 6. DEFINITIONS.**

For purposes of this Act:

(1) ORGAN.—The term ''organ'' has the meaning given such term in section 121.2 of title 42, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) ORGAN PROCUREMENT ORGANIZATION.—The term ''organ procurement organization'' means a qualified organ procurement organization described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)).

(3) ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.—The term ''Organ Procurement and Transplantation Network'' means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. MOORE) and the gentlewoman from West Virginia (Mrs. CAPITO) will each control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. MOORE of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 6950.

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

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

It is with great humility and respect that I present for favorable consideration H.R. 6950, the Stephanie Tubbs Jones Gift of Life Medal Act of 2008.

Our friend, our respected colleague, Congresswoman Stephanie Tubbs Jones, worked tirelessly for her district, for her community and for people who are underrepresented. As a constant advocate for justice and peace, as a very proud member of the Ways and Means Subcommittee on Health, she was a fervent supporter and leader of efforts to reduce health disparities in our Nation.

This legislation directs the Treasury Department to design and produce a commemorative medal that the Department of Health and Human Services will award to organ donors or to a surviving family member, which is especially fitting to be named in honor of Congresswoman Stephanie Tubbs Jones for a couple of reasons:

Organ donation is an area where dramatic health disparities still exist. She, herself, was an organ donor, and over 50 beneficiaries have benefited from her gift of life.

The number of Americans affected by shortages of suitable organs for donation is considerable. Nearly 100,000 people are currently waiting for organ transplants, and nearly 2,000 of these are children under 18. The national waiting list grows substantially every year. Since the waiting list began, over 80,000 donation-eligible Americans have died while waiting for an organ to become available. In 2007 alone, over 6,500 people died for lack of a suitable organ.

The men and women who elect to become organ donors are heroes and sheroes just like our friend and colleague. They have the opportunity to give the gift of life to thousands of Americans who are suffering from debilitating and lethal diseases.

While the gift of a donor is priceless, the enactment of this bill would have no cost to the Federal Government as funding for the medals would come from charitable donations.

I would reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 6950, the Stephanie Tubbs Jones Gift of Life Medal Act of 2008.

As everyone in this Chamber knows, the late Congresswoman Stephanie Tubbs Jones was a wonderful woman and was a tireless public servant. She sought to use her time each day to serve the people of her district and of this Nation, and the extraordinary generosity she exhibited in so many of her actions proves to be one of her lasting legacies. She was also a very joyful woman, and she brought much joy to all of those who were fortunate enough to know her. I include myself in that group.

However, nowhere have her selfless nature and leadership qualities been more apparent than in her decision to be an organ donor. Her untimely death was a tragedy, but because of her decision, others will be fortunate to enjoy the gift of life.

Currently, there are close to 100,000 individuals on the national transplant waiting list. Each hour, this number increases, adding a new name approximately every 16 minutes. Yet, despite how sobering this statistic is and the even harsher statistic that my colleague mentioned, more sobering is the number of people who die while waiting for a life-saving organ transplant. This number is 16 people per day. Understanding that reality, Representative Tubbs Jones did what she always did. She volunteered to give to those in need.

This legislation honors her actions. The bill before us today would establish a Stephanie Tubbs Jones Gift of Life Medal, and it would make any organ donor or family of the organ donor eligible to receive the honor. The legislation empowers the Secretary of Health and Human Services to direct the Organ Procurement and Transplantation Network to establish an application and assessment process for donors in order to receive the award.

By agreeing to this legislation, this Congress honors the actions of Representative Tubbs Jones and the actions of so many others who sought to give what they could to those in need. This is an important action, and I urge my colleagues to support the bill.

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

Ms. MOORE of Wisconsin. Mr. Speaker, many thanks are due to Representative PETE STARK, the chairman of the Ways and Means Health Subcommittee, who quickly organized this bill in honor of our colleague.

Also, many thanks go to former Senate majority leader and transplant surgeon Bill Frist for whom this bill was named in an earlier version in this Congress. Now, while in the Senate, Dr. Frist worked hard on behalf of organ donors and their families. He supported renaming the bill for Representative Tubbs Jones. Earlier versions of this bill have been endorsed by the Association of Organ Procurement Organizations, by the American Society of Transplantation, by the American Association of Transplant Surgeons, by the National Kidney Foundation, by the American Association of Kidney Patients, by the Organization of Transplant Professionals, and by the Transplant Recipients International Organization.

I strongly urge passage of this bill.

I would ask the lady if she has any further speakers.

Mrs. CAPITO. I have no further speakers.

I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I rise today to urge passage of the "Stephanie Tubbs Jones Gift of Life Medal Act of 2008," and to thank the many colleagues and friends of Stephanie's who joined together to bring this bill to the floor.

Stephanie's life ended as she lived it; by exemplifying concern for the welfare of others. She donated her organs in the waning hours of her life so that the lives of others could continue. In that spirit, this bill creates a commemorative medal for organ donors and their families, recognizing the brave and selfless act of organ donation.

The need for organ donation is critical. Since the national transplant waiting list began, more than 80,000 donation-eligible Americans have died waiting for an organ to become available; in 2007 alone, more than 6,500 people died for lack of a suitable organ.

As an active member of the Ways and Means Health Subcommittee, Stephanie worked tirelessly to remedy health disparities in our nation. Organ donation is one area where dramatic health disparities exist, which makes this all the more of a fitting tribute.

While minorities donate organs in proportion to their population, the rate of organ donations fails to keep pace with the need for transplants in the population. Minority populations account for close to 50% of the people who are currently waiting for organ transplants.

I'd like to take a moment to recognize the help of former Senate Majority Leader and transplant surgeon Dr. Bill Frist, for whom this bill was named for when it was introduced earlier this year. Dr. Frist is a tireless advocate of organ donors and their families, and worked on behalf of the Gift of Life Medal Act. I appreciate his graciousness in expressing his strong support for renaming the bill, and I would ask the Chair to have Dr. Frist's letter of support inserted into the RECORD.

I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation, and pays tribute to the selflessness and memory of our colleague. Stephanie's dedication to improving health care should be permanently recognized. I urge passage of the Stephanie Tubbs Jones Gift of Life Medal Act.

NASHVILLE, *TN, September 15, 2008.*

Hon. Pete Stark,
*Chairman, Ways and Means Health Subcommittee, Longworth House Office Building, Washington, DC.*

Hon. DAVE CAMP,
*Ranking Member, Ways and Means Health Subcommittee, Cannon House Office Building, Washington, DC.*

DEAR CHAIRMAN STARK AND RANKING MEMBER CAMP: Thank you for your leadership on the Gift of Life Congressional Medal.

Like you, I am truly inspired by those that donate their organs. I can think of no act that is more honorable or selfless, and it is befitting of Congress to pass this act to recognize these outstanding individuals and their families. I was pleased to sponsor this legislation in the Senate.

It is also extremely fitting to name this legislation in honor of the late Congresswoman Stephanie Tubbs Jones. A tireless advocate for those in need, she cemented her legacy by donating her organs and tissue, which will help over 50 individuals. Her act, and the thousands that have come before it, must be recognized.

Each year, there are nearly 14,000 organs that are donated. As a transplant surgeon, I have seen first hand how lives are transformed through these miraculous gifts. For me, it is a privilege to be part of the transplantation process. I am continually amazed at the advances in technology that make transplants more successful every year.

While advances are being made, there are still too few donors—nearly 100,000 people are waiting on national transplant lists. To encourage more donors, we should make every effort to recognize those that make this lifesaving decision. I believe creating a Gift of Life Congressional medal is critically important to increasing awareness on this issue.

Again, please accept my sincere appreciate for your work and strong support for naming the Gift of Life Congressional Medal Act in honor of Congresswoman Stephanie Tubbs Jones. It is a fitting tribute for such and outstanding and committed woman.

Sincerely,

DR. WILLIAM H. FRIST.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak today on a very close subject to my heart, House Resolution 6950, a bill to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors. Congresswoman Tubbs Jones was a rare breed of person who not only talked the talk, but walked the walk.

Tragedy struck Congress a few weeks ago when Congresswoman Tubbs Jones was taken from us. This brought attention to an issue of vital importance to her and the Nation. Organ transplantation is the greatest gift a person can give. While a majority of them happen while both the donor and the recipient are alive, a large number happen after death. Unfortunately these organs, such as the heart, lung, liver, and kidney, among others, are very hard to come by. In the Congresswoman's home State, only 53 percent of the population was a registered organ donor. This is a good start but we must go further.

When a loved one dies, it is never a happy moment; experiences like this always bring sadness and sorrow. When that loved one's death can serve as a beacon of hope for another, it does not lessen the sadness; it allows the family to have a good, if small, memory of the loss of their loved one. When Congresswoman Tubbs Jones passed away, we were all deeply saddened but I think I can speak for more than a few of my fellow Members of Congress when I express the joy and pride I felt when I learned that after years of advocating for organ transplantation, Congresswoman Tubbs Jones left all of her vital organs to those in need.

Organ transplantation needs to increase in this country. With currently over 100,000 people on the transplant list waiting for organs, we can not afford to wait to act any longer. Currently, African Americans make up about 12 percent of the Nation's population and about 12 percent of the patients who donate. However, of all the patients requiring a transplant, 23 percent of them are African American. This disparity is a growing epidemic and must be resolved.

This bill will do three wonderful things and help the cause that the Congresswoman fought for in all her years serving Ohio. One, it will honor the life of an unwavering advocate of transplant. Naming the medal after her will show all those who come later, that this was a woman deep with passion about this important issue. It will shine a light on a life that helped shine a light on others.

Second, this bill will honor those, who like the Congresswoman, have showed their true patriotism to their fellow man or woman and shared with them the greatest gift. These medals are a way that the Federal Government, on behalf of its people, to begin to thank Americans who commit themselves to being organ donors.

Lastly this bill will help raise awareness for minority health issues. It was found that African Americans make up a disproportional number of patients requiring transplants and that they wait, on average, longer to receive an organ. When they do finally receive this opportunity, they are sicker and the success rate is not what it could be. We can, and must, do more.

Mr. Speaker, we can do something to help the millions of men and women around the world waiting for organ transplants. We should also move quickly to honor those who have already given the greatest gift there is. As Albert Einstein once said, "Only a life lived for others is a life worthwhile" and no one exemplified this better than Stephanie Tubbs Jones. I urge my colleagues to pass this bill to honor her.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 6950.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## FAMILY SELF-SUFFICIENCY ACT OF 2007

Ms. MOORE of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3018) to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3018

*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 ''Family Self-Sufficiency Act of 2007''.

**SEC. 2. ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.**

Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) SECTION 8 FEES.—

''(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

''(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

''(i) BASE FEE.—A public housing agency serving 25 or more participants in the family self-sufficiency program under this section shall receive a fee equal to the costs of employing one full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

''(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

''(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development for more than three such coordinators in any of fiscal years 1998 through 2007 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

''(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop an family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to one family self-sufficiency coordinator, based on the size specified in its action plan for such program.

''(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

''(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

''(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding one coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

''(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

''(E) PERFORMANCE STANDARDS.—Within six months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

''(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

''(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to the Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to the Congress. There is authorized to be appropriated $10,000,000 to carry out the evaluation under this subparagraph.

''(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made available for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. MOORE) and the gentlewoman from Illinois (Mrs. BIGGERT) will each control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. MOORE of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 3018.

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

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I enthusiastically endorse for favorable consideration this bill authored by Mrs. JUDY BIGGERT. This, Mr. Speaker, is much needed legislation to enhance and to improve a program that assists families who hold a section 8 housing voucher with the goal of leading to economic independence.

Under the Family Self-Sufficiency Program, public housing agencies work with welfare agencies, schools and businesses to develop a program that gives participating Family Self-Sufficiency families the skills and experiences necessary for them to obtain employment that pays a living wage.

Now, this is not an expensive program. In my State of Wisconsin, for example, eight public housing authorities have successfully competed for Family Self-Sufficiency Programs with awards ranging from $34,000 up to only $47,000.

□ 2215

But while it is expensive, it's inexpensive. It is very successful.

While my home public housing authorities in Milwaukee do not anticipate the section 8 family self-sufficiency programs, they do have a public housing family self-sufficiency program in its second year, which is very similar to the section 8 self-sufficiency program.

They have linked in really creative way to a ''Make Your Money Talk'' program. It's a wealth-building program that is partnered with the Wisconsin Women's Business Initiative Corporation, and they have 39 families enrolled.

Based on prior outcomes, participants have used their savings generated from family self-sufficiency to start a business or purchase a home. One resident in particular, a resident of the Westlawn housing development, has started her own cleaning business that has become quite successful.

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

Mrs. BIGGERT. I thank the gentlelady for her comments, and I would yield myself time as I may consume.

Mr. Speaker, as the author of H.R. 3018, the Family Self-Sufficiency Act, I strongly encourage my colleagues to support this important legislation.

First, let me thank Congresswoman WATERS for working with me to include the language of this bill in the section

8 reform bill, H.R. 1851, the Section 8 Voucher Reform Bill Act of 2007, which the House passed on July 12 of last year by a vote of 333–83.

Not to anyone's great surprise, the Senate has yet to take up this larger section 8 reform package. My hope is that the House will pass this bill today, and the Senate will, at a minimum, move this smaller but very important noncontroversial bill.

The bill will strengthen the Family Self-Sufficiency Program, or FSS, and help more disadvantaged families gain independence from government assistance. The FSS is offered in connection with the Department of Housing and Urban Development, section 8 Housing Choice Voucher Program. It provides homeownership counseling, job training, child care, education and other services to help individuals obtain work.

Let me take just a minute to give you just one example of a Family Self-Sufficiency Program success story from my congressional district. Angela, a single mother of two from Willowbrook, Illinois, served 6 years in the Navy. When she finished her service, she got a part-time job and, thanks to the GI Bill, enrolled as a full-time student. Yet she still struggled to make ends meet.

In stepped the wonderful team at the DuPage Housing Authority. Through their Family Self-Sufficiency Program, they helped Angela with the rent for a dozen months, moving her and her two children from tenant-based rental assistance to the Housing Choice Voucher Program. During this time Angela was able to complete college and obtain a degree with a double degree in human resources management and psychology.

The FSS program then connected Angela to a resume-writing class offered by the Illinois Employment Training Center. Within just 1 week of posting her new, polished resume, Angela secured three interviews and a new part-time job.

This March, Angela secured full-time employment as a human resource assistant at the Edward Hines VA Hospital. Angela now earns twice the hourly wage she did when she started working with the FSS program. But the story doesn't end there.

FSS also connected Angela with a financial planner who helped empower Angela with a little financial literacy to improve her budgeting and asset management skills. Today, Angela is working to prepare herself for homeownership, a long way to come from public housing.

Now, Angela is also giving back. She is an active member of the FSS program in DuPage County, providing insights and suggestions to help keep the program relevant and effective for local participants.

Even amidst record-high energy prices and other challenges facing our economy, there are bright stars like Angela who, with a little help, can successfully make ends meet, raise children, get an education, secure a job and achieve the dream of homeownership.

What better way to help more of our neighbors in need than to support this bill today. It's a simple, bipartisan step that we can now take to ensure that a brief period of economic hardship doesn't turn into a lifetime of poverty and dependence for many of our Nation's most vulnerable families.

It does so by addressing the lack of consistent Federal funding for administering FSS services. The bill establishes a minimum ratio of program coordinators to participants, with funding for one coordinator per housing authority, serving an annual average of 25 or more families enrolled in FSS, two coordinators for 75 or more families, and three coordinators for 125 or more families.

It also requires HUD to establish and implement performance measures, collect data on FSS programs, evaluate their effectiveness, and report to Congress on its findings. Finally, the bill provides some funding flexibility to reward innovative and successful FSS programs.

These are good, flexible programs that help put disadvantaged families on the path to independence. Public housing can be an important safety net, but it is not a permanent solution. Let's give these individuals all the support we can to help them stand on their own two feet.

Before I conclude, I would like to thank John Day, president of the DuPage Housing Authority; Jeffrey Lubell, executive director of the Center for Housing Policy; and the folks at the American Association of Service Coordinators, the National Housing Conference, the New America Foundation, and the Corporation for Enterprise Development, for making this bill a reality.

I would, of course, like to thank Angela for her courage and willingness to let me share her success story with all of you today.

I would also like to thank the gentlelady from Wisconsin for managing this bill and all the hard work that she puts into the Financial Services Committee.

With that, I urge my colleagues to support the bill.

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

Ms. MOORE of Wisconsin. Mr. Speaker, I just want to tell you how moving the gentlelady's story was about Angela, and how encouraged she must be and others who benefit from this program.

This is welfare reform done right, and I want to congratulate her on her compassion, for pushing this bill through.

I certainly urge all of my colleagues to vote unanimously for this great bill.

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

Mrs. BIGGERT. Mr. Speaker, I would like to yield as much time as she might consume to the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I was unable to get here in time to speak about an issue I feel very strongly about. I speak about the need to honor the Code Talkers. It was brought to my attention by my friend and constituent, Mr. Ben Tahmahkera, of Fort Worth, Texas. He is a proud Comanche himself and passionately articulated the important role of the Code Talkers contributed to our Nation during World War II.

Mr. Tahmahkera came to me and pointed out that in July, 2001, President Bush honored the Navajo Code Talkers for their contribution to the United States Armed Forces as radio operators in World War II. Mr. Tahmahkera was very pleased to hear about the Navajo recognition, but he wanted to make sure the sacrifices of the Comanche Code Talkers and other Code Talkers were not forgotten either.

Mr. Tahmahkera suggested that I learn more about Charles Chibitty, who at the time was the only surviving Comanche Code Talker.

In January of 1941, Charles Chibitty enlisted in the United States Army and was assigned the Army's 4th Signal Company. Chibitty himself probably saved thousands of lives during the Normandy invasion alone, and he remembers, years after the battle, that he could clearly remember the messages he received and set out on D-day.

On that day, he identified where our troops were, protected them from being fired on by our own troops and, in general, completely confused the Germans. Chibitty specifically remembers saying in code to our men, ''Okay, we know where you are. Just keep on doing what you are doing.''

The code that Chibitty used was never broken.

For a long time, Germans believed it was just gibberish, and eventually the Germans sent spies to training grounds in Ft. Gordon and reservations in Oklahoma to try and crack the code. None of the spy missions were successful.

After hearing the compelling story of the Comanche Code Talkers from Mr. Tahmahkera, I introduced a bill to award the Comanche Code Talkers the Congressional Gold Medal in December 2001 during the 107th Congress.

I have worked to get these men an honor that is long overdue for the past several Congresses. After a lot of hard work and research by many different Members today, we are, at long last, honoring the Code Talkers who so nobly served our country during both World War I and World War II.

My friend, Representative DAN BOREN from Oklahoma, I appreciate his work and this Congress for bringing the bill to the floor.

Like the Navajo Code Talkers who were recognized for services in 2001, the Comanches, along with members of at least 15 other tribes, acted as Code Talkers in some capacity during both world wars. The Code Talkers were

sent out on their own to provide communications on enemy locations and their strength.

They sometimes spent 24 hours in headphones without sleep or food. Many of these men endured terrible conditions without protection from the enemy. The Code Talkers were able to send messages in their native dialect, a code an enemy could never track. Military commanders credit the Code Talkers with saving the lives of countless American soldiers and ultimately to the success of the United States in many battles.

In my mind, the Native American Code Talkers are some of our Nation's greatest heroes. As my good friend, Deputy Secretary of Defense Gordon England said, ''The story of the Native American Code Talkers is one of the most inspiring chapters in America's march to victory in World War II. Their heroic and dramatic contributions were instrumental in driving back our enemies across the Pacific.''

It's time for Congress to give the Native American Code Talkers the recognition they deserve for their contribution to U.S. victories in World War I and World War II.

Charles Chibitty, a true American hero, was also a loyal friend. He once turned town a Medal of Honor because it did not include all the four signal companies who he considered his brothers.

Chibitty said, I am glad that I am still here, but I miss my comrades. I know that my comrades that have already gone before me are listening and laughing right now. I know when I go up there someday, they will be there waiting for me.

Today, at long last, we honor the late Charles Chibitty and all of his friends who served our country as their service Code Talkers during World War I and World War II.

I urge my colleagues to support H.R. 4544.

□ 2230

Mrs. BIGGERT. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 3018.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

## EXTENDING THE AUTHORIZATION OF THE NATIONAL FLOOD INSURANCE PROGRAM

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6965) to extend the authorization of the national flood insurance program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6965

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

**SECTION 1. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.**

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2008'' and inserting ''April 30, 2009''.

(b) FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2008'' and inserting ''April 30, 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentlewoman from West Virginia (Mrs. CAPITO) will each control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

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

Mr. WATT. Mr. Speaker, this bill would extend the National Flood Insurance Program by 7 months. During the most recent hurricanes of last year, we found that the program had some substantial problems to it. The House has passed a bill, the Senate has passed a bill, and we have been unable to this point to reconcile the two bills.

So the solution in the meantime is to extend the existing flood insurance program by 7 months. It is important to homeowners and businesses so they can have easy access to flood insurance.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in reluctant support really of H.R. 6965 to extend the authorization of the National Flood Insurance Program. I would prefer that this would be a debate on a consensus reform package that would put the National Flood Insurance Program on a more actuarially sound footing.

Both the House and Senate have passed separate bills that include important and necessary reforms. However, there are significant differences between the two packages. And, unfortunately, we have been unable to reach a compromise on our differences.

Although there are differences in the two approaches, there are some similarities. For instance, both measures would reauthorize the flood program for 5 years and include important reforms to phase out premium subsidies and require more realistic pricing that is actuarially sound and based on the actual risk of flooding. Both bills would also phase out rate subsidies for nonresidential properties and non-primary residences.

One of the great challenges for this program is the debt, which presents an ongoing challenge and stands at $17.4 billion resulting from the 2005 hurricanes. Any flood program reform package has to address the NFIP's debt, the interest payments on that debt and the net impact that they have on the budget.

We also have to face the reality of new claims in the pipeline to cover losses from Hurricanes Ike and Gustav, as well as the flooding in the Midwest earlier this summer.

Both bills contain strong and prudent reforms designed to strengthen the flood program, phase out subsidies, and encourage a premium pricing structure that is based on the actual risk of property loss from flooding.

The National Flood Insurance Program is currently set to expire on September 30. For this reason we are today considering a simple 7-month extension designed to keep the flood insurance program up and running past the September 30 deadline. Allowing the flood insurance program to expire could cause serious disruptions to the mortgage market and we could not afford to let that happen, especially in light of our current financial instabilities. A 7-month extension would allow Congress time to complete their work on a comprehensive reform package.

I want my colleagues in the House to know that the Republican members on the Financial Services Committee remain committed to enacting comprehensive reforms that not only modernize the National Flood Insurance Program so that homeowners will continue to have access to flood insurance, but also to protect the American taxpayer at the same time. I urge passage of this bill.

I reserve the balance of my time, although I have no further speakers.

Mr. WATT. I thank the gentlewoman for her excellent presentation on this. If she is prepared to yield back, I am also prepared to yield back.

Mrs. CAPITO. I yield back the balance of my time.

Mr. WATT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 6965.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the resumption of further legislative business.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## HONORING HANNAH WARFIELD AND JENNY BARRINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. PERLMUTTER) is recognized for 5 minutes.

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize two members of one of my Colorado offices, Hannah Warfield and Jenny Barringer. These two are world-class athletes from my alma mater, the University of Colorado. They recently competed in the U.S. Olympic track and field trials in Eugene, Oregon; and in Jenny's case, the 2008 Olympics in Beijing.

I want to start off by saying a few words about Hannah, a native of Sydney, Montana, who competed in the women's javelin competition. Her work ethic is extraordinary; and despite the rigors of working a full-time job and recently graduating from the University of Colorado, she maintains a training schedule which begins at 5 a.m. in the morning and would humble even the most dedicated among us.

This work ethic propelled her to become the 2007 NCAA Women's Big 12 Champion in the javelin event, a distinction not achieved by a University of Colorado athlete in 20 years.

She is one of the most pleasant, organized and courteous individuals I have ever had the opportunity to meet. And although Hannah came just short of making it to Beijing, words cannot express the amount of pride and inspiration she brought to our office and our community with her dedication to the pursuit of her dreams. Hannah's positive attitude and tenacity should serve as an inspiration to all of us.

Next, I would like to take to moment to speak about Jenny Barringer from Oviedo, Florida, who competed in the women's 3,000 meter steeplechase event. Jenny is a true pioneer in the sport which made its inaugural appearance at the 2008 games.

Prior to the Olympics, she shattered the American record in the women's steeplechase with a time of 9:22:73. If that were not enough, she maintains a 3.7 GPA, serves as a sign language interpreter, volunteers with the Ronald McDonald House, Habitat for Humanity, and the local adopt-a-road program.

I can attest that Coloradoans watched her with excitement and anticipation as Jenny made her Olympic debut and competed in the Beijing games where she once again made history by breaking her own American record with a time of 9:22:26. This was a 9th place finish in the world. Jenny made our community and Nation proud.

But what impresses me most about Hannah and Jenny is that for as great as their athletic ability, they are even better people. Active in their communities, great students, combined with a desire to go above and beyond what is expected, they serve as a positive example of what can be achieved with hard work and a positive attitude.

As a father of three young women myself, all of whom are athletes, I can attest Hannah and Jenny represent the pride and hope every parent feels when they drop their own daughters off at an athletic practice.

It is an amazing honor to see two of our own in Colorado rise to this level, especially knowing it could not have happened to two better people. Hannah Warfield and Jenny Barringer embody the best our country could hope for in the next generation of Americans, and I am privileged for the opportunity to have come to know these two remarkable individuals.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## REVISIONS TO THE BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES ON THE BUDGET FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 211(3) of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6983, as expected to be amended on the floor (Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008) (September 23, 2008, 9:24 AM). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar at 226–7200.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

| | Fiscal Year 2008 [1] | Fiscal Year 2009 [1 2] | Fiscal Years 2009–2013 |
|---|---|---|---|
| Current Aggregates: | | | |
| Budget Authority | 2,456,198 | 2,462,544 | n.a. |
| Outlays | 2,437,784 | 2,497,322 | n.a. |
| Revenues | 1,875,401 | 2,029,653 | 11,780,263 |
| Change in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act (H.R. 6983): | | | |
| Budget Authority | 0 | 0 | n.a. |
| Outlays | 0 | 0 | n.a. |
| Revenues | 0 | 0 | 3,023 |
| Revised Aggregates: | | | |
| Budget Authority | 2,456,198 | 2,462,544 | n.a. |
| Outlays | 2,437,784 | 2,497,322 | n.a. |
| Revenues | 1,875,401 | 2,029,653 | 11,783,286 |

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301 (b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

| House Committee | 2008 | | 2009 | | 2009–2013 Total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Current allocation: | | | | | | |
| Energy and Commerce | 89 | 81 | 839 | 802 | 3,162 | 3,157 |
| Change in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act (H.R. 6983): | | | | | | |
| Energy and Commerce | 0 | 0 | 0 | 0 | 230 | 230 |

DIRECT SPENDING LEGISLATION Authorizing Committee 302(a) Allocations for Resolution Changes—Continued

[Fiscal Years, in millions of dollars]

| House Committee | 2008 | | 2009 | | 2009–2013 Total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Revised allocation: | | | | | | |
| Energy and Commerce | 89 | 81 | 839 | 802 | 3,392 | 3,387 |

## REVEREND, DR. CLIFFORD ANTHONY JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, I am pleased today to recognize the 25th anniversary of Reverend, Dr. Clifford Anthony Jones as pastor of the Friendship Missionary Church in Charlotte, North Carolina.

Mr. Speaker, I am pleased today to recognize the 25th anniversary of Reverend Dr. Clifford Anthony Jones as pastor of the Friendship Missionary Baptist Church in Charlotte, North Carolina.

Since moving to Charlotte 25 years ago to the accept the call to lead Friendship Missionary Baptist Church, Pastor Jones has been an important leader in our community and has made significant contributions to our State and internationally. In addition to his important religious role as the leader of a large, dynamic congregation, he is recognized as a leader in race relations, in education, and in community development. Under his leadership, Friendship Missionary Baptist Church has acquired 108.5 acres of land in Charlotte on which they are pursuing plans to develop HIV/AIDS housing, single family housing, a child care center, commercial space, an assisted-living facility for seniors, and centers for Alzheimers and hospice patients. Amidst all these accomplishments, Pastor Jones is also recognized as an outstanding husband and father and is a published author.

Pastor Jones has also been an active force internationally. He has organized and led medical and religious mission teams of doctors, nurses, technicians, and teachers to provide needed healthcare, medical supplies, and educational training in Jamaica, Africa, India, and Guyana for children and families struggling in poverty.

Mr. Speaker, I'm sure my colleagues join me in wishing Reverend Dr. Clifford Anthony Jones, Sr., and the Friendship Missionary Baptist Church congregation a happy 25th pastoral anniversary and best wishes for years to come.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes.

(Mr. SALI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## NO BAILOUT FOR EXECUTIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Congress is being pushed to pass a Bush administration plan to write a blank check to white collar criminals of the highest order. Instead of prosecuting those who stole from us, Secretary Paulson wants us to reward his former colleagues for their bad decisions, abusive and unlawful practices.

While my constituents are struggling to pay their gas bills, we should recall fondly the record annual bonuses Secretary Paulson's alma mater, Goldman Sachs, gave less than 2 years ago. In 2006, that investment house alone paid $16.5 billion in compensation to its employees averaging more than $600,000 per employee. In fact, Goldman CEO Lloyd Blankfein got $53.4 million that year. And Bear Stearns chief executive officer, the company that the Fed just bailed out with our money, James E. Cayne, got a stock bonus that year worth $14.8 million. Merrill Lynch chief executive officer Stanley O'Neal, he got $35.4 million. Think about this America.

Now 2 years later, those houses are demanding that our taxpayers bail out their companies, despite the fact that the real median household income of a middle class family in our country is about $50,000 a year. That doesn't matter to the people drafting this bailout.

In 2006, Forbes Magazine estimated Secretary Paulson earned $16.4 million as CEO of Goldman Sachs, not counting all his other perks. His net worth is estimated somewhere over half a billion dollars. Indeed, that tidy amount alone would make a real dent in what is owed to the American people in this proposed bailout.

So why would our middle class taxpayers be asked to bail out billionaires? Some of them should be doing time for insider trading and fraudulent accounting rather than lobbying down here in Washington for us to bail them out.

American taxpayers were forced to lay out $30 billion to help Bear Stearns.

□ 2245

And then we were asked to shell out the first $200 billion, and that could rise to $2.44 trillion, for Fannie Mae and Freddie Mac. And now, $85 billion to rescue AIG Insurance Company.

Who ever heard of the Federal Government rescuing an insurance company that was already paying, get this, civil fines in New York for its wrongdoing of over $1.6 billion on proven charges of serious accounting fraud and misconduct.

Why send our hardened paychecks to the very people who caused these problems?

Americans don't need to write checks. We need investigations, and we don't need just investigations, we need prosecutions. White collar crimes of this magnitude cannot go unpunished, nor can they get rewarded.

First, investigation. We need the American people's voices to be heard, not just the voices of those who perpetrated these crimes against us, the taxpayers. We need real congressional investigation and oversight in each of the committees of jurisdiction which seem strangely silent here, using their subpoena power, the Judiciary Committee, the Ways and Means Committee, the Energy and Commerce Committee, the Budget Committee, the Financial Services Committee, which is having a perfunctory hearing tomorrow, I guess, and Government Oversight. The silence is deadening.

The crimes of Wall Street will make Watergate look like penny-ante thieves.

Second, campaign reform. Get the Wall Street money out of congressional and presidential races. Wall Street is now the Number 1 top source of Federal campaign money to Congress and in those presidential races. And guess who's the Number 1 Wall Street giver? Goldman Sachs. And guess where our last two Treasury Secretaries have come from? Goldman Sachs.

Whether it's a Democratic administration or a Republican, not one lawmaker or candidate should be accepting Wall Street money. Wall Street is so broke as to beg for our help, but somehow they have millions of dollars to drop into political coffers.

I think the American people are beginning to get the picture. In fact, I'm putting in the RECORD tonight an article from the Wall Street Journal called Wall Street Top Source of Campaign Money, and also a list of the biggest donors on Wall Street.

Mr. Speaker, I will continue tomorrow evening to talk about justice and empowering the Department of Justice to institute a major investigation.

And let me also, in closing say, I'm going to be placing in the RECORD tonight some remarks from Americans who have ideas about what should be done.

I want to compliment the American people. You're doing a lot of thinking on your own. We need to hear from you.

This Congress shouldn't be closing down and going home. We should be

taking care of America's business, not going home to campaign.

[From the Wall Street Journal, Jan. 23, 2008]

WALL STREET IS TOP SOURCE OF CAMPAIGN CASH

WALLETS OPEN UP ON WALL STREET

(By Brody Mullins)

Despite Wall Street's recent woes, people who work in the financial industry continue to dig deep for political donations to Republican and Democratic candidates for president.

Employees of Wall Street firms are the single largest source of campaign cash, accounting for a total of $50.4 million in financial contributions to the candidates so far this election cycle. That is more than any other industry sector, according to a Wall Street Journal analysis of campaign-finance data compiled by the nonpartisan Center for Responsive Politics.

As candidates load up for advertising blitzes before ''Super Tuesday'' primaries on Feb. 5, candidates from both parties are again coming to New York seeking campaign donations. Sen. John McCain, the Arizona Republican, had a fund-raiser at the St. Regis Hotel last night that was hosted by Merrill Lynch & Co. Chief Executive John Thain, private-equity giant Henry Kravis of Kohlberg Kravis Roberts & Co. and former Goldman Sachs Group Inc. Chairman John Whitehead.

Mr. McCain recently spent $1 million on advertising ahead of the Florida primary next Tuesday, Voters in more than 20 states, including California and New York, go to the polls Feb. 5.

New York Sen. Hillary Clinton heads to her home state tomorrow for two fund-raisers. The Clinton campaign hopes to raise $15 million through these and other means to fund her campaign through Feb. 5.

Contributions from Wall Street have favored Republicans, who have collected 54% of donations from financial companies. Wall Street is the No. 1 source of donations to every major presidential candidate in both parties, except former North Carolina Democratic Sen. John Edwards, who is favored by the legal industry, according to the data.

Lawyers and lobbyists are the second-largest source of contributions to the candidates, with $34.8 million in donations. Together, the finance and legal industries are responsible for nearly a quarter of the $354 million donated to the presidential candidates as of Sept. 30. The next round of campaign-finance information, covering the three-month period ending Dec. 31. will be released at the end of the month.

Employees of financial firms, lawyers and lobbyists make up 46% of all large donations—contributions of $200 or more—to the presidential candidates. Each of the other industry sectors is responsible for just a fraction of the donations to the candidates.

According to the data, people who work in Hollywood, communications or electronics rank a distant third with $13.3 million in donations to the candidates. Other top sources of donations were employees of the healthcare industry with $9.5 million, construction with $6.1 million and energy with $3.1 million. People who work in the defense industry gave $502,000, according to the data.

Not surprisingly, the two candidates from New York are winning the race for donations on Wall Street. Mrs. Clinton and former New York City Republican Mayor Rudy Giuliani lead with $12.3 million and $10.6 million, respectively, in campaign donations from employees of Wall Street firms

Employees of Goldman Sachs, Lehman Brothers Holdings Inc. and Morgan Stanley rank as the top individual sources of donations to the presidential candidates, according to the data.

Goldman employees were the largest contributor to Mr. Obama, the second-largest giver to Mrs. Clinton and the fifth-largest to Mr. Edwards. Goldman employees donated $369,000 to Mr. Obama and $350,000 to Mrs. Clinton.

Other top Wall Street givers to Mr. Obama include employees of Lehman Brothers ($229,000), J.P. Morgan Chase & Co. ($217,000) and Citigroup Inc. ($181,000).

The top seven companies that have produced the most money for Mr. Giuliani are all financial firms, including Ernst & Young LLP, hedge fund Elliott Management and Credit Suisse Group.

Former Massachusetts Gov. Mitt Romney also has fared well on Wall Street. A founder of Bain Capital, Mr. Romney has scored with employees of Goldman Sachs, Merrill Lynch and Morgan Stanley. Employees of his former company have donated $112,000 to his campaign, according to the data.

Unlike Wall Street, lawyers heavily favor Democrats with their political donations. Lawyers have donated $9.6 million to Mrs. Clinton, $8.2 million to Mr. Edwards and $7.9 million to Mr. Obama.

Mr. Giuliani, a former prosecutor and partner with Bracewell & Giuliani LLP, raised $3.2 million from others in his profession. That was more than any other Republican but less than half as much as the leading Democratic candidates.

Pennsylvania-based law firm Blank Rome LLP was the top source of donations to Mr. McCain, who collected $141,000 from employees of the firm. Mr. McCain fared well with employees of Greenberg Traurig LLP, a Miami firm that ranks as his third-largest contributor. As the chairman of the Senate Indian Affairs Committee, Mr. McCain took the lead in investigating convicted lobbyist Jack Abramoff, who was a lobbyist with Greenberg Traurig.

Mr. McCain and Mrs. Clinton led all others with donations from lobbyists. Mrs. Clinton collected $568,000 from lobbyists, while Mr. McCain has $340,000.

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[From the Wall Street Journal, Sept. 15, 2008]

THE BIGGEST DONORS ON WALL STREET

CRUNCHED BY CREDIT CRISIS FINANCIAL FIRMS STILL FIND CASH FOR CAMPAIGN DONATIONS

(By Brody Mullins)

| 2008 Donor | Overall Rank | Total Given to Both Candidates | Total to Obama | Total to McCain |
|---|---|---|---|---|
| AT&T | 20 | $309,391 | $135,834 | $173,557 |
| Bank of America | 17 | $336,377 | $206,902 | $129,475 |
| Citadel Investment Group | N/A | N/A | N/A | N/A |
| Citigroup Inc | 2 | $671,450 | $406,549 | $264,901 |
| Columbia University | N/A | N/A | N/A | N/A |
| Credit Suisse Group | 16 | $338,100 | $188,075 | $150,025 |
| Exelon Corp | 25 | $285,461 | $239,561 | $45,900 |
| General Electric | 22 | $300,149 | $231,318 | $68,831 |
| Goldman Sachs | 1 | $853,575 | $648,480 | $205,095 |
| Google Inc | 11 | $421,991 | $404,191 | $17,800 |
| Greenberg Traurig LLP | 23 | $295,932 | $145,545 | $150,387 |
| Harvard University | 9 | $440,615 | $407,219 | $33,396 |
| IBM Corp | N/A | N/A | N/A | N/A |
| Jones Day | 15 | $344,380 | $272,755 | $71,625 |
| JPMorgan Chase & Co | 4 | $585,035 | $412,960 | $172,075 |
| Keating, Muething & Klekamp | N/A | N/A | N/A | N/A |
| Latham & Watkins | 14 | $359,846 | $270,595 | $89,251 |
| Lehman Brothers | 8 | $478,982 | $361,482 | $117,500 |
| Merrill Lynch | 7 | $487,435 | $190,522 | $296,913 |
| Microsoft Corp | 13 | $376,952 | $326,847 | $50,105 |
| Morgan Stanley | 5 | $541,493 | $307,221 | $234,272 |
| National Amusements Inc | 19 | $312,050 | $301,000 | $11,050 |
| PricewaterhouseCoopers | N/A | N/A | N/A | N/A |
| Sidley Austin LLP | 10 | $425,976 | $329,776 | $96,200 |
| Skadden, Arps et al | 12 | $388,700 | $320,550 | $68,150 |
| Stanford University | N/A | N/A | N/A | N/A |
| The Villages | N/A | N/A | N/A | N/A |
| Time Warner | 24 | $290,138 | $269,213 | $20,925 |
| UBS AG | 6 | $512,509 | $382,494 | $130,015 |
| University of California | 3 | $608,999 | $576,839 | $32,160 |
| US Army | N/A | N/A | N/A | N/A |
| US Dept of Justice | N/A | N/A | N/A | N/A |
| US Government | 18 | $335,014 | $197,897 | $137,117 |
| WilmerHale | 21 | $303,572 | $275,132 | $28,540 |
| Zurich Financial Services | N/A | N/A | N/A | N/A |

Source: Center for Responsive Politics.

Re: Key ideas for improving the Paulson Plan

To: Key Policymakers in Congress

From: Dr. Brent Blackwelder, and James S. Henry, Esq.

Date: September 23, 2008

Based on our our conversations this morning with several thoughtful observers here are some additional specific ideas for improving the Paulson Plan.

The overall perspective is that Congress should concentrate now on a short list of

crucial improvements to the Plan that are most important to the public. In our view, these are the following:

*1. Equity ''Upside'' and Voting Power*. In return for the undeniable new risks that US taxpayers are taking on, and the poor management track record of leading Wall Street institutions, it is reasonable to insist that they receive an ''upside'' on the value of participating financial institutions (FIs) themselves as well as on the potential increased value of acquired mortgage-backed assets. This proposal commands widespread support in this panel.

Technically, this could be accomplished by demanding preferred shares (with anti-dilution provisions) from any financial institutions (FIs) that receive assistance, as was routinely done by Bank of Japan in exchange for financial assistance during the Japanese bank restructuring of the 1990s, and by the Chilean government during the February 1983 bank nationalization.

Warrants might also be used, as was done in the case of the 1979 $1.2 billion Treasury loan guarantee to Chrysler. (According to Sen. Bradley, the Federal Government eventually made money on those warrants.) We believe that while warrants are easier to implement, it is vital to insist on actual equity (including voting power). This will provide the Treasury with much more direct influence over management behavior, will be easier to value, and will also be easier to explain to the public than warrants.

*2. Clawback Provisions for Executive Severance Pay*. The basic principle here is that for senior FI executives, there should be accountability for some time period even after they leave office—at a minimum, any future compensation or severance that they receive should be subject to stiff taxes or repossession in bankruptcy court. Insisting on compliance with this standard should be a condition for participation in the bailout.

3. *Share the Pain*.

*A. Emergency Taxes*. Since this very costly bailout package may severely limit the ability of the Federal Government to afford vital programs like health insurance reform and alternative energy, it is important that we deal now with the substantial ''tax justice'' implications of the bailout.

One way to do this would be to start treating this as the national emergency that it really is, and help ordinary taxpayers pay for it by: (1) eliminating the carried-interest benefits for hedge fund managers; (2) cracking down on offshore havens—no FIs should be permitted to establish subs or place SPVs in them; (3) imposing at least a temporary increased income tax rate on all people with incomes above $1 million and on all estates above $10 million.

*B. Compulsory Write-Down/Debt Reduction of Residential Mortgages*. Given the failure of this summer's relief packages for ordinary mortgage holders to have much impact, and the fact that foreclosures are still increasing (to a record 100,000+ per month, and that housing prices are still falling in a majority of key markets, this is an another essential measure. The debt restructuring should be implemented quickly, affect large numbers of people, and be inversely proportional to mortgage size. It might also be means-tested.

4. *Financial Products Safety Commission*. This would review and certify the quality of all financial products offered to the general public. Products like zero-down payment mortgages would require special labeling, and might not qualify for government incentives like interest deductibility, access to the government insurance window, and so forth.

5. *Treasury-Created Market for MBS Insurance*. As discussed in the draft article below, a very novel idea is that the US Treasury might be able to use current authority to offer ABX-like insurance at a fixed price per tranche to institutions that hold MBSs. According to Professors Kotlikoff and Merlin, if such a government-backed insurance market were in place, backed by a significant reserve against losses, it might even obviate the need for the entire $700 billion, while creating a market-based workout alternative.

As Mr. Henry has suggested, this could be combined with #1, if FIs were allowed to pay for the insurance with equity or warrants. This would also have the benefit of helping to recapitalize troubled FIs.

6. *New ''Pecora Commission'' (ala 1932):* a congressional committee with subpoena power to investigate the root causes of this crisis and recommend further steps.

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THE RIGHT FINANCIAL FIX

SEPTEMBER 21, 2008

Fortunately, the Treasury and Fed are looking for a ''comprehensive approach to address the illiquid assets on bank balance sheets.'' Their idea is to swap up to $700 billion in Treasuries for the ''toxic'' assets, putting a floor on bank losses and leaving the government to hold the risky assets until conditions improve. The big question is the swap rate; i.e., how to price these thousands upon thousands of illiquid securities so that both taxpayers and bank shareowners are fairly treated.

Treasury Secretary Paulson wants to run auctions to determine prices, but this will take time to set up and may be impractical given the highly complex nature of many of the securities involved. Furthermore, those holding the worst securities will be the most eager to sell.

Our answer is to rely on the same pricing mechanism, but not the same prices, used before things hit the fan. In the good old days, mortgage derivatives were priced by reference to the cost of buying default insurance on five tranches of a bundle of 20 standard subprime mortgages. The top tranche (AAA) provided the highest probability of full repayment. The lowest tranche (BBB) had the lowest probability. In between were another 3 tranches. The market for these insurance contacts is called the ABX.

Avant le deluge, you could use ABX prices to figure out what a given tranche of a standard mortgage-backed security was worth. It would simply be the cost of buying a safe bond—a Treasury—with the same coupon plus paying the ABX-determined price for default insurance for that tranche. The reason is that once you had purchased the insurance, you are guaranteed a safe income stream; i.e., you were guaranteed the equivalent of a Treasury bond. More exotic mortgage-backed securities, with now scary initials, like CDOs, could also be priced using the ABX.

So here's our specific idea. Rather than ask Hank Paulson to determine the price of each and every toxic asset, let's have him simply set prices for the ABX insurance policies (or credit default swaps, as they are called). Right now these insurance policies are selling for crazy prices because nobody can insure against systemic risk. Nobody, that is, except the government. The government is in a unique position to insure against system-wide risk because its own decisions determine, to a very large degree, the extent of this risk.

Were the government to start selling the ABX insurance policies at reasonable prices, our Cinderella mortgage-derivatives market would suddenly wake up and start pricing every mortgage-related security in sight based on these ABX prices. If Hank does this, the market will do essentially all the pricing; Hank will have only a handful of prices to set, not thousands.

But how does Hank set those prices? What's fair? What's fair are insurance policy prices that assumes no system collapse, a modest additional decline in house prices, a mild recession, and modest additional increases in default rates. Yes, these are optimistic assumptions, but that's the economic outcome the government is arranging and it needs to signal its resolve.

Once the five prices are set, Hank can keep the $700 billion in his pocket. The Treasury will be receiving premium payments as it sells the ABX policies—premiums that it will need to keep in reserve.

What will happen to the banks? With reasonable ABX insurance prices, their toxic assets will take on reasonable values. This will restore their balance sheets and allow them to keep operating. Yes, this will help bank shareholders, but they will still end up far worse off than at the beginning of this crisis. Taxpayers will keep their $700 billion pistol dry for another day.

Playing the ABX market-maker is step one for the government. Step two is reorganizing banks whose capital is still too low even when its ''toxic'' assets are revalued. This means helping such troubled banks finding a marriage partner. Step three is reregulating the entire financial sector. This includes establishing a Federal Financial Authority that stamps a seal of approval on consumer financial products that it deems to be safe, that rates individual securities, and that audits the books and rates the performance of each and every one of our nation's major companies.

The final step, and the most important, is to require financiaI institutions to report on line and in fine detail everything they know about the assets they hold. The principle here is simple enough even for Wall Street ''geniuses'' to understand. If you want to sell the public a product, including your stock, you need to explain what it is.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

(Mr. LYNCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized for 5 minutes.

(Mr. KANJORSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ANXIETIES OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. GOHMERT) is recognized for 36 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, there's great concern all over the Nation for those who follow what is going on in our financial institutions. That concern is entirely appropriate.

There's great anxiety all over the Nation by hardworking men and women who do not know how they're going to be able to continue to pay the soaring energy costs for both their vehicles and their homes.

Yet, still, the Congressional leadership continues to refuse to put a piece of legislation on the floor for a vote that could immediately send us well on our way to energy independence by allowing us to produce that with which this Nation has been so blessed.

There's much anger over the disgusting immorality of corporate executives who padded their own pockets with millions of dollars by creative bookkeeping and representations that mortgage securities had value that they did not actually have.

There's incredulity in America over Members of Congress who have spent years decrying the culture of corruption, only to have information come out raising questions about failures to pay proper taxes under the income tax laws that may have been written by such person.

There's incredulity that the FBI might find cold hard cash secreted in a freezer 3 years ago, causing people to wonder why nothing has happened.

There's amazement from those who have bothered to notice that last year a vote could be lost by the Democratic majority, fair and square, then the rules be changed to allow a different outcome.

There's astonishment among those who have bothered to notice that the majority leadership could continue to advertise on-line that this would be the most open Congress in history, with complete use of the committee process, and each bill being subjected to full amendment opportunities and across-the-board input, yet, we continue to have the most closed and dictatorial Congress in memory.

While people in America were being overwhelmed by killer gasoline prices and home energy costs, the United States Congress took 5 weeks off. When over 100 Members of Congress played by the rules and signed up in a timely manner to speak for 5 minutes on the last day of our session in July, before the 5-week recess, the majority party used that majority, yet again, to cram down an abrupt adjournment on us to prevent our speaking with the microphones on. Yet, we spoke with the microphones off anyway.

When points of order have been raised regarding rules violations or alleged ethical malfeasance, the majority has used their power to table legitimate objections to prevent the violations from being corrected and from even being called violations. They've even gone so far as to have the transcript of the proceedings in this Chamber changed to cover up the inappropriate behavior and rulings from the day before, but the video certainly revealed the truth.

I simply could not and still struggle to understand how this body could go so far off course. When we find that our Nation has been brought to the brink of financial failure, there was fear with wailing and gnashing of teeth.

But we find that in 2002 and 2003, when the Bush administration was pushing for and demanding reforms of Fannie Mae and Freddie Mac just to try to avoid this type financial disaster that they foresaw, the efforts at reform were blocked by people against whom allegations have now arisen in the Senate who were reported to have gotten sweetheart deals from the financial industry. The foresight of such potential problem is to the Bush Administration's credit. But the failure to continue to beat the drum, warning that something was amiss does fall at the feet of the administration and Members on both sides of Congress.

There's one word that can prevent the destruction of our little experiment in democracy, as some of our forefathers referred to it, that could also prevent the destruction of a family, of a company, of a society or of a government or a Nation, and that word is accountability.

When Adam and Eve were convinced there was no accountability, they fell from grace.

When the only man mentioned in the Bible who was said to have a heart after God's own actually had no earthly accountability, King David himself committed atrocious wrongs.

When people are convinced that there is no accountability for sexual relations outside marriage, and there turns out to be consequences of a pregnancy, some think it would be punishment to allow a child to be born alive.

When the highest officers in a company think they can raid the retirement funds of their longstanding employees and be mega-wealthy, with no one to whom to account, they raid whatever is in the company as if it were their own.

Some corporate leaders allow workers to come into this country illegally, just so the owners can pocket a little more profit, despite the fact that it diminishes the society and Nation from following the rule of law and for being a Nation of laws.

And though these same people can't see it coming, history makes very clear that such violations of the rules of law will destroy a Nation and society. It makes this Nation appear, at times, to be a corrupt Third World Nation where the law just does not mean much.

When a society believes that if it feels good, do it, and there is no accountability, society ceases and an animal kingdom full of the basest instincts of animals takes over.

When Members of Congress think that they're too big and important to ever be accountable, they display hubris or arrogance and engage in tawdry financial dealing with the taxpayers' money. When people in government begin to feel that there is no accountability for them, they will allow massive overspending that the country cannot afford. They will create monuments to themselves with other people's money. They will allow the vast national wealth to be sent to other countries that do not like us very much, just so the energy does not have to be produced in the backyard of the selfish.

In 1995, the House and Senate both passed a bill that would bring about drilling in what Jimmy Carter, as President, designated for drilling, because there is no wildlife there. It's a perfect place for drilling. And that is in the coastal area where there are billions of barrels of oil. But President Clinton vetoed the bill.

In the last Congress, we passed a bill to provide for drilling in the Outer Continental Shelf, but the Democrats blocked it from getting the required 60 votes to allow cloture in the Senate, so there was no vote up or down on the bill itself in the Senate, and it died there; while our country was dying.

Here our country is in a terribly difficult time with these extremely high energy rates, and our Democratic leadership still supports sending $700 billion a year to nations, many of whom do not like us. If that $700 billion sends familiar, it's because it's also the amount that Secretary Paulson says that we need at this time to save the mortgage and financial system.

Congressman JOE BARTON proposed that, in this time of financial crisis, why not open up ANWR out of necessity? Why not open up the Outer Continental Shelf and use the billions of dollars that will come from that to help

mitigate the expense of financial crisis here?

What a great idea. But the majority leadership does not see that this Nation will have an accountable judgment day where we will be accountable for what we did not do to use the blessings that we have here in this Nation of tremendous amounts of energy.

So what will it take to get people here to see that you cannot spend unabatedly, and you cannot send money overseas with reckless abandon without an accountability, a judgment day coming?

There will indeed be a high price to pay. As Chuck Colson once said, you cannot have the morals of Woodstock and not have the current problems. If you do have people whose world view is that if it feels good you should just do it then, as Chuck Colson says, you're going to have Columbines.

When the message of a majority of those serving in Congress is that we will only follow the rules when it is convenient, then the message to the world is that we will not be bound by the rule of law, as we will change it whenever we want to suit us as we please.

□ 2300

When our Nation's children see the adults sending such a clear message by their conduct, and the rules don't apply to us if we don't want them to, according to the majority, then you can expect the Nation's children to soon follow suit. That leads us to Enrons among the adults, the Fannie Mae fiascoes among the adults. And from our children, you begin to see wayward kids thinking maybe it will feel good to shoot people, so let's see.

Well, if there's a higher power, there's a reason for accountability. If there is no higher power, then there is no reason to worry about our accountability. You can get away with all you want in this life with no adverse consequences at all. For those who think there is no ultimate accountability, no ultimate judgment of the universe, I would point you to the discussion C.S. Lewis had in his book ''Mere Christianity.''

He had said that when he was an atheist, he used to love to tweak Christians by saying, ''Why don't you just admit that there cannot be a just God over the universe when there is so much injustice in the world?'' And no matter what the Christian would say, he would come back and say, ''Yes, yes, yes. That's all well and good. But wouldn't it be easier just to admit there cannot be a just God over the universe when there is so much injustice in this world?''

Eventually, it hit him like a ton of bricks. How could he say—and who was he to say—that there was injustice unless there is some absolute, unwavering outside source of right and wrong? If there were not such a universal source of right and wrong that is written on the hearts of people, then how could anyone ever know or say that there was injustice in the world? You couldn't know.

Once you come to grips with the fact that there is a universal source of right or wrong in the world, then you have to come to grips with the fact that there must be a good God that made it so, and there will be accountability some day. Therefore, no one will ultimately be above the law.

Now, not everyone sees everything exactly the same, of course. C.S. Lewis noted that that just because some can sing closer to the notes printed on a page doesn't mean the music doesn't exist. It just means some do a better job of hitting closer to what the exact and appropriate note is.

There is right and wrong in the world, and most people innately know that. But they rationalize—and we find it all across the House and in Congress—people rationalize that it is more fun to say there is no God, perhaps no Creator so they don't have to feel guilty or consider that some day someone will judge them.

So long as we recognize, as our founders did, that there is a Creator who has endowed us with unalienable rights, then we should recognize that we have a duty to protect those rights for the sake of ourselves and those that follow. Perhaps that is why there is such an effort underway to sterilize and remove God or any reference to Him from all public buildings and documents these days.

If we keep mentioning God, as the founders of this Nation did constantly, then it reminds us that we will some day be accountable even if we get away with things today.

People do not like to feel guilty so they want to strike God out of everything. For example, as our society progressed to the point that we were too smart, too elusive to be accountable to God, we had our first national memorial in 2003 open that does not anywhere in it mention the word ''God.'' First memorial to do that. That was the Franklin D. Roosevelt Memorial. In all of those acres at the expansive memorial, there is no mention of God, Creator, Providence, Holy Trinity, Holy Spirit, Lord, all of these different names that were in our founding documents. They're still found throughout our documents, if anyone cares to look.

Nor is there any mention of the Latin words that are found in our official great seal that's on the back of every dollar bill. If you don't believe it, pull it out and look. Those Latin words are ''Annuit Coeptis,'' meaning He, God, has smiled on our undertaking.

Those words are also found around the Capitol and in the Senate Chamber and in the congressional prayer chapel.

Franklin D. Roosevelt was a leader of this Nation who believed strongly in accountability and that there was a God before whom that would happen.

On June 6, 1944, D-day, President Roosevelt went on national radio and did an amazing thing as President: he led the Nation in prayer. And I would like to just read that for you at this time.

And for those that may look in, Mr. Speaker, they will be able to know from the poster, this is President Franklin D. Roosevelt's prayer during his radio broadcast to the Nation on June 6. Here is that prayer as I read it verbatim as President Franklin Roosevelt gave it.

And understand, as President Roosevelt prayed this prayer, our soldiers were dying fighting valiantly during D-day trying to save the world and make it safer for democracy. This was his prayer:

''My fellow Americans:

''Last night when I spoke with you about the fall of Rome, I knew at this moment that troops of the United States and our allies were crossing the Channel in another and greater operation. It has come to pass with success thus far. And so in this poignant hour, I ask you to join me in prayer.''

President Roosevelt went on, ''Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

''Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness to their faith.

''They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Successes may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

''They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

''For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, but their return to the haven of home.

''Some will never return. Embrace these, Father, and receive them. Thy heroic servants, into Thy Kingdom.

''And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves for renewed faith in Thee in this time of great sacrifice.

''Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people vote themselves into a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

''Give us strength, too—strength in our daily tasks to redouble the contributions we make in the physical and the material support of our Armed Forces.

''And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons, wherever they may be.

''And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

''With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

''Thy will be done, Almighty God.

''Amen.''

That was a prayer of our President, Franklin D. Roosevelt.

Now, in the 1950s, senator majority leader Lyndon Johnson was sick of having churches harp on him over alleged immortality, so he fixed them. He added a provision to the charitable institution laws that governed churches that says in fact you could not maintain your charitable tax-free status if you got involved in politics. That dramatically changed the Nation that had been known from our beginning.

There again, majority leader Johnson's efforts were an attempt to prevent judgment for what was alleged as improper conduct. No one enjoys accountability. But to have a free Nation, a just Nation, a prosperous Nation, and a blessed Nation, there must be accountability.

Then in 1962, an unaccountable Supreme Court that begins every single session with a prayer that God will save that honorable court, they changed nearly 200 years of precedence by ruling there could be no prayer in schools.

As mentioned in 2003, the first national memorial opened as the FDR Memorial that never mentioned God. In 2004, the second memorial in United States history opened that did not mention God anywhere either. That was the World War II Memorial.

Understand, these are both beautiful memorials. They're just Godless, yet their subjects were certainly not.

Amazingly, the park service had quotes from Eisenhower and Roosevelt in the World War II Memorial that had to be cut right at the right place so their quotes would not mention ''God'' or ''Almighty God'' as those two gentlemen and great leaders did.

I have a Bible here. My aunt says my uncle, my late uncle, got when he entered World War II. On the front, it says—it has got a metal cover—''May the Lord be with you.'' He said he was issued this as he went into the Army.

Right inside the fly leaf there's a message. It says, ''The White House, Washington. As Commander in Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the sacred books words of wisdom, counsel, and inspiration. It is a fountain of strength. And now as always, an aid in attaining the highest aspirations of the human soul.''

Signed Franklin D. Roosevelt.

They used to issue these to people going into the service.

Let me read to you the speech that was given on the floor of the United States Senate by Senator ROBERT BYRD on June 27, 1962, which is the day or two after the Supreme Court ruled there would be no public prayer in school.

I'm reading it as Senator BYRD's speech appeared in the CONGRESSIONAL RECORD.

And Mr. Speaker, I've got a chart here that says it's Senator ROBERT BYRD's speech on the Senate floor, June 27, 1962.

And this is what he said. Senator BYRD, 1962:

''In as much as our greatest leaders have shown no doubt about God's proper place in the American birthright, can we, in our day, dare do less?

''In no other place in the United States are there so many, and such varied official evidences of deep and abiding faith on God in the part of Government as there are in Washington.

''Every session in the House and Senate begins with prayer. Each House has its own chaplain.

''The Eighty-Third Congress set aside a small room in the Capitol, just off the rotunda for the private prayer meditation of Congress. The room is always open when Congress is in session, but it is not open to the public. The room's focal point is a stained glass window showing George Washington kneeling in prayer. Behind him is etched these words from Psalm 16:1 'Preserve me, O God, for in Thee do I put my trust.'

''Inside the rotunda is a picture of the Pilgrims about to embark from Holland on the sister ship of the Mayflower, the Speedwell. The ship's revered Chaplain Brewster, who later joined the Mayflower, has open on his lap the Bible. Very clear are the words, 'The New Testament according to our Lord and Savior, Jesus Christ.' ''

□ 2315

On the sail is the motto of the Pilgrims, ''In God We Trust, God With Us.''

The phrase, ''In God We Trust,'' appears opposite the President of the Senate, who is the Vice President of the United States. The same phrase, in large words inscribed in the marble, backdrops the Speaker of the House of Representatives.

Above the head of the Chief Justice of the Supreme Court are the Ten Commandments, with the great American eagle protecting them. Moses is included among the great lawgivers in Herman A. MacNeil's marble structure group on the east front. The crier who opens each session closes with the words, ''God save the United States and this honorable Court.''

Engraved on the metal on the top of the Washington Monument are the words: ''Praise be to God.'' Actually, parenthetically, the words are Laos Deo, Latin, meaning ''Praise be to God,'' and actually, again parenthetically, that was put on the east side of the top of the Washington Monument for a purpose. Because those, so many decades, years ago, wanted it such that when the sun touched the Nation's capital, Washington, D.C., the first thing that the sun would touch would be the Latin words, Laos Deo, ''Praise be to God.'' Interesting.

Lining the walls of the stairwell are such Biblical phrases as ''Search the Scriptures,'' ''Holiness to the Lord,'' ''Train up a child in the way he should go, and when he is old he will not depart from it.''

Numerous quotations from scripture can be found within the Library of Congress' walls. One reminds each American of his responsibility to his Maker: ''What doth the Lord require of thee, but to do justly and love mercy and walk humbly with thy God,'' Micah 6:8.

Another in the lawmaker's library preserves the Psalmist's acknowledgement that all nature reflects the order and beauty of the Creator, ''The heavens declare the glory of God, and the firmament showeth His handiwork,'' Psalm 19:1. And still another reference, ''The light shineth in darkness, and the darkness comprehendeth it not,'' John 1:5.

Millions have stood at the Lincoln Memorial and gazed up at the statue of the great Abraham Lincoln. The sculptor who chiseled the features of Lincoln in granite all but seems to make Lincoln speak his own words inscribed into the walls.

He said, ''That this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.''

At the opposite end, on the north wall, his Second Inaugural Address alludes to ''God,'' the ''Bible,'' ''providence,'' ''the Almighty,'' and ''divine attributes.''

It then continues: As was said 3000 years ago, so it still must be said, ''The judgements of the Lord are true and righteous altogether.''

On the south banks of Washington's Tidal Basin, Thomas Jefferson still speaks: ''God who gave us life gave us liberty. Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country

when I reflect that God is just, that his justice cannot sleep forever.''

These words of Jefferson are a forceful and explicit warning that to remove God from this country will destroy it.

Those are the words of Senator ROBERT BYRD back in 1962.

We have a visitor's center, the Capitol Visitor's Center, CVC for short. It cost over $621 million. It is slated to open December 2 of this year. So far, it had been completely sterilized of any mention of God in any form. It was not until over 100 Members of Congress sent a letter and followed up repeatedly with more concern that we finally got a concession this past week that ''In God We Trust'' would be put above the mock-up of the Speaker's rostrum area there in the visitor's center, because what had been there before was a fraud and a deception and attempted to represent that there was no ''In God We Trust'' above our Speaker's head.

There will also be accountability someday for this majority leadership playing so fast and loose with the rules. When rules and laws don't matter, then we lose this blessed country that was founded as a Nation of laws, because people are not perfect. People need rules. We need accountability. That means that the majority leadership, if they play by the rules, they're going to lose a vote every now and then, and that's okay. Don't break the rules just to keep from losing a vote. The rule itself is too important to do that. It also means that the Speaker and other leadership of the majority must abide by the rules as promised, and the promises are actually still on the Speaker's Web site but have not been followed as expected.

Let me just read you from the Speaker's own Web site. This is from the Speaker's Web site, as I pulled them off today.

''Every person in America has a right to have his or her voice heard.'' It would have been nice if that had been remembered the last day of our session on August 1 before there was a 5-week vacation. We didn't get to have the microphones on so we could be heard.

But it continues: ''No Member of Congress should be silenced on the floor''—it would have been nice if somebody had noticed that—''as has been the practice of Republican leadership in the United States House of Representatives.'' A little slap there. Anyone smell hypocrisy?

It goes on and says: ''Respectful of both the wishes of the founders, and the expectations of the American people, we offer the following principles for restoring democracy in the 'People's House,' guaranteeing that the voices of all the people are heard.''

That just makes me sick to read those words and to think about what's happened in the last year and a half.

Then it goes on. It says: ''Bipartisan administration of the House. Our goal is to restore accountability, honesty and openness at all levels of government. To do so, we will create and enforce rules that demand the highest ethics from every public servant, sever unethical ties between lawmakers and lobbyists, and establish clear standards that prevent the trading of official business for gifts. Honest leadership''—on the speaker's Web site it said—''is not a partisan goal. It is the key to a stronger union.'' I agree.

But it goes on to say: ''We must all work together to put the progress of all Americans ahead of the special interests of the few.'' I certainly agree with that, too.

It goes on and says: ''With honest leadership and open government, America's leaders can once again focus on the urgent needs of the American people.''

How about energy? American people need energy. They need cheaper energy. We need to get off the addiction to foreign oil. They're not addressing that. We took off on a 5-week vacation when the people needed us most.

The Web site goes on and says—this is the Speaker's Web site—''bills should be developed following full hearings and open subcommittee and committee markups, with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.''

Boy, that would have been nice last week when we got slapped with an energy bill that didn't go through subcommittee, didn't go through committee, had not one single Republican getting to have any input in that energy bill last week, and it was posted, as I recall, at 9:45 the night before we had to vote on it. It would be nice if these things on the Speaker's Web site were followed.

''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

How long has it been on a bill of any substance that the minority was given an opportunity to have amendments? Closed rules over and over and over and over.

The SPEAKER pro tempore. The gentleman will be recognized for the remainder of his hour, 24 minutes.

Mr. GOHMERT. The Web site goes on to say: ''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.''

Oh, that's another thing. We don't even have conference reports anymore, because if we had a conference, then there would be Republicans from the House that would be required to get to have input, and that's not going to happen. So the conference reports instead became Democrats getting together, working out in the Senate and the House—though, I think they may have let some Republicans in the Senate throw in a line or two—but nobody from the House. Not fair, not open.

And it says that it ''must be reported before 10 p.m. for a bill to be considered the following day.'' They found a way to completely avoid the conference process so that rule doesn't even matter anymore.

Now, the promises on the Speaker's Web site are so far from what's been happening in this, the most closed-door Congress in history. All I can say is that because of the vast abuses, at some point the majority will change again. Maybe not this year. At some point it will, because the American people begin to notice eventually, and some eventually will be shocked by the broken promises that were never fulfilled.

You can only fool the American people for so long before they figure it out. There may even be consequences for people across the aisle, apparently only for show, being on an energy alternative bill and then having two dozen of those people—it was their bill, and they voted against it, having already acknowledged that was the best bill. Maybe there will be consequences for doing that.

Accountability and fairness also mean that if people are going to use electric or fossil fuel-produced energy they should not try to prevent people who are not as wealthy as they are from being able to have the same opportunities to purchase that fuel on less income, that they would have to allow more to be produced to do that.

It means if you're going to use energy, then allow us to get it in America so it produces American jobs, increases America's gross national product, creates a better standard of living for more Americans. It will stop funding Nations that allow their assets to slip into the hands of those who want to destroy us. You cannot keep sending money abroad and not have a day of accountability when it will come back to haunt and truly hurt us badly.

It's time to quit sending $700 billion a year out of this country for energy that we have. Sure, let's produce the renewables. We have got to go to those for our future. And alternative energy sources would be terrific.

Some of us have come up with innovative things that will allow us to go way into the future with cheap energy, but right now, as my farmers tell me, we can't find a Prius tractor. When electricity was lost for days because of this Hurricane Ike that came through my district, as people pointed out to me, there are no hybrid generators. They run on fossil fuel.

Accountability to strengthen the Nation means that children have to have rules, and that when a man and a woman voluntarily have sexual relations, they have made their choice, and they will be accountable and bear the consequence of igniting a life in this world.

Accountability means that if you're a CEO of a company and you run a corporation into the ground, you should not receive millions of dollars in severance and a thank you for your greedy destruction. Instead, you should have to pay.

So, tonight, I want to close with a motion and a supporting speech made by Benjamin Franklin.

□ 2330

Let me set the stage here.

The American Revolution, you remember the Declaration of Independence, 1776. And then the war went on for 7 years. We got to 1783. The revolution was won. There was a Treaty of Paris, 1783. I did not know until I came to Congress, as a historian, history degree I've got, I didn't know until I saw an original copy in the State Department of the Treaty of Paris of 1783—this was a critical document because this was getting Great Britain to acknowledge in writing that the United States was a country that was and should be free and they would have to recognize that. So they wanted it in the name that even Great Britain would be afraid to break and breach.

I was shocked. It starts with big, bold letters at the top of the Treaty of Paris that forced Great Britain to recognize us; in these big, bold words it says, ''In the name of the most Holy and undivided Trinity.''

Then we had the Articles of Confederation in this country, but they were too loosely woven. There were a number of problems, no common currency; there were problems and haggling between the States. And by 1787, it was very clear that if the Nation was to survive, it was going to have to have a new constitution.

So they went to George Washington and said, we need you to come back to preside. And he said, I did my part as God led me to do and you appointed me to do; I did my part. And they said, You don't understand; the 13 colonies will only come back together if you are willing to preside because they know you, they know your heart, they know you're not in it for yourself; you proved that the day you surrendered all power, as had never been done in the history of the world, surrendered all power and went home; won the revolution, commander of the military. You know, when you do that, historically, you could be called Czar, King, Caesar, whatever you want to be called. George Washington didn't do any of that.

When King George, III heard that Washington might resign after the revolution and just go home, he knew history, he said that would never happen. He said, in his exact words, ''If Washington were to do that, he would be the greatest man alive.'' He probably was.

So then we come to have the Constitutional Convention, with George Washington presiding. They went on for nearly 5 weeks with no success. At that point, Benjamin Franklin was recognized by the President of the Constitutional Convention, George Washington. And Benjamin Franklin rose to his feet and this is what he said—his exact words as recorded by James Madison with help from some of the others there. Benjamin Franklin:

''Mr. President, the small progress we have made after four or five weeks close attendance and continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes as ayes, is, methinks, a melancholy proof of the imperfection of the human understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government and examined the different forms of those Republics which having been formed with the seeds of their own dissolution now no longer exist. And we have viewed modern states all around Europe, but find none of their constitutions suitable to our circumstances.

In this situation of this Assembly, groping as it were in the dark to find political truth and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate understanding? In the beginning contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers, sir, were heard, and they were graciously answered.

''All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind of Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need His assistance?

''I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the Sacred writing that, ''except the Lord build the House, they labour in vain that build it.'' Firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel.

''We shall be divided by our little partial local interest, our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom and leave it to chance, war and conquest.

''I, therefore, beg leave to move that henceforth prayers employing the assistance of heaven and its blessing on our deliberations be held in the Assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate at that service.''

According to the record, Mr. SHERMAN seconded the motion.

Mr. Speaker, that was George Washington's recognition of Benjamin Franklin, and the words I read are verbatim from Benjamin Franklin.

We've begun every day here in this House, here in session with the prayer, just as Franklin moved and requested. There is a higher power; there has to be accountability. Decisions in this body must be made in deference to the Father of Lights, as Benjamin Franklin called Him, and doing so with prayer, and as Franklin prayed, that God will illuminate our understanding.

We are in a perilous time, and it is time for responsibility and accountability, or otherwise, we lose this precious country.

It is time now for the majority leadership to stop playing so fast and loose with the rules and with enforcement of the rules. It is time that, after 2 years in the majority, that promises of opportunity to amend bad Democratic bills be fulfilled. It is time that rules apply to CEOs, to speakers, to committee chairmen, to leaders, and the leaders start leading by example.

George Washington said, back during the revolution, these words: ''A people unused to restraint must be led, they will not be drove.'' He led from the front. When I was in the Army, they taught you to lead from the back. Not Washington, he led from the front. He said, ''A people unused to restraint must be led, they will not be drove.''

As someone pointed out previously, we have the only National Anthem whose first verse ends with a question: Oh say does that star-spangled banner yet wave, o'er the land of the free and the home of the brave? The answer as to whether that banner will yet wave depends on whether this Congress begins to acknowledge some accountability and do the right and the wise thing, not the convenient, not the political thing, do the legal, ethical and moral thing, not the Woodstock thing.

May we get back to following God's directives so that this does not cease to be the land of the free and the home of the brave. May we get back to those things that cause God to pour out his richest blessings.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0008

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 12 o'clock and 8 minutes a.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2638, CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–875) on the resolution (H. Res. 1488) providing for consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–876) on the resolution (H. Res. 1489) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## LANCE CORPORAL ERIC PAUL VALDEPEÑAS POST OFFICE BUILDING

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6874) to designate the facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk, Massachusetts, as the ''Lance Corporal Eric Paul Valdepeñas Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6874

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

**SECTION 1. LANCE CORPORAL ERIC PAUL VALDEPEÑAS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk, Massachusetts, shall be known and designated as the ''Lance Corporal Eric Paul Valdepeñas Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lance Corporal Eric Paul Valdepeñas Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HONORING THE 225TH ANNIVERSARY OF THE CONTINENTAL CONGRESS

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 351) honoring the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON RES. 351

Whereas, in response to the financial difficulties of the times, the Continental Congress departed the city of Philadelphia suddenly due to a possible uprising by discontented Continental Army soldiers who had not been paid;

Whereas the President of the Continental Congress, Elias Boudinot, established a temporary capital at Princeton ''in order that further and more effective measures may be taken for suppressing the present Revolt, and maintaining the Dignity and Authority of the United States'';

Whereas members of the Continental Congress were instructed to meet in Princeton on June 26, 1783;

Whereas the 300 residents of Princeton took members of the Congress into their homes;

Whereas Princeton University offered the prayer hall and the library in Nassau Hall for Congress to use to conduct the governmental business of the United States;

Whereas the Congress conducted essential business in Nassau Hall, which helped shape the foreign relations of the fledgling Nation;

Whereas General George Washington was called to Princeton by a letter from President Boudinot to receive the formal thanks of the Nation for his dedicated service as commander-in-chief;

Whereas, on August 18, General Washington left Major General John Knox in charge of the encamped army at Newburgh, New York, and traveled with a guard of dragoons and his wife, Martha Washington, to the Rockingham estate in Rocky Hill, New Jersey, which was made available for his use over the next three months;

Whereas General Washington met with the Continental Congress in Nassau Hall on August 26 and received the public thanks of his country for his success in the struggle for liberty;

Whereas, in late October at Rockingham, Washington completed writing his Farewell Orders to the Armies of the United States dismissing the troops and announcing his retirement;

Whereas, while Congress was meeting in Princeton, the Treaty of Paris was signed in Paris by John Adams, John Jay, and Benjamin Franklin on September 3, 1783, marking the end of the American Revolution and establishing the boundaries of the new Nation; and

Whereas Congress departed Princeton in early November 1783 to winter in Annapolis, Maryland: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the 225th Anniversary of the Continental Congress meeting at Nassau Hall in Princeton, New Jersey, should be commemorated.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMEMORATING THE 250TH ANNIVERSARY OF THE NAMING OF PITTSBURGH

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1000) to commemorate the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1000

Whereas the Forks of the Ohio at today's Pittsburgh should forever be remembered as the place where an army of British and Colonial soldiers took control of Fort Duquesne from the French, a turning point in the French and Indian War, the first world war;

Whereas the British victory in the French and Indian War sowed the seeds of Colonial discontent with British rule, beginning the chain of events that led to the American Revolution;

Whereas the British Army under the leadership of General John Forbes built the first road across the Allegheny Mountains, thus securing the Gateway to the West for British and later American settlement;

Whereas General Forbes and Colonel George Washington named the location Pittsburgh, in honor of William Pitt the Elder;

Whereas Fort Pitt provided a safe haven for peoples from around the world to follow in Forbes' and Washington's footsteps to travel to Pittsburgh to settle the continent and to pioneer advancements in industry, science, technology, education, the environment and the arts;

Whereas Pittsburgh went on to become the Crucible of the Industrial Revolution, producing glass, steel, and aluminum that have a place in every American skyline; and perfecting the technologies that made it possible for alternating current to illuminate the Nation;

Whereas the people of the Pittsburgh region pioneered modern philanthropy, implemented the first smoke control regulation, developed the polio vaccine, and conquered rejection of transplanted organs, improving countless lives worldwide;

Whereas Pittsburgh is today a global leader in such emerging fields as materials science, regenerative medicine, nanotechnology, electro-optics, robotics, data storage, computer science, and commercial nuclear power;

Whereas Pittsburgh is home to more than 100 multi-billion dollar global corporations

that improve the lives of people around the world;

Whereas Pittsburgh provides a high quality of life to its residents, offering unparalleled arts and cultural opportunities for a place of its size;

Whereas Pittsburgh has been named America's Most Livable City, the only place in America to earn that honor twice;

Whereas Pittsburgh is commemorating its naming and its impact on the world with Pittsburgh 250, a year-long celebration involving communities in 14 Pennsylvania counties, parts of seven states and the District of Columbia;

Whereas Pittsburgh 250 has connected Washington, DC to Pittsburgh by supporting the completion of the Great Allegheny Passage Trail, the longest hiking and biking trail east of the Mississippi and the most accessible great trail experience in the world, providing an important new outdoor recreational asset to the people of the Mid-Atlantic United States; and

Whereas Pittsburgh has accomplished all of these things with an unparalleled history of public and private partnership: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 250th anniversary of the Naming of Pittsburgh, known as a significant event in American history;

(2) recognizes that Pittsburgh 250 is organizing the commemoration on behalf of 14 counties in southwestern Pennsylvania;

(3) encourages participation for all Americans to learn how the Forbes Campaign, the opening of the Gateway to the West, the Industrialization of America, and the environmental transformation of Pittsburgh helped to make America; and

(4) commends the contributions of those who have followed trails to Pittsburgh for 250 years to shape the world we live in and the Nation we have become.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CONGRATULATING MICHAEL PHELPS ON WINNING EIGHT GOLD MEDALS IN THE 2008 BEIJING OLYMPICS

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1418) congratulating Michael Phelps, 2008 Beijing summer Olympic champion swimmer, on winning eight gold medals in the 2008 Beijing Olympics and becoming one of the most decorated athletes in Olympic history, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1418

Whereas Michael Phelps swam in 17 races over the course of 9 days in the 2008 Beijing Summer Olympic Games and surpassed Olympic icon Mark Spitz by becoming the only athlete to win 8 gold medals in a single Olympics;

Whereas Michael Phelps set 7 world records and 8 Olympic records in 8 events in those Olympic Games;

Whereas Michael Phelps is one of the most highly decorated Olympians ever, with 14 gold medals and 2 bronze medals over his Olympic career;

Whereas as a member of the United States men's relay swim teams, Michael Phelps helped set world records and win 3 gold medals for the United States 2008 Olympic swim team; and

Whereas Michael Phelps epitomized the Olympic spirit by demonstrating patriotism, strength, and humility throughout the 2008 Beijing Summer Olympic Games: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates Michael Phelps of Baltimore, Maryland, for his outstanding athletic achievements during the 2008 Beijing Summer Olympic Games, achievements that set him apart as one of the most highly decorated and accomplished Olympic athletes in world history;

(2) recognizes the achievements of Michael Phelps and all the members of the United States 2008 Olympic swim team; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Michael Phelps; Mark Schubert, head coach of the United States 2008 Olympic swim team; and Bob Bowman, chief executive officer of the North Baltimore Aquatic Club and assistant coach of the United States 2008 Olympic swim team for appropriate display.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REVEREND EARL ABEL POST OFFICE BUILDING

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6198) to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6198

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

**SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the ''Reverend Earl Abel Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Reverend Earl Abel Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF SICKLE CELL DISEASE AWARENESS MONTH

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1453) supporting the goals and ideals of sickle cell disease awareness month, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1453

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States, primarily affecting African-Americans;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one's arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects over 70,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 300 newborn African-American infants;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African-Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas the House of Representatives recognized the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease; and

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the House of Representatives designate September as Sickle Cell Disease Awareness Month in order to educate communities

across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

*Resolved*, That the House of Representatives supports the goals and ideals of Sickle Cell Disease Awareness Month.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## HONORING PROFESSIONAL SURVEYORS AND RECOGNIZING THEIR CONTRIBUTIONS TO SOCIETY

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 223) honoring professional surveyors and recognizing their contributions to society, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 223

Whereas there are over 45,000 professional surveyors in the United States;

Whereas the nature of surveying has changed dramatically since 1785, as it is no longer limited to the description and location of land boundaries;

Whereas hydrographic surveys are important to the use of all bodies of water;

Whereas engineering surveys are utilized in the study and selection of engineering construction;

Whereas geodetic surveys determine precise global positioning for such activities as aircraft and missile navigation;

Whereas cartographic surveys are used for mapping and charting, as well as photogrammetry, the science of using aerial photographs for measurement and map production;

Whereas many services are provided through the use of sophisticated surveying equipment and techniques, including satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment;

Whereas the role of the surveyor has been, and remains, of vital importance in the development of the United States;

Whereas since the colonial days of this Nation, surveyors have been leaders in the community, Statesmen, influential citizens, and shapers of cultural standards;

Whereas former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln;

Whereas it was the work of the surveyor that determined the boundaries of land, the greatest economic asset in the colonies that became the United States;

Whereas Thomas Jefferson chaired a committee in 1784 to devise a plan for disposing of lands west of the 13 original colonies;

Whereas Thomas Jefferson argued that surveying before sale was necessary to prevent overlapping claim and to simplify deeds and registers;

Whereas Thomas Jefferson reportedly wrote a plan, which was debated in Congress and in modified form was adopted as the Land Ordinance of May 20, 1785, establishing the Public Land Survey System (''PLSS''), the rectangular system that continues today in 30 midwestern and western States; and

Whereas the establishment of the third week of March as ''National Surveyors Week'' would be a fitting tribute to all surveyors: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) supports the establishment of National Surveyors Week;

(2) requests that the President issue a proclamation calling on the people of the United States to observe National Surveyors Week each year with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society; and

(3) invites the people of the United States to look back at the historic contributions of surveying and look ahead to the new technologies which are constantly modernizing this honored and learned profession.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## KENNETH PETER ZEBROWSKI POST OFFICE BUILDING

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6199) to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the ''Kenneth Peter Zebrowski Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6199

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

**SECTION 1. KENNETH PETER ZEBROWSKI POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 245 North Main Street in New City, New York, shall be known and designated as the ''Kenneth Peter Zebrowski Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Kenneth Peter Zebrowski Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 671) supporting the goals and ideals of National Ovarian Cancer Awareness Month, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 671

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas the first national consensus statement on ovarian cancer symptoms was developed in June 2007 to provide consistency in describing symptoms to make it easier for women to learn and remember them;

Whereas due to the lack of a reliable screening test, 75 percent of ovarian cancer cases are diagnosed in an advanced stage when the five-year survival rate is below 30 percent;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas a National Ovarian Cancer Awareness Month should be designated to increase the awareness of the public regarding the cancer: Now, therefore, be it

*Resolved*, That the House of Representatives supports the goals and ideals of National Ovarian Cancer Awareness Month.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CEECEE ROSS LYLES POST OFFICE BUILDING

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the Senate bill (S. 3241) to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida,

as the ''CeeCee Ross Lyles Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3241

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

**SECTION 1. CEECEE ROSS LYLES POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, shall be known and designated as the ''CeeCee Ross Lyles Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''CeeCee Ross Lyles Post Office Building''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MURPHY A. TANNEHILL POST OFFICE BUILDING

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 3511) to designate the facility of the United States Postal Service located at 2150 East Hardtner Drive in Urania, Louisiana, as the ''Murphy A. Tannehill Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 3511

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

**SECTION 1. MURPHY A. TANNEHILL POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 2150 East Hardtner Drive in Urania, Louisiana, shall be known and designated as the ''Murphy A. Tannehill Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Murphy A. Tannehill Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CELEBRATING THE 232ND ANNIVERSARY OF THE SIGNING OF THE DECLARATION OF INDEPENDENCE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 386) to recognize and celebrate the ''232nd Anniversary of the signing of the Declaration of Independence,'' and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 386

Whereas the text of the Declaration of Independence was adopted by the Second Continental Congress on July 4, 1776, and the engrossed copy of the Declaration of Independence was signed by most of the delegates in the Second Continental Congress on August 2, 1776;

Whereas August 2, 2008, marks the 232d anniversary of the signing of the engrossed copy of the Declaration of Independence;

Whereas the signing of the Declaration of Independence marked the formal dissolution of the ties of the thirteen American colonies with Great Britain, the beginning of their statehood and national identity, and the dawning of a new era of freedom in America and the world;

Whereas these Founding Fathers, relying on the direction from and protection of Divine Providence, pledged to each other their lives, their fortunes, and their Sacred honor in defense of this action;

Whereas the Declaration of Independence paved the way for the birth of the Republic;

Whereas the Declaration of Independence has become part of the national culture, and its principles are part of the consciousness of all Americans;

Whereas the fundamental genius of the United States is embodied in the Declaration's recognition that ''all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness'';

Whereas the principle that the rights of man are bestowed by the Creator and are unalienable was derived from Scripture, which antedates the existence from any government;

Whereas the Declaration of Independence affirms that governments are instituted to protect those rights; and

Whereas the Declaration acknowledged these self-evident Truths, which constituted one of the most revolutionary philosophical developments in history and began an unparalleled national experiment: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress recognizes and celebrates the 232d anniversary of the signing of the Declaration of Independence.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measures just considered.

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

There was no objection.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. LYNCH, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. WATT, for 5 minutes, today.
Mr. PERLMUTTER, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. HOLT, for 5 minutes, today.
Mr. KANJORSKI, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1193. An act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Natural Resources.

S. 3341. An act to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Oversight and Government Reform.

## BILL PRESENTED TO THE PRESIDENT

Lorrain C. Miller, Clerk of the House reports that on September 17, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 5938. To amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

## ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 16 minutes a.m.), the House adjourned until today, Wednesday, September 24, 2008, at 10 a.m.

## JOINT EXPLANATORY STATEMENT SUBMITTED BY MR. SKELTON, CHAIRMAN OF THE COMMITTEE ON ARMED SERVICES, REGARDING THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO S. 3001

The Chairman of the Committee on Armed Services of the House of Representatives offers an amendment to S. 3001, the National Defense Authorization Act for Fiscal Year 2009, as received in the House on September 18, 2008. The amendment consists of an agreement between the managers of the bill in the

House of Representatives and the Senate on the reconciliation of H.R. 5658 and S. 3001, as passed by the respective chambers from which each bill originated. This agreement is memorialized in the offered amendment and described in the remainder of this Joint Explanatory Statement submitted on behalf of Mr. Skelton and Mr. Hunter for the House Committed on Armed Services and Mr. Levin and Mr. Warner for the Senate Committee on Armed Services.

Although not required by the Rules of the House of Representatives and the Senate, the Joint Explanatory Statement includes the disclosure of member earmarks and congressionally directed spending items as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate.

In this statement, the provisions of H.R. 5658, the House passed version of the National Defense Authorization Act for Fiscal Year 2009, are generally referred to as ''the House bill.'' The provisions of S. 3001, the Senate passed version of the National Defense Authorization Act for Fiscal Year 2009, are generally referred to as ''the Senate bill.'' The final form of the agreements reached during an informal conference between the managers of the bill in the House and the Senate are referred to as ''the agreement.''

The House amendment strikes the text of the S. 3001 and inserts the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, as amended by the agreement between the managers of H.R. 5658 and S. 3001, as passed by the respective chambers from which each bill originated.

This Joint Explanatory Statement fulfills the authority granted to the Chairman of the Committee on Armed Services by H. Res. 1476 to file explanatory material for the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. Mr. Skelton, the Chairman of the Committee on Armed Services, does not intend to file any additional material pursuant to H. Res. 1476 beyond this Joint Explanatory Statement.

Submitted by Mr. Skelton, Chairman of the House Committee on Armed Services (for himself, Mr. Hunter, ranking Member of the House Committee on Armed Services, Mr. Levin, Chairman of the Senate Committee on Armed Services and Mr. Warner, Acting Ranking Member of the Senate Committee on Armed Services).

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2009**
In Thousands of Dollars

| | Authorization Request | Agreement Authorization | BUDGET AUTHORITY IMPLICATION FY 2009 Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|
| **DIVISION A** | | | | | |
| **Title I -- PROCUREMENT** | | | | | |
| Aircraft Procurement, Army | 5,009,835 | 4,848,835 | 5,009,835 | -161,000 | 4,848,835 |
| Missile Procurement, Army | 2,211,460 | 2,207,460 | 2,211,460 | -4,000 | 2,207,460 |
| Weapons & Tracked Combat Vehicles, Army | 3,687,077 | 3,516,398 | 3,687,077 | -170,679 | 3,516,398 |
| Procurement of Ammunition, Army | 2,275,791 | 2,280,791 | 2,275,791 | 5,000 | 2,280,791 |
| Other Procurement, Army | 11,367,926 | 11,143,076 | 11,367,926 | -224,850 | 11,143,076 |
| Joint Improvised Explosive Device Defeat Fund | 496,300 | 200,000 | 496,300 | -296,300 | 200,000 |
| Aircraft Procurement, Navy | 14,716,774 | 14,557,874 | 14,716,774 | -158,900 | 14,557,874 |
| Weapons Procurement, Navy | 3,575,482 | 3,553,282 | 3,575,482 | -22,200 | 3,553,282 |
| Shipbuilding & Conversion, Navy | 12,732,918 | 14,057,022 | 12,732,918 | 1,324,104 | 14,057,022 |
| Procurement of Ammunition, Navy & Marine Corps | 1,122,712 | 1,110,012 | 1,122,712 | -12,700 | 1,110,012 |
| Other Procurement, Navy | 5,482,856 | 5,463,565 | 5,482,856 | -19,291 | 5,463,565 |
| Procurement, Marine Corps | 1,512,765 | 1,486,189 | 1,512,765 | -26,576 | 1,486,189 |
| Aircraft Procurement, Air Force | 12,676,496 | 12,826,858 | 12,676,496 | 150,362 | 12,826,858 |
| Procurement of Ammunition, Air Force | 894,478 | 911,278 | 894,478 | | 894,478 |
| Missile Procurement, Air Force | 5,536,728 | 5,496,219 | 5,536,728 | 16,800 | 5,553,528 |
| Other Procurement, Air Force | 16,128,396 | 16,087,887 | 16,128,396 | -40,509 | 16,087,887 |
| Procurement, Defense-Wide | 3,164,228 | 3,382,628 | 3,164,228 | 218,400 | 3,382,628 |
| National Guard and Reserve Equipment | | 800,000 | | 800,000 | 800,000 |
| Rapid Acquisition Fund | 102,045 | | 102,045 | -102,045 | |
| Defense Production Act Purchases | | | 36,365 | | 36,365 |
| **Total PROCUREMENT** | **102,694,267** | **103,929,374** | **102,730,632** | **1,275,616** | **104,006,248** |
| **Title II -- RESEARCH, DEVELOPMENT, TEST & EVALUATION** | | | | | |
| RDT&E, Army | 10,524,085 | 10,943,840 | 10,524,085 | 419,755 | 10,943,840 |
| RDT&E, Navy | 19,337,238 | 19,345,603 | 19,337,238 | 8,365 | 19,345,603 |
| RDT&E, Air Force | 28,066,617 | 26,289,508 | 28,066,617 | -1,777,109 | 26,289,508 |
| RDT&E, Defense-Wide | 21,499,229 | 20,942,729 | 21,499,229 | -556,500 | 20,942,729 |
| Operational Test & Evaluation, Defense | 188,772 | 188,772 | 188,772 | | 188,772 |
| **Total RESEARCH, DEV, TEST & EVALUATION** | **79,615,941** | **77,710,452** | **79,615,941** | **-1,905,489** | **77,710,452** |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2009**
In Thousands of Dollars

| | Authorization Request | Agreement Authorization | BUDGET AUTHORITY IMPLICATION FY 2009 Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|
| **Title III -- OPERATION AND MAINTENANCE** | | | | | |
| Operation and Maintenance, Army | 31,243,092 | 31,251,702 | 31,243,092 | 8,610 | 31,251,702 |
| Operation and Maintenance, Navy | 34,922,398 | 34,850,310 | 34,922,398 | -72,088 | 34,850,310 |
| Operation and Maintenance, Marine Corps | 5,597,254 | 5,604,254 | 5,597,254 | 7,000 | 5,604,254 |
| Operation and Maintenance, Air Force | 35,902,487 | 35,454,487 | 35,902,487 | -448,000 | 35,454,487 |
| Operation and Maintenance, Defense-Wide | 26,091,864 | 25,948,864 | 26,091,864 | -143,000 | 25,948,864 |
| Operation and Maintenance, Army Reserve | 2,642,341 | 2,642,341 | 2,642,341 | | 2,642,341 |
| Operation and Maintenance, Navy Reserve | 1,311,085 | 1,311,085 | 1,311,085 | | 1,311,085 |
| Operation and Maintenance, Marine Corps Reserve | 213,131 | 213,131 | 213,131 | | 213,131 |
| Operation and Maintenance, Air Force Reserve | 3,142,892 | 3,150,692 | 3,142,892 | 7,800 | 3,150,692 |
| Operation and Maintenance, Army National Guard | 5,875,546 | 5,893,546 | 5,875,546 | 18,000 | 5,893,546 |
| Operation and Maintenance, Air National Guard | 5,879,576 | 5,882,326 | 5,879,576 | 2,750 | 5,882,326 |
| US Court of Appeals, Armed Forces | 13,254 | 13,254 | 13,254 | | 13,254 |
| Environmental Restoration, Army | 447,776 | 447,776 | 447,776 | | 447,776 |
| Environmental Restoration, Navy | 290,819 | 290,819 | 290,819 | | 290,819 |
| Environmental Restoration, Air Force | 496,277 | 496,277 | 496,277 | | 496,277 |
| Environmental Restoration, Defense-wide | 13,175 | 13,175 | 13,175 | | 13,175 |
| Environmental Restoration, Formerly Used Defense Sites | 257,796 | 257,796 | 257,796 | | 257,796 |
| Cooperative Threat Reduction | 414,135 | 434,135 | 414,135 | 20,000 | 434,135 |
| Overseas Humanitarian, Disaster & Civic Aid | 83,273 | 83,273 | 83,273 | | 83,273 |
| Overseas Contingency Operations Transfer Fund | 9,101 | 9,101 | 9,101 | | 9,101 |
| Scorekeeping Adjustments: | | | | | |
| Disposal of DoD Real Property | | | 16,993 | | 16,993 |
| Lease of DoD Real Property | | | 3,517 | | 3,517 |
| DoD Overseas Military Facility Investment Recovery/Other | | | 761 | | 761 |
| **Total OPERATION AND MAINTENANCE** | **154,847,272** | **154,248,344** | **154,868,543** | **-598,928** | **154,269,615** |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2009**
In Thousands of Dollars

| | Authorization Request | Agreement Authorization | BUDGET AUTHORITY IMPLICATION FY 2009 Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|
| **Title IV -- MILITARY PERSONNEL** | | | | | |
| Military Personnel (direct appropriations) | | 114,440,743 | 114,896,340 | -455,597 | 114,440,743 |
| Medicare-Eligible Retiree Health Fund Accruals | | | 10,350,593 | | 10,350,593 |
| Mandatory Spending: Current Law | | | 3,901,000 | | 3,901,000 |
| **Total MILITARY PERSONNEL** | | **114,440,743** | **129,147,933** | **-455,597** | **128,692,336** |
| **Title XIV -- OTHER AUTHORIZATIONS** | | | | | |
| **Subtitle A -- Military Programs** | | | | | |
| Defense Working Capital Funds | 198,150 | 198,150 | 198,150 | | 198,150 |
| Defense Commissary Working Capital Fund | 1,291,084 | 1,291,084 | 1,291,084 | | 1,291,084 |
| Defense Coalition Support Fund | 22,000 | | 22,000 | -22,000 | |
| National Defense Sealift Fund | 1,962,253 | 1,608,572 | 1,962,253 | -353,681 | 1,608,572 |
| Defense Health Program | 23,615,202 | 24,966,917 | 23,615,202 | 1,351,715 | 24,966,917 |
| Chemical Agents & Munitions Destruction | 1,485,634 | 1,485,634 | 1,485,634 | | 1,485,634 |
| Drug Interdiction & Counter-Drug Activities, Defense | 1,060,463 | 1,060,463 | 1,060,463 | | 1,060,463 |
| Office of the Inspector General | 247,845 | 273,845 | 247,845 | 26,000 | 273,845 |
| Inflation savings (Section 1407) | | | | | |
| Stockpile transaction fund transfer | -1,300,000 | -1,300,000 | -1,300,000 | | -1,300,000 |
| **Subtitle C -- Civil Programs** | | | | | |
| Armed Forces Retirement Home (non-defense) | 63,010 | 63,010 | 63,010 | | 63,010 |
| **Total OTHER AUTHORIZATIONS** | **28,645,641** | **29,647,675** | **28,645,641** | **1,002,034** | **29,647,675** |
| **Title XV -- OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM** | | | | | |
| **TOTAL TITLE XV, OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM** | **70,000,000** | **68,080,000** | | **-1,920,000** | **68,080,000** |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2009**
In Thousands of Dollars

| | Authorization Request | Agreement Authorization | BUDGET AUTHORITY IMPLICATION FY 2009 Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|
| **DIVISION B** | | | | | |
| **MILITARY CONSTRUCTION** | | | | | |
| Military Construction, Army | 4,615,920 | 4,610,698 | 4,615,920 | -5,222 | 4,610,698 |
| Military Construction, Navy | 3,096,399 | 3,290,169 | 3,096,399 | 193,770 | 3,290,169 |
| Military Construction, Air Force | 934,892 | 1,117,746 | 934,892 | 182,854 | 1,117,746 |
| Military Construction, Defense-Wide | 1,783,998 | 1,584,469 | 1,783,998 | -199,529 | 1,584,469 |
| Chemical Demilitarization Construction | 134,278 | 144,278 | 134,278 | 10,000 | 144,278 |
| NATO Security Investment Program | 240,867 | 230,867 | 240,867 | -10,000 | 230,867 |
| Military Construction, Army National Guard | 539,296 | 736,317 | 539,296 | 197,021 | 736,317 |
| Military Construction, Army Reserve | 281,687 | 282,607 | 281,687 | 920 | 282,607 |
| Military Construction, Naval Reserve | 57,045 | 57,045 | 57,045 | | 57,045 |
| Military Construction, Air National Guard | 34,374 | 242,924 | 34,374 | 208,550 | 242,924 |
| Military Construction, Air Force Reserve | 19,265 | 36,958 | 19,265 | 17,693 | 36,958 |
| **Total MILITARY CONSTRUCTION** | **11,738,021** | **12,334,078** | **11,738,021** | **596,057** | **12,334,078** |
| **FAMILY HOUSING** | | | | | |
| Family Housing Construction, Army | 678,580 | 646,580 | 678,580 | -32,000 | 646,580 |
| Family Housing Operations, Army | 716,110 | 716,110 | 716,110 | | 716,110 |
| Family Housing Construction, Navy & Marine Corps | 382,778 | 380,123 | 382,778 | -2,655 | 380,123 |
| Family Housing Operations, Navy & Marine Corps | 376,062 | 376,062 | 376,062 | | 376,062 |
| Family Housing Construction, Air Force | 395,879 | 395,879 | 395,879 | | 395,879 |
| Family Housing Operations, Air Force | 599,465 | 594,465 | 599,465 | -5,000 | 594,465 |
| Family Housing Operations, Defense-Wide | 49,231 | 49,231 | 49,231 | | 49,231 |
| Homeowners Assistance Program | 4,500 | 4,500 | 4,500 | | 4,500 |
| DoD Family Housing Improvement Fund | 850 | 850 | 850 | | 850 |
| **Total FAMILY HOUSING** | **3,203,455** | **3,163,800** | **3,203,455** | **-39,655** | **3,163,800** |
| Base Realignment and Closure IV | 393,377 | 458,377 | 393,377 | 65,000 | 458,377 |
| Base Realignment and Closure 2005 | 9,065,386 | 9,065,386 | 9,065,386 | | 9,065,386 |
| **Subtotal Base Closure** | **9,458,763** | **9,523,763** | **9,458,763** | **65,000** | **9,523,763** |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2009**
In Thousands of Dollars

| | Authorization Request | Agreement Authorization | BUDGET AUTHORITY IMPLICATION FY 2009 Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|
| Prior Year Savings | | -83,170 | | -83,170 | -83,170 |
| General Transfer Authority (non-add) | | | | | |
| **Subtotal Non War-Related Funding** | **24,400,239** | **24,938,471** | **24,400,239** | **538,232** | **24,938,471** |
| **Title XXIX - War-Related Military Construction** | | | | | |
| Military Construction, Army | | 450,000 | | 450,000 | 450,000 |
| Military Construction, Navy | | 50,000 | | 50,000 | 50,000 |
| **Subtotal War-Related Military Construction** | | **500,000** | | **500,000** | **500,000** |
| **TOTAL DIVISION B** | **24,400,239** | **25,438,471** | **24,400,239** | **1,038,232** | **25,438,471** |
| Other Discretionary Programs | | | | | |
| Mandatory Programs | | | -645,000 | | -645,000 |
| **TOTAL DEPARTMENT OF DEFENSE (051)** | **460,140,350** | **573,432,049** | **588,700,919** | **-1,564,132** | **587,136,787** |
| **DIVISION C** | | | | | |
| Energy Delivery and Reliability | 7,622 | 7,622 | 7,622 | | 7,622 |
| **National Nuclear Security Administration** | | | | | |
| Weapons Activities | 6,618,079 | 6,625,111 | 6,618,079 | 7,032 | 6,625,111 |
| Defense Nuclear Nonproliferation | 1,247,048 | 1,895,261 | 1,247,048 | 648,213 | 1,895,261 |
| Naval Reactors | 828,054 | 828,054 | 828,054 | | 828,054 |
| Office of the Administrator | 404,081 | 404,081 | 404,081 | | 404,081 |
| **Total National Nuclear Security Adminstration** | **9,097,262** | **9,752,507** | **9,097,262** | **655,245** | **9,752,507** |
| Defense Environmental Cleanup | 5,297,256 | 5,297,256 | 5,297,256 | | 5,297,256 |
| Other Defense Activities | 1,313,461 | 826,453 | 1,313,461 | -487,008 | 826,453 |
| Defense Nuclear Waste Disposal | 247,371 | 222,371 | 247,371 | -25,000 | 222,371 |
| **Total DOE/NNSA Discretionary Authorizations** | **15,962,972** | **16,106,209** | **15,962,972** | **143,237** | **16,106,209** |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2009**
In Thousands of Dollars

| | Authorization Request | Agreement Authorization | BUDGET AUTHORITY IMPLICATION FY 2009 Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|
| **Mandatory Programs:** | | | | | |
| Energy Employees Occupational Illness Compensation | | | 1,155,000 | | 1,155,000 |
| **Total Department of Energy/NNSA** | **15,962,972** | **16,106,209** | **17,117,972** | **143,237** | **17,261,209** |
| Defense Nuclear Facilities Safety Board | 25,499 | 25,499 | 25,499 | | 25,499 |
| Formerly Used Sites Remedial Action Program | | | 130,000 | | 130,000 |
| **DIVISION C/Atomic Energy Defense Activities (053)** | **15,988,471** | **16,131,708** | **17,273,471** | **143,237** | **17,416,708** |
| **DEFENSE RELATED ACTIVITIES** | | | | | |
| Discretionary Programs | | | 6,201,000 | | 6,201,000 |
| Mandatory Programs | | | 317,000 | | 317,000 |
| **DEFENSE RELATED ACTIVITIES (054)** | | | **6,518,000** | | **6,518,000** |
| **TOTAL NATIONAL DEFENSE FUNCTION (050)** | **476,128,821** | **589,563,757** | **612,492,390** | **-1,420,895** | **611,071,495** |
| **NON-DEFENSE AUTHORIZATIONS** | | | | | |
| Armed Forces Retirement Home | 63,010 | 63,010 | 63,010 | | 63,010 |
| **Total Non-Defense Authorizations** | **63,010** | **63,010** | **63,010** | | **63,010** |
| **TOTAL AUTHORIZATIONS** | **476,191,831** | **589,626,767** | **612,555,400** | **-1,420,895** | **611,134,505** |
| **Memo: Base Budget National Defense Total** | **406,128,821** | **520,983,757** | **542,492,390** | **-895** | **542,491,495** |
| **Memo: War-Related Total (Titles XV, XVI and XXIX)** | **70,000,000** | **68,580,000** | **70,000,000** | **-1,420,000** | **68,580,000** |
| **Total National Defense Authorizations** | **476,128,821** | **589,563,757** | **612,492,390** | **-1,420,895** | **611,071,495** |

# NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

(Dollars in Thousands)

| | Authorization Request | House Authorization | Senate Authorization | Agreement Change | Agreement Authorization |
|---|---|---|---|---|---|
| Title I - PROCUREMENT | | | | | |
| Aircraft Procurement, Army | 5,009,835 | 4,912,735 | 4,957,435 | -161,000 | 4,848,835 |
| Missile Procurement, Army | 2,211,460 | 2,201,460 | 2,211,460 | -4,000 | 2,207,460 |
| Weapons & Tracked Combat Vehicles, Army | 3,687,077 | 3,539,177 | 3,689,277 | -170,679 | 3,516,398 |
| Procurement of Ammunition, Army | 2,275,791 | 2,294,791 | 2,303,791 | 5,000 | 2,280,791 |
| Other Procurement, Army | 11,367,926 | 11,201,876 | 11,861,704 | -224,850 | 11,143,076 |
| Joint Improvised Explosive Device Defeat Fund | 496,300 | 0 | 0 | -296,300 | 200,000 |
| Aircraft Procurement, Navy | 14,716,774 | 14,627,274 | 14,729,274 | -158,900 | 14,557,874 |
| Weapons Procurement, Navy | 3,575,482 | 3,575,482 | 3,605,482 | -22,200 | 3,553,282 |
| Procurement of Ammunition, Navy & Marine Corps | 1,122,712 | 1,122,712 | 1,131,712 | -12,700 | 1,110,012 |
| Shipbuilding & Conversion, Navy | 12,732,918 | 12,917,919 | 13,037,218 | 1,324,104 | 14,057,022 |
| Other Procurement, Navy | 5,482,856 | 5,461,926 | 5,516,506 | -19,291 | 5,463,565 |
| Procurement, Marine Corps | 1,512,765 | 1,296,327 | 1,495,665 | -26,576 | 1,486,189 |
| Aircraft Procurement, Air Force | 12,676,496 | 12,618,665 | 13,235,286 | 150,362 | 12,826,858 |
| Missile Procurement, Air Force | 5,536,728 | 5,536,728 | 5,556,728 | 16,800 | 5,553,528 |
| Procurement of Ammunition, Air Force | 894,478 | 934,478 | 895,478 | 0 | 894,478 |
| Other Procurement, Air Force | 16,128,396 | 16,134,896 | 16,115,496 | -40,509 | 16,087,887 |
| Procurement, Defense-Wide | 3,164,228 | 3,485,428 | 3,723,928 | 218,400 | 3,382,628 |
| National Guard and Reserve Equipment | 0 | 800,000 | 0 | 800,000 | 800,000 |
| Rapid Acquisition Fund | 102,045 | 50,000 | 102,045 | -102,045 | 0 |
| TOTAL PROCUREMENT | 102,694,267 | 102,711,874 | 104,168,485 | 1,275,616 | 103,969,883 |

CONGRESSIONAL DEFENSE COMMITTEES

The term ''congressional defense committees'' is often used in this joint explanatory statement. It means the Defense Authorization and Appropriations Committees of the Senate and the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

*Procurement overview*

The budget request for fiscal year 2009 included an authorization of $102,694.3 million for procurement for the Department of Defense.

The House bill would authorize $102,711.9 million.

The Senate bill would authorize $104,168.5 million.

The agreement recommends an authorization of $103,969.9 million. Unless noted explicitly in the joint explanatory statement, all changes are made without prejudice.

BUDGET ITEMS

*Shipbuilding*

The budget request contained $2.5 billion for the third DDG–1000 class destroyer, $103.2 million for close out costs associated with discontinuing the LPD–17 amphibious ship production line, and no funding for the DDG–51 class program which had ceased new production funding with the three ships bought in fiscal year 2005. Additionally, the budget request contained $920.0 million for two Littoral Combat Ships (LCS) and $348.3 million in the National Defense Sealift Fund (NDSF) designated for advance procurement for the first of a class of Maritime Preposition Force-Future (MPF(F)) aviation vessels.

The agreement would authorize full funding for the third DDG–1000 class destroyer without prejudice to any potential future Department of Defense decision to truncate the DDG–1000 class acquisition program in favor of a return to DDG–51 class destroyers.

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AIRCRAFT PROCUREMENT, ARMY** | | | | | | | | | | |
| | **AIRCRAFT** | | | | | | | | | | |
| | **FIXED WING** | | | | | | | | | | |
| 001 | JOINT CARGO AIRCRAFT (JCA) | 7 | 264,160 | 7 | 264,160 | 7 | 264,160 | | | 7 | 264,160 |
| 002 | UTILITY F/W AIRCRAFT | | | | | | | | | | |
| | **ROTARY WING** | | | | | | | | | | |
| 003 | ARMED RECONNAISSANCE | 28 | 358,841 | 15 | 229,041 | 20 | 283,841 | -13 | -129,800 | 15 | 229,041 |
| | Program Profile Adjustment | | | | [-129,800] | | | | [-129,800] | | |
| | Reduce aggressive ramp up of production rate | | | | | | [-75,000] | | | | |
| 004 | ADVANCE PROCUREMENT (CY) | | 80,010 | | 43,810 | | 80,010 | | -36,200 | | 43,810 |
| | Program Decrease | | | | [-36,200] | | | | [-36,200] | | |
| 005 | HELICOPTER, LIGHT UTILITY (LUH) | 36 | 224,518 | 36 | 224,518 | 36 | 224,518 | | | 36 | 224,518 |
| 006 | UH-60 BLACKHAWK (MYP) | 63 | 925,852 | 66 | 985,252 | 63 | 925,852 | | | 63 | 925,852 |
| | Additional HH-60 Aircraft - USAR | | | | [59,400] | | | | | | |
| 007 | ADVANCE PROCUREMENT (CY) | | 137,175 | | 137,175 | | 137,175 | | | | 137,175 |
| 008 | CH-47 HELICOPTER (MYP) | 16 | 443,519 | 16 | 443,519 | 16 | 443,519 | | | 16 | 443,519 |
| 009 | ADVANCE PROCUREMENT (CY) | | | | | | | | | | |
| 010 | HELICOPTER NEW TRAINING | 1 | 2,381 | 1 | 2,381 | 1 | 2,381 | | | 1 | 2,381 |
| 011 | DRUG INTERDICTION | | | | | | | | | | |
| | **MODIFICATION OF AIRCRAFT** | | | | | | | | | | |
| 012 | GUARDRAIL MODS (MIP) | | 119,057 | | 119,057 | | 119,057 | | | | 119,057 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 013 | MULTI SENSOR ABN RECON | | 23,297 | | 23,297 | | 23,297 | | | | 23,297 |
| 014 | AH-64 MODS | | 607,969 | | 607,969 | | 607,969 | | | | 607,969 |
| 015 | ADVANCE PROCUREMENT (CY) | | 29,373 | | 29,373 | | 29,373 | | | | 29,373 |
| 016 | CH-47 CARGO HELICOPTER MODS | | 674,586 | | 674,586 | | 674,586 | | | | 674,586 |
| 017 | ADVANCE PROCUREMENT (CY) | | 49,619 | | 49,619 | | 49,619 | | | | 49,619 |
| 018 | UTILITY/CARGO AIRPLANE MODS | | 14,921 | | 14,921 | | 14,921 | | | | 14,921 |
| 019 | AIRCRAFT LONG RANGE MODS | | 577 | | 577 | | 577 | | | | 577 |
| 020 | UTILITY HELICOPTER MODS | | 10,866 | | 17,866 | | 13,866 | | 5,000 | | 15,866 |
| | UH-60A to UH-60L helicopter | | | | [5,000] | | | | [5,000] | | |
| | UH-60 Weapons Armament Mission | | | | [2,000] | | | | | | |
| | Additional forward looking infrared (FLIR) systems | | | | | | [3,000] | | | | |
| 021 | KIOWA WARRIOR | | 13,722 | | 13,722 | | 13,722 | | | | 13,722 |
| 022 | AIRBORNE AVIONICS | | 174,978 | | 174,978 | | 186,278 | | | | 174,978 |
| | Additional avionics navigation equipment – Army UFR | | | | | | [11,300] | | | | |
| 023 | GATM (Global Air Traffic | | 79,223 | | 79,223 | | 79,223 | | | | 79,223 |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| 024 | SPARE PARTS (AIR) | | 6,875 | | 6,875 | | 6,875 | | | | 6,875 |
| | **SUPPORT EQUIPMENT AND GROUND SUPPORT AVIONICS** | | | | | | | | | | |
| 025 | AIRCRAFT SURVIVABILITY | | 56,906 | | 56,906 | | 56,906 | | | | 56,906 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 026 | ASE INFRARED CM | | 433,941 | | 433,941 | | 433,941 | | | | 433,941 |
| | **OTHER SUPPORT** | | | | | | | | | | |
| 027 | AIRBORNE COMMAND & CONTROL | | | | | | | | | | |
| 028 | AVIONICS SUPPORT EQUIPMENT | | 5,028 | | 5,028 | | 5,277 | | | | 5,028 |
| | Avionic support equipment – Army | | | | | | [249] | | | | |
| 029 | COMMON GROUND EQUIPMENT | | 103,882 | | 106,382 | | 103,882 | | | | 103,882 |
| | Compact Aircraft Support Cart - ARNG | | | | [2,500] | | | | | | |
| 030 | AIRCREW INTEGRATED SYSTEMS | | 40,697 | | 40,697 | | 43,137 | | | | 40,697 |
| | Aircrew integrated systems – Army | | | | | | [2,440] | | | | |
| 031 | AIR TRAFFIC CONTROL | | 122,775 | | 122,775 | | 128,268 | | | | 122,775 |
| | Air traffic control equipment- Army | | | | | | [5,493] | | | | |
| 032 | INDUSTRIAL FACILITIES | | 2,536 | | 2,536 | | 2,652 | | | | 2,536 |
| | Additional avionics & airborne instrumentation equipment – Army | | | | | | [116] | | | | |
| 033 | LAUNCHER, 2.75 ROCKET | | 2,442 | | 2,442 | | 2,442 | | | | 2,442 |
| 034 | AIRBORNE COMMUNICATIONS | | 109 | | 109 | | 111 | | | | 109 |
| | Additional high frequency radio equipment – Army UFR | | | | | | [2] | | | | |
| | **TOTAL - AIRCRAFT PROCUREMENT, ARMY** | | **5,009,835** | | **4,912,735** | | **4,957,435** | | **-161,000** | | **4,848,835** |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MISSILE PROCUREMENT, ARMY** | | | | | | | | | | |
| | **OTHER MISSILES** | | | | | | | | | | |
| | **SURFACE-TO-AIR MISSILE SYSTEM** | | | | | | | | | | |
| 001 | PATRIOT SYSTEM SUMMARY | 108 | 512,086 | 108 | 512,086 | 108 | 512,086 | | | 108 | 512,086 |
| 002 | PATRIOT/MEADS CAP SYSTEM | | 31,049 | | 31,049 | | 31,049 | | | | 31,049 |
| 003 | ADVANCE PROCUREMENT | | 40,468 | | 40,468 | | 40,468 | | | | 40,468 |
| | **AIR-TO-SURFACE MISSILE SYSTEM** | | | | | | | | | | |
| 004 | HELLFIRE | 372 | 48,629 | 372 | 48,629 | 372 | 48,629 | | | 372 | 48,629 |
| | **ANTI-TANK/ASSAULT MISSILE** | | | | | | | | | | |
| 005 | JAVELIN (AAWS-M) SYSTEM | 605 | 259,326 | 605 | 259,326 | 605 | 259,326 | | | 605 | 259,326 |
| 006 | TOW 2 SYSTEM SUMMARY | 1,586 | 85,988 | 1,586 | 85,988 | 1,586 | 85,988 | | | 1,586 | 85,988 |
| 007 | ADVANCE PROCUREMENT (CY) | | | | | | | | | | |
| 008 | GUIDED MLRS ROCKET (GMLRS) | 1,938 | 247,213 | 1,938 | 237,213 | 1,938 | 247,213 | | -4,000 | 1,938 | 243,213 |
| | Program Reduction | | | | [-10,000] | | | | [-4,000] | | |
| 009 | MLRS REDUCED RANGE PRACTICE | 4,014 | 25,300 | 4,014 | 25,300 | 4,014 | 25,300 | | | 4,014 | 25,300 |
| 010 | HIGH MOBILITY ARTILLERY | 57 | 246,041 | 57 | 246,041 | 57 | 246,041 | | | 57 | 246,041 |
| 011 | ARMY TACTICAL MSL SYS | | | | | | | | | | |
| | **MODIFICATION OF MISSILES** | | | | | | | | | | |
| | **MODIFICATIONS** | | | | | | | | | | |
| 012 | PATRIOT MODS | | 524,500 | | 524,500 | | 524,500 | | | | 524,500 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 013 | JAVELIN MISSILE MODS | | | | | | | | | | |
| 014 | ITAS/TOW MODS | | 137,109 | | 137,109 | | 137,109 | | | | 137,109 |
| 015 | MLRS MODS | | 1,872 | | 1,872 | | 1,872 | | | | 1,872 |
| 016 | HIMARS MODIFICATIONS | | 16,408 | | 16,408 | | 16,408 | | | | 16,408 |
| 017 | HELLFIRE MODIFICATIONS | | | | | | | | | | |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| 018 | SPARES AND REPAIR PARTS | | 24,901 | | 24,901 | | 24,901 | | | | 24,901 |
| | **SUPPORT EQUIPMENT AND** | | | | | | | | | | |
| 019 | AIR DEFENSE TARGETS | | 6,442 | | 6,442 | | 6,442 | | | | 6,442 |
| 020 | ITEMS LESS THAN $5.0M | | 10 | | 10 | | 10 | | | | 10 |
| 021 | PRODUCTION BASE SUPPORT | | 4,118 | | 4,118 | | 4,118 | | | | 4,118 |
| | **TOTAL - MISSILE PROCUREMENT, ARMY** | | **2,211,460** | | **2,201,460** | | **2,211,460** | | **-4,000** | | **2,207,460** |
| | **PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES** | | | | | | | | | | |
| 001 | ABRAMS TRNG DEV MOD | | | | | | | | | | |
| 002 | BRADLEY PROGRAM | 21 | 171,989 | 21 | 171,989 | 21 | 171,989 | | | 21 | 171,989 |
| 003 | BRADLEY TRAINING DEVICES | | 4,386 | | 4,386 | | 4,386 | | | | 4,386 |
| 004 | ABRAMS TANK TRAINING DEVICES | | | | | | | | | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 005 | STRYKER VEHICLE | 119 | 1,174,947 | 119 | 1,019,147 | 119 | 1,174,947 | | -33,000 | 119 | 1,141,947 |
| | Stryker Mobile Gun System | | | | [-155,800] | | | | [-33,000] | | |
| 006 | FUTURE COMBAT SYSTEMS: (FCS) | 6 | 128,419 | 6 | 128,419 | 6 | 128,419 | | | 6 | 128,419 |
| 007 | ADVANCE PROCUREMENT (CY) | | 26,164 | | 26,164 | | 26,164 | | | | 26,164 |
| 008 | FCS SPIN OUTS | | 161,879 | | 161,879 | | 161,879 | | -137,679 | | 24,200 |
| | Procurement of Spin Out Hardware Delayed to Fiscal Year 2010 | | | | | | | | [-137,679] | | |
| 009 | ADVANCE PROCUREMENT (CY) | | 14,788 | | 14,788 | | 14,788 | | | | 14,788 |
| | **MODIFICATION OF TRACKED** | | | | | | | | | | |
| 010 | CARRIER, MOD | | | | | | | | | | |
| 011 | FIST VEHICLE (MOD) | 6 | 33,426 | 6 | 33,426 | 6 | 33,426 | | | 6 | 33,426 |
| 012 | BRADLEY PROGRAM (MOD) | | 311,925 | | 311,925 | | 311,925 | | | | 311,925 |
| 013 | HOWITZER, MED SP FT 155MM | | 28,913 | | 28,913 | | 28,913 | | | | 28,913 |
| 014 | IMPROVED RECOVERY VEHICLE | 39 | 132,701 | 39 | 132,701 | 39 | 132,701 | | | 39 | 132,701 |
| 015 | ARMORED BREACHER VEHICLE | 11 | 34,713 | 11 | 34,713 | 11 | 34,713 | | | 11 | 34,713 |
| 016 | ARMORED VEH LAUNCH BRIDGE | | | | | | | | | | |
| 017 | JOINT ASSAULT BRIDGE | 11 | 40,464 | 11 | 40,464 | 11 | 40,464 | | | 11 | 40,464 |
| 018 | M1 ABRAMS TANK (MOD) | | 341,569 | | 341,569 | | 341,569 | | | | 341,569 |
| 019 | SYSTEM ENHANCEMENT PGM: SEP | | | | | | | | | | |
| 020 | ABRAMS UPGRADE PROGRAM | 29 | 351,179 | 29 | 351,179 | 29 | 351,179 | | | 29 | 351,179 |
| 021 | ITEMS LESS THAN $5.0M (TCV- | | | | | | | | | | |
| 022 | WTCV) | | 7,136 | | 7,136 | | 7,136 | | | | 7,136 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **WEAPONS AND OTHER COMBAT** | | | | | | | | | | |
| 023 | HOWITZER, LIGHT, TOWED, 105MM, | 90 | 118,431 | 90 | 118,431 | 90 | 118,431 | | | 90 | 118,431 |
| 024 | M240 MEDIUM MACHINE GUN | 5,900 | 61,334 | 5,900 | 61,334 | 5,900 | 61,334 | | | 5,900 | 61,334 |
| 025 | MACHINE GUN, CAL .50 M2 ROLL | 6,167 | 99,881 | 6,167 | 99,881 | 6,167 | 99,881 | | | 6,167 | 99,881 |
| 026 | M249 SAW MACHINE GUN (5.56MM) | 5,150 | 22,134 | 5,150 | 22,134 | 5,150 | 22,134 | | | 5,150 | 22,134 |
| 027 | MK-19 GRENADE MACHINE GUN | 785 | 17,328 | 785 | 17,328 | 785 | 17,328 | | | 785 | 17,328 |
| 028 | MORTAR SYSTEMS | 165 | 15,500 | 165 | 15,500 | 165 | 15,500 | | | 165 | 15,500 |
| 029 | M107, CAL. 50, SNIPER RIFLE | | 223 | | 223 | | 223 | | | | 223 |
| 030 | XM320 GRENADE LAUNCHER | 9,342 | 31,756 | 9,342 | 31,756 | 9,342 | 31,756 | | | 9,342 | 31,756 |
| 031 | XM110 SEMI-AUTOMATIC SNIPER | 508 | 7,407 | 508 | 7,407 | 508 | 7,407 | | | 508 | 7,407 |
| 032 | M4 CARBINE | 88,964 | 151,055 | 88,964 | 151,055 | 88,964 | 151,055 | | | 88,964 | 151,055 |
| 033 | SHOTGUN, MODULAR ACCESSORY | 7,135 | 9,097 | 7,135 | 9,097 | 7,135 | 9,097 | | | 7,135 | 9,097 |
| 034 | COMMON REMOTELY OPERATED | | | | | | | | | | |
| 035 | FUTURE HANDGUN SYSTEM (FHS) | 5,000 | 3,468 | 5,000 | 3,468 | 5,000 | 3,468 | | | 5,000 | 3,468 |
| 036 | HOWITZER LT WT 155MM (T) | 38 | 113,205 | 38 | 113,205 | 38 | 113,205 | | | 38 | 113,205 |
| | **MODIFICATION OF WEAPONS AND** | | | | | | | | | | |
| 037 | MK-19 GRENADE MACHINE GUN | | 7,654 | | 7,654 | | 7,654 | | | | 7,654 |
| 038 | M4 CARBINE MODS | | 16,796 | | 16,796 | | 16,796 | | | | 16,796 |
| 039 | M2 50 CAL MACHINE GUN MODS | | | | | | | | | | |
| 040 | M249 SAW MACHINE GUN MODS | | 7,088 | | 7,088 | | 7,088 | | | | 7,088 |
| 041 | M240 MEDIUM MACHINE GUN | | 21,128 | | 21,128 | | 21,128 | | | | 21,128 |
| 042 | PHALANX MODS | | | | | | | | | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 043 | M119 MODIFICATIONS | | 964 | | 964 | | 964 | | | | 964 |
| 044 | M16 RIFLE MODS | | 1,181 | | 1,181 | | 1,181 | | | | 1,181 |
| 045 | MODIFICATIONS LESS THAN $5.0M | | 3,763 | | 9,663 | | 3,763 | | | | 3,763 |
| | Stryker Situation Awareness Soldier | | | | [5,900] | | | | | | |
| | **SUPPORT EQUIPMENT AND** | | | | | | | | | | |
| 046 | ITEMS LESS THAN $5.0M (WOCV- | | 2,187 | | 4,187 | | 2,187 | | | | 2,187 |
| | M1A1 Transmission Dynamometer | | | | [2,000] | | | | | | |
| 047 | PRODUCTION BASE SUPPORT | | 6,545 | | 6,545 | | 6,545 | | | | 6,545 |
| 048 | INDUSTRIAL PREPAREDNESS | | 3,104 | | 3,104 | | 3,104 | | | | 3,104 |
| 049 | SMALL ARMS EQUIPMENT | | 1,250 | | 1,250 | | 3,450 | | | | 1,250 |
| | Additional small arms – Army UFR | | | | | | [2,200] | | | | |
| 050 | REF SMALL ARMS | | | | | | | | | | |
| 051 | CLOSED ACCOUNT ADJUSTMENTS | | | | | | | | | | |
| | **TOTAL - PROCUREMENT OF WTCV, ARMY** | | **3,687,077** | | **3,539,177** | | **3,689,277** | | **-170,679** | | **3,516,398** |
| | **PROCUREMENT OF AMMUNITION, AMMUNITION** | | | | | | | | | | |
| | **SMALL/MEDIUM CALIBER** | | | | | | | | | | |
| 001 | CTG, 5.56MM, ALL TYPES | | 197,130 | | 197,130 | | 197,130 | | | | 197,130 |
| 002 | CTG, 7.62MM, ALL TYPES | | 59,181 | | 59,181 | | 59,181 | | | | 59,181 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 003 | CTG, HANDGUN, ALL TYPES | | 6,276 | | 6,276 | | 6,276 | | | | 6,276 |
| 004 | CTG, .50 CAL, ALL TYPES | | 183,813 | | 183,813 | | 183,813 | | | | 183,813 |
| 005 | CTG, 20MM, ALL TYPES | | | | | | | | | | |
| 006 | CTG, 25MM, ALL TYPES | | 14,742 | | 14,742 | | 14,742 | | | | 14,742 |
| 007 | CTG, 30MM, ALL TYPES | | 79,066 | | 79,066 | | 79,066 | | | | 79,066 |
| 008 | CTG, 40MM, ALL TYPES | | 293,322 | | 293,322 | | 293,322 | | | | 293,322 |
| | **MORTAR AMMUNITION** | | | | | | | | | | |
| 009 | 60MM MORTAR, ALL TYPES | | 17,055 | | 17,055 | | 17,055 | | | | 17,055 |
| 010 | 81MM MORTAR, ALL TYPES | | 58,521 | | 58,521 | | 58,521 | | | | 58,521 |
| 011 | CTG, MORTAR, 120MM, ALL TYPES | | 117,601 | | 117,601 | | 117,601 | | | | 117,601 |
| | **TANK AMMUNITION** | | | | | | | | | | |
| 012 | CTG TANK 105MM: ALL TYPES | | 15,829 | | 15,829 | | 15,829 | | | | 15,829 |
| 013 | CTG, TANK, 120MM, ALL TYPES | | 151,015 | | 151,015 | | 151,015 | | | | 151,015 |
| | **ARTILLERY AMMUNITION** | | | | | | | | | | |
| 014 | CTG, ARTY, 75MM: ALL TYPES | | 2,741 | | 2,741 | | 2,741 | | | | 2,741 |
| 015 | CTG, ARTY, 105MM: ALL TYPES | | 42,153 | | 42,153 | | 42,153 | | | | 42,153 |
| 016 | CTG, ARTY, 155MM, ALL TYPES | | 85,030 | | 85,030 | | 85,030 | | | | 85,030 |
| 017 | PROJ 155MM EXTENDED RANGE | | 34,220 | | 49,220 | | 34,220 | | | | 34,220 |
| | Excalibur XM982 Extended Range Artillery Projectile | | | | [15,000] | | | | | | |
| 018 | MODULAR ARTILLERY CHARGE | | 43,338 | | 43,338 | | 43,338 | | | | 43,338 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **ARTILLERY FUZES** | | | | | | | | | | |
| 019 | ARTILLERY FUZES, ALL TYPES | | 19,969 | | 19,969 | | 19,969 | | | | 19,969 |
| | **MINES** | | | | | | | | | | |
| 020 | MINES, ALL TYPES | | 4,846 | | 4,846 | | 4,846 | | | | 4,846 |
| 021 | MINE, CLEARING CHARGE, ALL | | 2,606 | | 2,606 | | 2,606 | | | | 2,606 |
| 022 | ANTIPERSONNEL LANDMINE | | 52,000 | | 52,000 | | 52,000 | | | | 52,000 |
| | **ROCKETS** | | | | | | | | | | |
| 023 | SHOULDER LAUNCHED | | 28,020 | | 28,020 | | 28,020 | | | | 28,020 |
| 024 | ROCKET, HYDRA 70, ALL TYPES | | 142,521 | | 142,521 | | 142,521 | | | | 142,521 |
| | **OTHER AMMUNITION** | | | | | | | | | | |
| 025 | DEMOLITION MUNITIONS, ALL | | 28,886 | | 28,886 | | 28,886 | | | | 28,886 |
| 026 | GRENADES, ALL TYPES | | 71,608 | | 71,608 | | 78,608 | | 5,000 | | 76,608 |
| | Program increase (Grenades all types) | | | | | | [7,000] | | [5,000] | | |
| 027 | SIGNALS, ALL TYPES | | 89,357 | | 89,357 | | 89,357 | | | | 89,357 |
| 028 | CARTRIDGE, IMPULSE, BBU-35/B | | | | | | | | | | |
| 029 | SIMULATORS, ALL TYPES | | 20,027 | | 20,027 | | 20,027 | | | | 20,027 |
| 030 | SIMULATOR, HOSTILE FIRE, XM34 | | | | | | | | | | |
| 031 | SIMULATOR, TARGET HIT, XM35 | | | | | | | | | | |
| 032 | FLARE, AIRCRAFT, | | | | | | | | | | |
| 033 | ALL OTHER (AMMO) | | | | | | | | | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MISCELLANEOUS** | | | | | | | | | | |
| 034 | AMMO COMPONENTS, ALL TYPES | | 15,228 | | 15,228 | | 15,228 | | | | 15,228 |
| 035 | NON-LETHAL AMMUNITION, ALL | | 21,193 | | 21,193 | | 21,193 | | | | 21,193 |
| 036 | CAD/PAD ALL TYPES | | 2,806 | | 2,806 | | 2,806 | | | | 2,806 |
| 037 | ITEMS LESS THAN $5 MILLION | | 6,996 | | 6,996 | | 6,996 | | | | 6,996 |
| 038 | AMMUNITION PECULIAR | | 10,598 | | 14,598 | | 10,598 | | | | 10,598 |
| | Outloading Module-McAlester Army | | | | [4,000] | | | | | | |
| 039 | FIRST DESTINATION | | 12,564 | | 12,564 | | 12,564 | | | | 12,564 |
| 040 | CLOSEOUT LIABILITIES | | 100 | | 100 | | 100 | | | | 100 |
| | **AMMUNITION PRODUCTION BASE** | | | | | | | | | | |
| | **PRODUCTION BASE SUPPORT** | | | | | | | | | | |
| 041 | PROVISION OF INDUSTRIAL | | 187,388 | | 187,388 | | 208,388 | | | | 187,388 |
| | Radford AAP upgrades | | | | | | [20,000] | | | | |
| | Bomb line modernization | | | | | | [1,000] | | | | |
| 042 | LAYAWAY OF INDUSTRIAL | | 5,085 | | 5,085 | | 5,085 | | | | 5,085 |
| 043 | MAINTENANCE OF INACTIVE | | 5,619 | | 5,619 | | 5,619 | | | | 5,619 |
| 044 | CONVENTIONAL MUNITIONS | | 144,327 | | 144,327 | | 144,327 | | | | 144,327 |
| 045 | ARMS INITIATIVE | | 3,014 | | 3,014 | | 3,014 | | | | 3,014 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RE-ESTIMATE OF GUARANTEED** | | | | | | | | | | |
| 046 | RE-ESTIMATE OF GUAR LOAN | | | | | | | | | | |
| | **TOTAL - PROCUREMENT OF AMMUNITION, ARMY** | | **2,275,791** | | **2,294,791** | | **2,303,791** | | **5,000** | | **2,280,791** |
| | **OTHER PROCUREMENT, ARMY** | | | | | | | | | | |
| | **TACTICAL AND SUPPORT** | | | | | | | | | | |
| | **TACTICAL VEHICLES** | | | | | | | | | | |
| 001 | TACTICAL TRAILERS/DOLLY SETS | | 88,428 | | 88,428 | | 88,428 | | | | 88,428 |
| 002 | SEMITRAILERS, FLATBED: | | 62,345 | | 62,345 | | 62,345 | | | | 62,345 |
| 003 | SEMITRAILERS, TANKERS | | 47,476 | | 47,476 | | 47,476 | | | | 47,476 |
| 004 | HI MOB MULTI-PURP WHLD VEH | | 946,734 | | 946,734 | | 946,734 | | -113,200 | | 833,534 |
| | ECV variants, funded ahead of need | | | | | | | | [-113,200] | | |
| 005 | FAMILY OF MEDIUM TACTICAL VEH | | 944,687 | | 944,687 | | 1,025,387 | | -100,000 | | 844,687 |
| | Additional palletized loading systems | | | | | | [80,700] | | | | |
| | Production Backlog | | | | | | | | [-100,000] | | |
| 006 | FIRETRUCKS & ASSOCIATED | | 19,378 | | 19,378 | | 19,378 | | | | 19,378 |
| 007 | FAMILY OF HEAVY TACTICAL | | 923,348 | | 923,348 | | 966,448 | | | | 923,348 |
| | Additional heavy equipment transporter system (HETS) – Army | | | | | | [43,100] | | | | |
| 008 | ARMORED SECURITY VEHICLES | 202 | 195,385 | 202 | 195,385 | 202 | 195,385 | | -13,700 | 202 | 181,685 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Unjustified Cost Growth | | | | | | | | [-13,700] | | |
| 009 | MINE PROTECTION VEHICLE | | 182,367 | | 182,367 | | 182,367 | | | | 182,367 |
| 010 | TRUCK, TRACTOR, LINE HAUL, | | 14,870 | | 14,870 | | 14,870 | | | | 14,870 |
| 011 | HVY EXPANDED MOBILE TACTICAL | | 213,341 | | 213,341 | | 213,341 | | | | 213,341 |
| 012 | HMMWV RECAPITALIZATION | | | | | | | | | | |
| 013 | MODIFICATION OF IN SVC EQUIP | | 32,219 | | 37,219 | | 32,219 | | 1,000 | | 33,219 |
| | Passive Fuel Tank Fire Suppr. Kits - FMTVs | | | | [5,000] | | | | [1,000] | | |
| 014 | ITEMS LESS THAN $5.0M (TAC VEH) | | 511 | | 511 | | 511 | | | | 511 |
| 015 | TOWING DEVICE-FIFTH WHEEL | 3 | 218 | 3 | 218 | 3 | 218 | | | 3 | 218 |
| | **NON-TACTICAL VEHICLES** | | | | | | | | | | |
| 016 | HEAVY ARMORED SEDAN | 3 | 595 | 3 | 595 | 3 | 595 | | | 3 | 595 |
| 017 | PASSENGER CARRYING VEHICLES | 8 | 280 | 8 | 280 | 8 | 280 | | | 8 | 280 |
| 018 | NONTACTICAL VEHICLES, OTHER | | 3,380 | | 3,380 | | 3,380 | | | | 3,380 |
| | **COMMUNICATIONS AND COMM-JOINT COMMUNICATIONS** | | | | | | | | | | |
| 019 | COMBAT IDENTIFICATION | | | | | | | | | | |
| 020 | JOINT COMBAT IDENTIFICATION | | 12,910 | | 12,910 | | 12,910 | | | | 12,910 |
| 021 | WIN-T - GROUND FORCES | | 287,605 | | 242,593 | | 245,605 | | -42,000 | | 245,605 |
| | WIN-T Increment 2 Reduction | | | | [-45,012] | | | | [-42,000] | | |
| | Area Common User System modernization program reduction | | | | | | [-42,000] | | | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 022 | JCSE EQUIPMENT (USREDCOM) | | 4,114 | | 4,114 | | 4,114 | | | | 4,114 |
| | **COMM-SATELLITE** | | | | | | | | | | |
| 023 | SECOMP-I | | | | | | | | | | |
| 024 | DEFENSE ENTERPRISE WIDEBAND | | 88,286 | | 88,286 | | 88,286 | | | | 88,286 |
| 025 | SHF TERM | | 298 | | 298 | | 15,298 | | | | 298 |
| | Super high frequency terminals – Army UFR | | | | | | [15,000] | | | | |
| 026 | SAT TERM, EMUT (SPACE) | | 807 | | 807 | | 807 | | | | 807 |
| 027 | NAVSTAR GLOBAL POSITIONING | | 92,311 | | 97,311 | | 108,811 | | 2,500 | | 94,811 |
| | Defense Advanced GPS Receivers | | | | [5,000] | | | | [2,500] | | |
| | Additional defense advanced GPS receivers – Army UFR | | | | | | [16,500] | | | | |
| 028 | SMART-T (SPACE) | | 85,286 | | 85,286 | | 85,286 | | | | 85,286 |
| 029 | SCAMP (SPACE) | | 993 | | 993 | | 993 | | | | 993 |
| 030 | GLOBAL BRDCST SVC - GBS | | 35,385 | | 35,385 | | 35,385 | | | | 35,385 |
| 031 | MOD OF IN-SVC EQUIP (TAC SAT) | | 6,075 | | 6,075 | | 10,075 | | | | 6,075 |
| | Tactical satellite equipment upgrades | | | | | | [4,000] | | | | |
| | **COMM-C3 SYSTEM** | | | | | | | | | | |
| 032 | ARMY GLOBAL CMD & CONTROL | | 33,513 | | 33,513 | | 28,791 | | | | 33,513 |
| | Net-enabled command capability | | | | | | [-4,722] | | | | |
| | **COMM-COMBAT** | | | | | | | | | | |
| 033 | ARMY DATA DISTRIBUTION | | 36,077 | | 36,077 | | 36,077 | | | | 36,077 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 034 | RADIO TERMINAL SET, MIDS LVT(2) | | 8,570 | | 8,570 | | 8,570 | | | | 8,570 |
| 035 | SINCGARS FAMILY | | 84,888 | | | | 84,888 | | | | 84,888 |
| | Program Reduction | | | | [-84,888] | | | | | | |
| 036 | AMC CRITICAL ITEMS - OPA2 | | 4,073 | | 4,073 | | 4,073 | | | | 4,073 |
| 037 | MULTI-PURPOSE INFORMATIONS | | 7,801 | | 7,801 | | 7,801 | | | | 7,801 |
| 038 | BRIDGE TO FUTURE NETWORKS | | | | | | | | | | |
| 039 | COMMS-ELEC EQUIP FIELDING | | 7,828 | | 7,828 | | 7,828 | | | | 7,828 |
| 040 | SPIDER APLA REMOTE CONTROL | 125 | 18,000 | 125 | 18,000 | 125 | 18,000 | | | 125 | 18,000 |
| 041 | SOLDIER ENHANCEMENT | | 7,545 | | 7,545 | | 7,545 | | | | 7,545 |
| 042 | COMBAT SURVIVOR EVADER | | 16,155 | | 16,155 | | 16,155 | | | | 16,155 |
| 043 | RADIO, IMPROVED HF (COTS) | | 48,436 | | 48,436 | | 71,236 | | | | 48,436 |
| | Commercial, off-the-shelf tactical radios equipment – Army UFR | | | | | | [22,800] | | | | |
| 044 | MEDICAL COMM FOR CBT | | 38,281 | | 38,281 | | 39,681 | | | | 38,281 |
| | Medical communication & combat casualty care equipment – Army UFR | | | | | | [1,400] | | | | |
| | **COMM-INTELLIGENCE** | | | | | | | | | | |
| 045 | CI AUTOMATION ARCHITECTURE | | 1,500 | | 1,500 | | 1,500 | | | | 1,500 |
| | **INFORMATION SECURITY** | | | | | | | | | | |
| 046 | TSEC - ARMY KEY MGT SYS (AKMS) | | 34,774 | | 34,774 | | 34,774 | | | | 34,774 |
| 047 | INFORMATION SYSTEM SECURITY | | 76,570 | | 76,570 | | 76,570 | | | | 76,570 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **COMM-LONG HAUL** | | | | | | | | | | |
| 048 | TERRESTRIAL TRANSMISSION | | 9,167 | | 9,167 | | 9,167 | | | | 9,167 |
| 049 | BASE SUPPORT | | 35,120 | | 35,120 | | 35,120 | | | | 35,120 |
| 050 | ELECTROMAG COMP PROG (EMCP) | | | | | | | | | | |
| 051 | WW TECH CON IMP PROG | | 28,736 | | 28,736 | | 28,736 | | | | 28,736 |
| | **COMM-BASE COMMUNICATIONS** | | | | | | | | | | |
| 052 | INFORMATION SYSTEMS | | 278,999 | | 273,999 | | 278,999 | | | | 278,999 |
| | Network Enterprise Technology Command Unjustified growth | | | | [-5,000] | | | | | | |
| 053 | DEFENSE MESSAGE SYSTEM | | 6,726 | | 6,726 | | 6,726 | | | | 6,726 |
| 054 | INSTALLATION INFO | | 231,336 | | 231,336 | | 234,336 | | 2,000 | | 233,336 |
| | Information technology upgrades | | | | | | [3,000] | | [2,000] | | |
| 055 | PENTAGON INFORMATION MGT | | 33,317 | | 33,317 | | 33,317 | | | | 33,317 |
| | **ELECT EQUIP-NAT FOR INT PROG** | | | | | | | | | | |
| 56 | FOREIGN COUNTERINTELLIGENCE I | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 57 | GENERAL DEFENSE INTELL PROG ( | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 058 | ALL SOURCE ANALYSIS SYS (ASAS) | | 58,333 | | 58,333 | | 58,333 | | | | 58,333 |
| 059 | JTT/CIBS-M (MIP) | | 11,377 | | 11,377 | | 11,377 | | | | 11,377 |
| 060 | PROPHET GROUND (MIP) | | 114,085 | | 114,085 | | 114,085 | | | | 114,085 |
| 061 | TACTICAL UNMANNED AERIAL SYS | | 316,598 | | 316,598 | | 316,598 | | | | 316,598 |
| 062 | SMALL UNMANNED AERIAL | | 30,023 | | 30,023 | | 30,023 | | | | 30,023 |
| 063 | DIGITAL TOPOGRAPHIC SPT SYS | | 26,802 | | 26,802 | | 26,802 | | | | 26,802 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 064 | DRUG INTERDICTION PROGRAM | | | | | | | | | | |
| 065 | TACTICAL EXPLOITATION SYSTEM | | | | | | | | | | |
| 066 | DCGS-A (MIP) | | 177,973 | | 177,973 | | 177,973 | | | | 177,973 |
| 067 | TROJAN (MIP) | | 10,409 | | 10,409 | | 10,409 | | | | 10,409 |
| 068 | MOD OF IN-SVC EQUIP (INTEL SPT) | | 2,423 | | 2,423 | | 2,423 | | | | 2,423 |
| 069 | CI HUMINT AUTO REPRTING AND | | 37,632 | | 37,632 | | 37,632 | | | | 37,632 |
| 070 | SEQUOYAH FOREIGN LANGUAGE | | 6,358 | | | | | | | | |
| | TRANSLATION SYSTEM | | | | 6,358 | | 6,358 | | | | 6,358 |
| 071 | ITEMS LESS THAN $5.0M (MIP) | | 27,731 | | 27,731 | | 27,731 | | | | 27,731 |
| | **ELECT EQUIP-ELECTRONIC** | | | | | | | | | | |
| 072 | LIGHTWEIGHT COUNTER MORTAR | | 46,397 | | 46,397 | | 46,397 | | | | 46,397 |
| 073 | WARLOCK | 38 | | 38 | | 38 | | | | 38 | |
| 074 | COUNTERINTELLIGENCE/SECURIT | | 993 | | 993 | | 25,993 | | | | 993 |
| | Triton III | | | | | | [25,000] | | | | |
| 075 | CI MODERNIZATION (MIP) | | 1,297 | | 1,297 | | 1,297 | | | | 1,297 |
| | **ELECT EQUIP-TACTICAL SURV.** | | | | | | | | | | |
| 076 | SENTINEL MODS | | 33,142 | | 33,142 | | 33,142 | | | | 33,142 |
| 077 | NIGHT VISION DEVICES | | 465,592 | | 465,592 | | 494,392 | | | | 465,592 |
| | Additional night vision devices - Army UFR | | | | | | [28,800] | | | | |
| 078 | LONG RANGE ADVANCED SCOUT | 41 | 210,766 | 41 | 210,766 | 41 | 210,766 | | | 41 | 210,766 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 079 | NIGHT VISION, THERMAL WPN | | 416,866 | | 416,866 | | 469,366 | | | | 416,866 |
| | Additional driver vision enhancement systems – Army UFR | | | | | | [52,500] | | | | |
| 080 | RADIATION MONITORING SYSTEMS | | 3,440 | | 3,440 | | 3,440 | | | | 3,440 |
| 081 | COUNTER-ROCKET, ARTILLERY & | | | | | | | | | | |
| 082 | ARTILLERY ACCURACY EQUIP | | 447 | | 447 | | 447 | | | | 447 |
| 083 | MOD OF IN-SVC EQUIP (MMS) | | | | 1,000 | | | | 1,000 | | 1,000 |
| | Retrofit 30th HBCT Radios With Embedded SAASM GPS Card | | | | [1,000] | | | | [1,000] | | |
| 084 | ENHANCED PORTABLE INDUCTIVE | | 2,579 | | 2,579 | | 2,579 | | | | 2,579 |
| 085 | PROFILER | 8 | 12,517 | 8 | 5,017 | 8 | 12,517 | | | 8 | 12,517 |
| | Profiler Meteorological System | | | | [-7,500] | | | | | | |
| 086 | MOD OF IN-SVC EQUIP | | 16,342 | | 16,342 | | 16,342 | | | | 16,342 |
| 087 | FORCE XXI BATTLE CMD BRIGADE | | 231,651 | | 231,651 | | 231,651 | | | | 231,651 |
| 088 | LIGHTWEIGHT LASER | | 150,094 | | 150,094 | | 150,094 | | | | 150,094 |
| 089 | COMPUTER BALLISTICS: LHMBC | | 2,269 | | 2,269 | | 2,269 | | | | 2,269 |
| 090 | MORTAR FIRE CONTROL SYSTEM | | 21,037 | | 21,037 | | 21,037 | | | | 21,037 |
| 091 | COUNTERFIRE RADARS | | 107,061 | | 60,361 | | 107,061 | | | | 107,061 |
| | Program Reduction | | | | [-46,700] | | | | | | |
| 092 | INTEGRATED MET SYS SENSORS | | | | | | | | | | |
| 093 | ENHANCED SENSOR & | | 1,987 | | 1,987 | | 1,987 | | | | 1,987 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **ELECT EQUIP-TACTICAL C2** | | | | | | | | | | |
| 094 | TACTICAL OPERATIONS CENTERS | | 196,245 | | 147,245 | | 196,245 | | | | 196,245 |
| | Program Reduction | | | | [-49,000] | | | | | | |
| 095 | FIRE SUPPORT C2 FAMILY | | 53,908 | | 53,908 | | 53,908 | | | | 53,908 |
| 096 | BATTLE COMMAND SUSTAINMENT | | 36,829 | | 36,829 | | 36,829 | | | | 36,829 |
| 097 | FAAD C2 | | 7,489 | | 7,489 | | 7,489 | | | | 7,489 |
| 098 | AIR & MSL DEFENSE PLANNING & | | 57,674 | | 57,674 | | 57,674 | | | | 57,674 |
| 099 | KNIGHT FAMILY | | 100,709 | | 100,709 | | 100,709 | | | | 100,709 |
| 100 | LIFE CYCLE SOFTWARE SUPPORT | | 2,101 | | 2,101 | | 8,001 | | | | 2,101 |
| | Life cycle software support – Army | | | | | | [5,900] | | | | |
| 101 | AUTOMATIC IDENTIFICATION | | 83,530 | | 83,530 | | 89,430 | | | | 83,530 |
| | Additional automatic identification equipment – Army UFR | | | | | | [5,900] | | | | |
| 102 | TC AIMS II | | 31,879 | | 31,879 | | 37,779 | | | | 31,879 |
| | Additional transportation coordinator's automated information for movement system equipment (TC | | | | | | [5,900] | | | | |
| 103 | JOINT NETWORK MANAGEMENT | | 11,059 | | 11,059 | | 11,059 | | | | 11,059 |
| 104 | TACTICAL INTERNET MANAGER | | 4,809 | | 4,809 | | 4,809 | | | | 4,809 |
| 105 | DATA PRODUCTS | | 30,077 | | 30,077 | | 30,077 | | | | 30,077 |
| 106 | MANEUVER CONTROL SYSTEM | | 123,009 | | 123,009 | | 123,009 | | | | 123,009 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 107 | SINGLE ARMY LOGISTICS | | 67,960 | | 62,960 | | 68,260 | | | | 67,960 |
| | Logistics Post Production Software | | | | [-5,000] | | | | | | |
| | Additional logistics automation systems – Army UFR | | | | | | [300] | | | | |
| 108 | MOUNTED BATTLE COMMAND ON | | 25,869 | | 25,869 | | 25,869 | | | | 25,869 |
| | **ELECT EQUIP - AUTOMATION** | | | | | | | | | | |
| 109 | GENERAL FUND ENTERPRISE | | 30,137 | | 30,137 | | 30,137 | | | | 30,137 |
| 110 | ARMY TRAINING MODERNIZATION | | 13,481 | | 13,481 | | 13,481 | | | | 13,481 |
| 111 | AUTOMATED DATA PROCESSING | | 105,343 | | 109,343 | | 105,343 | | 2,000 | | 107,343 |
| | Interoperable Radios - TX ARNG | | | | [1,000] | | | | [1,000] | | |
| | Joint incident scene communication capability | | | | [3,000] | | | | [1,000] | | |
| 112 | CSS COMMUNICATIONS | | 36,744 | | 36,744 | | 42,644 | | | | 36,744 |
| | Combat service support communications equipment – Army | | | | | | [5,900] | | | | |
| 113 | RESERVE COMPONENT | | 42,462 | | 42,462 | | 42,462 | | | | 42,462 |
| | **ELECT EQUIP-AUDIO VISUAL SYS** | | | | | | | | | | |
| 114 | AFRTS | | | | | | | | | | |
| 115 | ITEMS LESS THAN $5.0M (A/V) | | 6,677 | | 6,677 | | 6,677 | | | | 6,677 |
| 116 | ITEMS LESS THAN $5M | | 12,613 | | 12,613 | | 12,613 | | | | 12,613 |
| | **ELECT EQUIP-MODS TACTICAL** | | | | | | | | | | |
| 117 | WEAPONIZATION OF UNMANNED | | 15,124 | | 15,124 | | 15,124 | | | | 15,124 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **ELECT EQUIP-SUPPORT** | | | | | | | | | | |
| 118 | ITEMS UNDER $5M (SSE) | | 6,517 | | 8,517 | | 6,517 | | 2,000 | | 8,517 |
| | SAASM PPS GPS Upgrade | | | | [2,000] | | | | [2,000] | | |
| 119 | PRODUCTION BASE SUPPORT (C- | | 514 | | 514 | | 514 | | | | 514 |
| | **OTHER SUPPORT EQUIPMENT** | | | | | | | | | | |
| | **CHEMICAL DEFENSIVE** | | | | | | | | | | |
| 120 | PROTECTIVE SYSTEMS | 35 | 1,085 | 35 | 1,085 | 35 | 1,085 | | | 35 | 1,085 |
| 121 | MASK, ACFT | | | | | | | | | | |
| 122 | CBRN SOLDIER PROTECTION | | 58,426 | | 58,426 | | 58,426 | | | | 58,426 |
| 123 | SMOKE & OBSCURANT FAMILY: | | 16,814 | | 16,814 | | 16,814 | | | | 16,814 |
| | **BRIDGING EQUIPMENT** | | | | | | | | | | |
| 124 | TACTICAL BRIDGING | 19 | 93,930 | 19 | 93,930 | 19 | 93,930 | | | 19 | 93,930 |
| 125 | TACTICAL BRIDGE, FLOAT-RIBBON | | 147,270 | | 147,270 | | 147,270 | | | | 147,270 |
| | **ENGINEER (NON-CONSTRUCTION)** | | | | | | | | | | |
| 126 | HANDHELD STANDOFF MINEFIELD | | 46,007 | | 46,007 | | 46,007 | | | | 46,007 |
| 127 | GRND STANDOFF MINE | | 46,783 | | 46,783 | | 52,783 | | | | 46,783 |
| | Fido explosives detector | | | | | | [6,000] | | | | |
| 128 | EXPLOSIVE ORDNANCE DISPOSAL | | 58,437 | | 58,437 | | 58,437 | | | | 58,437 |
| 129 | < $5M, COUNTERMINE EQUIPMENT | | 3,192 | | 3,192 | | 3,192 | | | | 3,192 |
| 130 | AERIAL DETECTION | | 12,773 | | 12,773 | | 12,773 | | | | 12,773 |
| | **COMBAT SERVICE SUPPORT** | | | | | | | | | | |
| 131 | HEATERS AND ECU'S | | 12,996 | | 12,996 | | 12,996 | | | | 12,996 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 132 | LAUNDRIES, SHOWERS AND | | 7,002 | | 7,002 | | 7,002 | | | | 7,002 |
| 133 | SOLDIER ENHANCEMENT | | 9,898 | | 9,898 | | 9,898 | | | | 9,898 |
| 134 | LIGHTWEIGHT MAINTENANCE | | | | | | | | | | |
| 135 | LAND WARRIOR | | | | 20,000 | | 102,000 | | | | |
| | Program increase | | | | [20,000] | | [102,000] | | | | |
| 136 | FORCE PROVIDER | | | | | | | | | | |
| 137 | FIELD FEEDING EQUIPMENT | | 70,847 | | 73,047 | | 76,247 | | 2,200 | | 73,047 |
| | Multi-temp refrigerated container system (MTRCS) | | | | [2,200] | | | | [2,200] | | |
| | Additional field feeding systems – Army UFR | | | | | | [5,400] | | | | |
| 138 | PARACHUTE & AERIAL DEL SYS | | 63,420 | | 63,420 | | 63,420 | | | | 63,420 |
| 139 | MOBILE INTEGRATED REMAINS | | 17,803 | | 17,803 | | 17,803 | | | | 17,803 |
| 140 | ITEMS LESS THAN $5M (ENG SPT) | | 32,602 | | 32,602 | | 32,602 | | | | 32,602 |
| 141 | ITEMS LESS THAN $5.0M (CSS EQ) | | | | | | | | | | |
| | **PETROLEUM EQUIPMENT** | | | | | | | | | | |
| 142 | QUALITY SURVEILLANCE | | 1,285 | | 1,285 | | 1,285 | | | | 1,285 |
| 143 | DISTRIBUTION SYSTEMS, | | 61,545 | | 61,545 | | 61,545 | | | | 61,545 |
| | **WATER EQUIPMENT** | | | | | | | | | | |
| 144 | WATER PURIFICATION SYSTEMS | | 51,164 | | 51,164 | | 52,364 | | | | 51,164 |
| | Additional water purification systems – Army UFR | | | | | | [1,200] | | | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MEDICAL EQUIPMENT** | | | | | | | | | | |
| 145 | COMBAT SUPPORT MEDICAL | | 62,336 | | 62,336 | | 66,636 | | | | 62,336 |
| | Additional combat medical support equipment – Army UFR | | | | | | [4,300] | | | | |
| | **MAINTENANCE EQUIPMENT** | | | | | | | | | | |
| 146 | MOBILE MAINTENANCE | | 57,994 | | 57,994 | | 57,994 | | | | 57,994 |
| 147 | ITEMS LESS THAN $5.0M (MAINT | | 1,329 | | 1,329 | | 1,329 | | | | 1,329 |
| | **CONSTRUCTION EQUIPMENT** | | | | | | | | | | |
| 148 | GRADER, ROAD MTZD, HVY, 6X4 | | 37,698 | | 37,698 | | 38,698 | | | | 37,698 |
| | Additional graders – Army UFR | | | | | | [1,000] | | | | |
| 149 | SKID STEER LOADER (SSL) FAMILY | | 19,943 | | 19,943 | | 22,943 | | | | 19,943 |
| | Additional skid steer loaders – Army | | | | | | [3,000] | | | | |
| 150 | SCRAPERS, EARTHMOVING | | | | | | 1,000 | | | | |
| | Additional scrapers – Army UFR | | | | | | [1,000] | | | | |
| 151 | DISTR, WATER, SP MIN 2500G | | 6,555 | | 6,555 | | 7,555 | | | | 6,555 |
| | Additional water distributors – Army UFR | | | | | | [1,000] | | | | |
| 152 | MISSION MODULES - ENGINEERING | | 31,525 | | 31,525 | | 32,525 | | | | 31,525 |
| | Additional engineer mission module water distributors – Army UFR | | | | | | [1,000] | | | | |
| 153 | LOADERS | | 27,988 | | 27,988 | | 29,988 | | | | 27,988 |
| | Additional loaders – Army UFR | | | | | | [2,000] | | | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 154 | HYDRAULIC EXCAVATOR | | 9,565 | | 9,565 | | 9,565 | | | | 9,565 |
| 155 | TRACTOR, FULL TRACKED | | 33,727 | | 33,727 | | 35,727 | | | | 33,727 |
| | Additional tractors – Army UFR | | | | | | [2,000] | | | | |
| 156 | CRANES | | | | | | 1,000 | | | | |
| | Additional cranes – Army UFR | | | | | | [1,000] | | | | |
| 157 | PLANT, ASPHALT MIXING | | 7,906 | | 7,906 | | 7,906 | | | | 7,906 |
| 158 | HIGH MOBILITY ENGINEER | | 54,508 | | 54,508 | | 62,508 | | | | 54,508 |
| | Additional high mobility engineer excavators - Army UFR | | | | | | [8,000] | | | | |
| 159 | CONST EQUIP ESP | | 44,703 | | 44,703 | | 45,703 | | | | 44,703 |
| | Additional construction equipment - Army UFR | | | | | | [1,000] | | | | |
| 160 | ITEMS LESS THAN $5.0M (CONST | | 17,030 | | 17,030 | | 21,030 | | | | 17,030 |
| | Additional equipment – Army UFR | | | | | | [4,000] | | | | |
| | **RAIL FLOAT CONTAINERIZATION** | | | | | | | | | | |
| 161 | JOINT HIGH SPEED VESSEL (JHSV) | 1 | 168,846 | 1 | 168,846 | 1 | 168,846 | | | 1 | 168,846 |
| 162 | HARBORMASTER COMMAND AND | | 17,615 | | 17,615 | | 17,615 | | | | 17,615 |
| 163 | CAUSEWAY SYSTEMS | | | | | | | | | | |
| 164 | ITEMS LESS THAN $5.0M | | 7,803 | | 7,803 | | 7,803 | | | | 7,803 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **GENERATORS** | | | | | | | | | | |
| 165 | GENERATORS AND ASSOCIATED | | 217,749 | | 217,749 | | 262,349 | | | | 217,749 |
| | Additional tactical electric generators – Army UFR | | | | | | [44,600] | | | | |
| | **MATERIAL HANDLING EQUIPMENT** | | | | | | | | | | |
| 166 | ROUGH TERRAIN CONTAINER | | 45,000 | | 45,000 | | 45,000 | | | | 45,000 |
| 167 | ALL TERRAIN LIFTING ARMY | | 48,981 | | 48,981 | | 48,981 | | | | 48,981 |
| | **TRAINING EQUIPMENT** | | | | | | | | | | |
| 168 | COMBAT TRAINING CENTERS | | 16,508 | | 16,508 | | 16,508 | | | | 16,508 |
| 169 | TRAINING DEVICES, NONSYSTEM | | 218,614 | | 244,014 | | 251,514 | | 23,400 | | 242,014 |
| | Call for Fire Trnr II - Jnt Forces and Effects Trainer Sys (1) | | | | [4,000] | | | | [4,500] | | |
| | Combat Skills Simulation Systems - OH ARNG | | | | [4,650] | | | | [4,650] | | |
| | Combat Arms Training System | | | | | | [6,000] | | [2,000] | | |
| | Immersive Group Sim Virtual Training System HI ARNG | | | | [4,500] | | | | [1,500] | | |
| | Immersive group simulation | | | | | | [6,000] | | | | |
| | Virtual Interactive Combat Environment - NJ ARNG | | | | [2,000] | | | | [2,000] | | |
| | Joint fires and effects trainer | | | | | | [5,000] | | | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ft Bragg Range 74 Comb Arms Collective Tng Facility I | | | | [4,000] | | | | | | |
| | Laser collective combat training | | | | | | [8,000] | | [4,000] | | |
| | Urban training center instrumentation | | | | | | [2,900] | | | | |
| | Virtual Convoy Operations Trainer - KY ARNG | | | | [1,500] | | | | | | |
| | Operator driving simulators | | | | | | [5,000] | | | | |
| | Combat Skills Marksmanship | | | | [3,000] | | | | [3,000] | | |
| | Instrumentation for Urban Assault Course - TN ARNG | | | | [1,750] | | | | [1,750] | | |
| 170 | CLOSE COMBAT TACTICAL | | 60,676 | | 67,126 | | 60,676 | | 4,950 | | 65,626 |
| | Future Soldier Training System - TX ARNG | | | | [3,000] | | | | [3,000] | | |
| | Mobile Digital Target System - Army Infantry Set | | | | [450] | | | | [450] | | |
| | Abrams Mobile Conduct of Fires Trainer Upgrades | | | | [3,000] | | | | [1,500] | | |
| 171 | AVIATION COMBINED ARMS TACTICAL TRAINER (AVCAT) | | 23,106 | | 23,106 | | 23,106 | | | | 23,106 |
| | **TEST MEASURE AND DIG** | | | | | | | | | | |
| 172 | CALIBRATION SETS EQUIPMENT | | 9,689 | | 9,689 | | 9,689 | | | | 9,689 |
| 173 | INTEGRATED FAMILY OF TEST | | 46,296 | | 46,296 | | 46,296 | | | | 46,296 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 174 | GENERAL PURPOSE ELECTRONIC | | 22,377 | | 22,377 | | 22,377 | | | | 22,377 |
| | **OTHER SUPPORT EQUIPMENT** | | | | | | | | | | |
| 175 | RAPID EQUIPPING SOLDIER | | 20,190 | | 20,190 | | 20,190 | | | | 20,190 |
| 176 | PHYSICAL SECURITY SYSTEMS | | 104,774 | | 110,774 | | 104,774 | | 3,000 | | 107,774 |
| | Battlefield Anti-Intrusion System | | | | [6,000] | | | | [3,000] | | |
| 177 | BASE LEVEL COM'L EQUIPMENT | | 4,123 | | 4,123 | | 4,123 | | | | 4,123 |
| 178 | MODIFICATION OF IN-SVC | | 45,741 | | 45,741 | | 45,741 | | | | 45,741 |
| 179 | PRODUCTION BASE SUPPORT | | 3,107 | | 3,107 | | 3,107 | | | | 3,107 |
| 180 | BUILDING, PRE-FAB, | | | | | | | | | | |
| 181 | SPECIAL EQUIPMENT FOR USER | | 24,201 | | 24,201 | | 24,201 | | | | 24,201 |
| 182 | AMC CRITICAL ITEMS OPA3 | | 10,826 | | 10,826 | | 13,226 | | | | 10,826 |
| | Additional spares – Army UFR | | | | | | [2,400] | | | | |
| 183 | MA8975 | | 2,624 | | 2,624 | | 2,624 | | | | 2,624 |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| | **OPA2** | | | | | | | | | | |
| 184 | INITIAL SPARES - C&E | | 36,334 | | 36,334 | | 36,334 | | | | 36,334 |
| | **OPA3** | | | | | | | | | | |
| 185 | INITIAL SPARES - OTHER SUPPORT | | | | | | | | | | |
| 999 | CLASSIFIED PROGRAMS | | 2,636 | | 2,636 | | 2,636 | | | | 2,636 |
| | **TOTAL - OTHER PROCUREMENT, ARMY** | | **11.367.926** | | **11.201.876** | | **11.861.704** | | **-224.850** | | **11.143.076** |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND** | | | | | | | | | | |
| | **NETWORK ATTACK** | | | | | | | | | | |
| 001 | ATTACK THE NETWORK | | | | | | | | | | |
| | **JIEDDO DEVICE DEFEAT** | | | | | | | | | | |
| 002 | DEFEAT THE DEVICE | | 196,300 | | | | | | -196,300 | | |
| | Transfer to Title XV | | | | [-196,300] | | | | | | |
| | Transfer to Title XV and Title XVI | | | | | | [-196,300] | | | | |
| | **FORCE TRAINING** | | | | | | | | | | |
| 003 | TRAIN THE FORCE | | | | | | | | | | |
| | **STAFF AND INFRASTRUCTURE** | | | | | | | | | | |
| 004 | OPERATIONS | | 300,000 | | | | | | -100,000 | | 200,000 |
| | Transfer to Title XV | | | | [-300,000] | | | | | | |
| | Transfer to Title XV and Title XVI | | | | | | [-300,000] | | | | |
| | **TOTAL - JOINT IED DEFEAT FUND** | | **496,300** | | | | | | **-296,300** | | **200,000** |

# Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AIRCRAFT PROCUREMENT, NAVY** | | | | | | | | | | |
| | **COMBAT AIRCRAFT** | | | | | | | | | | |
| 001 | AV-8B (V/STOL)HARRIER (MYP) | | 3,401 | | 3,401 | | 3,401 | | | | 3,401 |
| 002 | EA-18G | 22 | 1,604,800 | 22 | 1,559,800 | 22 | 1,604,800 | | | 22 | 1,604,800 |
| | EA-18G | | | | [-45,000] | | | | | | |
| 003 | ADVANCE PROCUREMENT (CY) | | 46,831 | | 46,831 | | 46,831 | | | | 46,831 |
| 004 | F/A-18E/F (FIGHTER) HORNET | 23 | 1,868,688 | 23 | 1,828,188 | 23 | 1,868,688 | | | 23 | 1,868,688 |
| | F/A-18E/F (FIGHTER) HORNET | | | | [-45,000] | | | | | | |
| | BRU-55 Smart Rack | | | | [4,500] | | | | | | |
| 005 | ADVANCE PROCUREMENT (CY) | | 42,616 | | 42,616 | | 42,616 | | | | 42,616 |
| 006 | JOINT STRIKE FIGHTER | 8 | 1,602,084 | 8 | 1,602,084 | 8 | 1,602,084 | -1 | -162,800 | 7 | 1,439,284 |
| | Defer 1 Aircraft | | | | | | | | [-162,800] | | |
| 007 | ADVANCE PROCUREMENT (CY) | | 258,814 | | 258,814 | | 258,814 | | | | 258,814 |
| 008 | V-22 (MEDIUM LIFT) | 30 | 2,133,401 | 30 | 2,133,401 | 30 | 2,133,401 | | | 30 | 2,133,401 |
| 009 | ADVANCE PROCUREMENT (CY) | | 87,000 | | 87,000 | | 87,000 | | | | 87,000 |
| 010 | UH-1Y/AH-1Z | 20 | 474,141 | 20 | 474,141 | 20 | 474,141 | | | 20 | 474,141 |
| 011 | MH-60 S (MYP) | 31 | 1,045,004 | 31 | 1,035,004 | 31 | 1,045,004 | | | 31 | 1,045,004 |
| | Excess Engineering Change Orders | | | | [-10,000] | | | | | | |
| 012 | ADVANCE PROCUREMENT (CY) | | 79,215 | | 79,215 | | 79,215 | | | | 79,215 |
| 013 | MH-60 R | 18 | 470,455 | 18 | 470,455 | 18 | 470,455 | | | 18 | 470,455 |
| 014 | ADVANCE PROCUREMENT (CY) | | 140,759 | | 140,759 | | 140,759 | | | | 140,759 |
| 015 | MMA ADVANCE PROCUREMENT | | 110,568 | | 110,568 | | 110,568 | | | | 110,568 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 016 | E-2C (EARLY WARNING) HAWKEYE | 3 | 496,374 | 3 | 496,374 | 2 | 330,874 | | | 3 | 496,374 |
| | Defer one aircraft to reflect radar development delays | | | | | | [-165,500] | | | | |
| 017 | ADVANCE PROCUREMENT (CY) | | 92,749 | | 92,749 | | 92,749 | | | | 92,749 |
| | **AIRLIFT AIRCRAFT** | | | | | | | | | | |
| 018 | C-40A | 2 | 154,994 | 2 | 154,994 | 2 | 154,994 | | | 2 | 154,994 |
| | **TRAINER AIRCRAFT** | | | | | | | | | | |
| 019 | T-45TS (TRAINER) GOSHAWK | | | | | | | | | | |
| 020 | JPATS | 44 | 289,253 | 44 | 289,253 | 44 | 289,253 | | | 44 | 289,253 |
| | **OTHER AIRCRAFT** | | | | | | | | | | |
| 021 | KC-130J | 2 | 119,545 | 2 | 119,545 | 2 | 119,545 | | | 2 | 119,545 |
| 022 | ADVANCE PROCUREMENT (CY) | | 33,932 | | 33,932 | | 33,932 | | | | 33,932 |
| 023 | F-5 | | | | | | | | | | |
| 024 | VTUAV | 3 | 55,337 | 3 | 55,337 | 3 | 55,337 | | | 3 | 55,337 |
| 025 | OTHER SUPPORT AIRCRAFT | | | | | | | | | | |
| | **MODIFICATION OF AIRCRAFT** | | | | | | | | | | |
| 026 | EA-6 SERIES | | 33,436 | | 33,436 | | 33,436 | | | | 33,436 |
| 027 | AV-8 SERIES | | 51,093 | | 51,093 | | 51,093 | | | | 51,093 |
| 028 | ADVERSARY | | | | | | | | | | |
| 029 | F-18 SERIES | | 450,909 | | 450,909 | | 450,909 | | | | 450,909 |
| 030 | H-46 SERIES | | 34,636 | | 34,636 | | 34,636 | | | | 34,636 |
| 031 | AH-1W SERIES | | 6,375 | | 6,375 | | 6,375 | | | | 6,375 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 032 | H-53 SERIES | | 56,381 | | 56,381 | | 64,381 | | 5,000 | | 61,381 |
| | Integrated mechanical diagnostics health & usage management system | | | | | | [8,000] | | [5,000] | | |
| 033 | SH-60 SERIES | | 72,493 | | 72,493 | | 72,493 | | | | 72,493 |
| 034 | H-1 SERIES | | 8,901 | | 8,901 | | 8,901 | | | | 8,901 |
| 035 | EP-3 SERIES | | 72,370 | | 72,370 | | 72,370 | | | | 72,370 |
| 036 | P-3 SERIES | | 297,896 | | 297,896 | | 457,896 | | | | 297,896 |
| | Critical P-3 life sustainment improvements | | | | | | [160,000] | | | | |
| 037 | S-3 SERIES | | | | | | | | | | |
| 038 | E-2 SERIES | | 11,489 | | 11,489 | | 11,489 | | | | 11,489 |
| 039 | TRAINER A/C SERIES | | 26,160 | | 26,160 | | 26,160 | | | | 26,160 |
| 040 | C-2A | | 22,120 | | 22,120 | | 22,120 | | | | 22,120 |
| 041 | C-130 SERIES | | 6,468 | | 6,468 | | 6,468 | | | | 6,468 |
| 042 | FEWSG | | 671 | | 671 | | 671 | | | | 671 |
| 043 | CARGO/TRANSPORT A/C SERIES | | 17,952 | | 17,952 | | 17,952 | | | | 17,952 |
| 044 | E-6 SERIES | | 88,894 | | 88,894 | | 88,894 | | | | 88,894 |
| 045 | EXECUTIVE HELICOPTERS SERIES | | 31,819 | | 31,819 | | 31,819 | | | | 31,819 |
| 046 | SPECIAL PROJECT AIRCRAFT | | 14,113 | | 14,113 | | 14,113 | | | | 14,113 |
| 047 | T-45 SERIES | | 67,666 | | 67,666 | | 67,666 | | | | 67,666 |
| 048 | POWER PLANT CHANGES | | 28,219 | | 28,219 | | 28,219 | | | | 28,219 |
| 049 | JPATS SERIES | | 8,892 | | 8,892 | | 8,892 | | | | 8,892 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 050 | AVIATION LIFE SUPPORT MODS | | 7,190 | | 7,190 | | 7,190 | | | | 7,190 |
| 051 | COMMON ECM EQUIPMENT | | 66,425 | | 72,425 | | 76,425 | | 6,000 | | 72,425 |
| | ALQ-214 Organic Depot | | | | [6,000] | | | | [2,000] | | |
| | AN/AAR-47 hostile fire improvements | | | | | | [10,000] | | [4,000] | | |
| 052 | COMMON AVIONICS CHANGES | | 148,940 | | 148,940 | | 148,940 | | | | 148,940 |
| 053 | COMMON DEFENSIVE WEAPON | | 10,786 | | 10,786 | | 10,786 | | | | 10,786 |
| 054 | ID SYSTEMS | | 12,032 | | 12,032 | | 12,032 | | | | 12,032 |
| 055 | V-22 (TILT/ROTOR ACFT) OSPREY | | 41,473 | | 41,473 | | 41,473 | | | | 41,473 |
| | **AIRCRAFT SPARES AND REPAIR** | | | | | | | | | | |
| 056 | SPARES AND REPAIR PARTS | | 1,229,135 | | 1,229,135 | | 1,229,135 | | -7,100 | | 1,222,035 |
| | JSF Procurement Ramp-Up | | | | | | | | [-7,100] | | |
| | **AIRCRAFT SUPPORT EQUIPMENT** | | | | | | | | | | |
| 057 | COMMON GROUND EQUIPMENT | | 442,390 | | 442,390 | | 442,390 | | | | 442,390 |
| 058 | AIRCRAFT INDUSTRIAL FACILITIES | | 11,068 | | 11,068 | | 11,068 | | | | 11,068 |
| 059 | WAR CONSUMABLES | | 62,256 | | 62,256 | | 62,256 | | | | 62,256 |
| 060 | OTHER PRODUCTION CHARGES | | 27,870 | | 27,870 | | 27,870 | | | | 27,870 |
| 061 | SPECIAL SUPPORT EQUIPMENT | | 36,539 | | 36,539 | | 36,539 | | | | 36,539 |
| 062 | FIRST DESTINATION | | 1,756 | | 1,756 | | 1,756 | | | | 1,756 |
| 063 | CANCELLED ACCOUNT | | | | | | | | | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **TOTAL - AIRCRAFT PROCUREMENT, NAVY** | | **14,716,774** | | **14,627,274** | | **14,729,274** | | **-158,900** | | **14,557,874** |
| | **WEAPONS PROCUREMENT, NAVY** | | | | | | | | | | |
| | **BALLISTIC MISSILES** | | | | | | | | | | |
| | **MODIFICATION OF MISSILES** | | | | | | | | | | |
| 001 | TRIDENT II MODS | 24 | 1,093,168 | 24 | 1,093,168 | 24 | 1,093,168 | | | 24 | 1,093,168 |
| | **SUPPORT EQUIPMENT AND** | | | | | | | | | | |
| 002 | MISSILE INDUSTRIAL FACILITIES | | 3,496 | | 3,496 | | 3,496 | | | | 3,496 |
| | **OTHER MISSILES** | | | | | | | | | | |
| | **STRATEGIC MISSILES** | | | | | | | | | | |
| 003 | TOMAHAWK | 207 | 281,096 | 207 | 281,096 | 207 | 281,096 | | | 207 | 281,096 |
| | **TACTICAL MISSILES** | | | | | | | | | | |
| 004 | AMRAAM | 147 | 146,830 | 147 | 146,830 | 147 | 146,830 | -84 | -45,600 | 63 | 101,230 |
| | Smooth Production Delay | | | | | | | | [-45,600] | | |
| 005 | SIDEWINDER | 205 | 57,497 | 205 | 57,497 | 205 | 57,497 | | | 205 | 57,497 |
| 006 | JSOW | 496 | 149,144 | 496 | 149,144 | 496 | 149,144 | | | 496 | 149,144 |
| 007 | SLAM-ER | | | | | | | | | | |
| 008 | STANDARD MISSILE | 70 | 227,958 | 70 | 227,958 | 70 | 227,958 | | | 70 | 227,958 |
| 009 | RAM | 90 | 74,287 | 90 | 74,287 | 90 | 74,287 | | | 90 | 74,287 |
| 010 | HELLFIRE | 1,068 | 95,358 | 1,068 | 95,358 | 1,068 | 95,358 | | | 1,068 | 95,358 |
| 011 | AERIAL TARGETS | | 83,313 | | 83,313 | | 83,313 | | | | 83,313 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 012 | OTHER MISSILE SUPPORT | | 9,478 | | 9,478 | | 9,478 | | | | 9,478 |
| | **MODIFICATION OF MISSILES** | | | | | | | | | | |
| 013 | ESSM | 86 | 85,061 | 86 | 85,061 | 86 | 85,061 | | | 86 | 85,061 |
| 014 | HARM MODS | | 42,735 | | 42,735 | | 42,735 | | | | 42,735 |
| 015 | STANDARD MISSILES MODS | | 77,360 | | 77,360 | | 77,360 | | | | 77,360 |
| | **SUPPORT EQUIPMENT AND** | | | | | | | | | | |
| 016 | WEAPONS INDUSTRIAL FACILITIES | | 3,266 | | 3,266 | | 33,266 | | 30,000 | | 33,266 |
| | Accelerate facility restoration | | | | | | [30,000] | | [30,000] | | |
| 017 | FLEET SATELLITE COMM FOLLOW- | | 479,680 | | 479,680 | | 479,680 | | | | 479,680 |
| 018 | ADVANCE PROCUREMENT (CY) | | 27,776 | | 27,776 | | 27,776 | | | | 27,776 |
| | **ORDNANCE SUPPORT EQUIPMENT** | | | | | | | | | | |
| 019 | ORDNANCE SUPPORT EQUIPMENT | | 43,708 | | 43,708 | | 43,708 | | | | 43,708 |
| | **TORPEDOES AND RELATED** | | | | | | | | | | |
| | **TORPEDOES AND RELATED EQUIP.** | | | | | | | | | | |
| 020 | SSTD | | | | | | | | | | |
| 021 | ASW TARGETS | | 8,929 | | 8,929 | | 8,929 | | | | 8,929 |
| | **MOD OF TORPEDOES AND** | | | | | | | | | | |
| 022 | MK-46 TORPEDO MODS | 120 | 77,782 | 120 | 77,782 | 120 | 77,782 | | -6,600 | 120 | 71,182 |
| | Support Funding Carryover | | | | | | | | [-6,600] | | |
| 023 | MK-48 TORPEDO ADCAP MODS | | 61,545 | | 61,545 | | 61,545 | | | | 61,545 |
| 024 | QUICKSTRIKE MINE | | 3,506 | | 3,506 | | 3,506 | | | | 3,506 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **SUPPORT EQUIPMENT** | | | | | | | | | | |
| 025 | TORPEDO SUPPORT EQUIPMENT | | 36,002 | | 36,002 | | 36,002 | | | | 36,002 |
| 026 | ASW RANGE SUPPORT | | 9,872 | | 9,872 | | 9,872 | | | | 9,872 |
| | **DESTINATION TRANSPORTATION** | | | | | | | | | | |
| 027 | FIRST DESTINATION | | 3,442 | | 3,442 | | 3,442 | | | | 3,442 |
| | **OTHER WEAPONS** | | | | | | | | | | |
| | **GUNS AND GUN MOUNTS** | | | | | | | | | | |
| 028 | SMALL ARMS AND WEAPONS | | 13,619 | | 13,619 | | 13,619 | | | | 13,619 |
| | **MODIFICATION OF GUNS AND GUN** | | | | | | | | | | |
| 029 | CIWS MODS | | 167,967 | | 167,967 | | 167,967 | | | | 167,967 |
| 030 | COAST GUARD WEAPONS | | 21,082 | | 21,082 | | 21,082 | | | | 21,082 |
| 031 | GUN MOUNT MODS | | 60,061 | | 60,061 | | 60,061 | | | | 60,061 |
| 032 | LCS MODULE WEAPONS | | 2,786 | | 2,786 | | 2,786 | | | | 2,786 |
| 033 | CRUISER MODERNIZATION | | 45,168 | | 45,168 | | 45,168 | | | | 45,168 |
| 034 | AIRBORNE MINE NEUTRALIZATION | | 8,618 | | 8,618 | | 8,618 | | | | 8,618 |
| | **OTHER** | | | | | | | | | | |
| 035 | MARINE CORPS TACTIAL | | 20,532 | | 20,532 | | 20,532 | | | | 20,532 |
| 036 | CANCELLED ACCOUNT | | | | | | | | | | |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| 037 | SPARES AND REPAIR PARTS | | 53,360 | | 53,360 | | 53,360 | | | | 53,360 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **TOTAL - WEAPONS PROCUREMENT, NAVY** | | **3,575,482** | | **3,575,482** | | **3,605,482** | | **-22,200** | | **3,553,282** |
| | **PROCUREMENT OF AMMUNITION, PROC AMMO, NAVY** | | | | | | | | | | |
| | **NAVY AMMUNITION** | | | | | | | | | | |
| 001 | GENERAL PURPOSE BOMBS | | 168,437 | | 168,437 | | 168,437 | | -14,700 | | 153,737 |
| | Product Improvement Program | | | | | | | | [-14,700] | | |
| 002 | JDAM | 169 | 9,306 | 169 | 9,306 | 169 | 9,306 | | | 169 | 9,306 |
| 003 | AIRBORNE ROCKETS, ALL TYPES | | 32,250 | | 32,250 | | 32,250 | | | | 32,250 |
| 004 | MACHINE GUN AMMUNITION | | 18,916 | | 18,916 | | 18,916 | | | | 18,916 |
| 005 | PRACTICE BOMBS | | 39,419 | | 39,419 | | 39,419 | | | | 39,419 |
| 006 | CARTRIDGES & CART ACTUATED | | 46,644 | | 46,644 | | 46,644 | | | | 46,644 |
| 007 | AIRCRAFT ESCAPE ROCKETS | | | | | | | | | | |
| 008 | AIR EXPENDABLE | | 79,805 | | 79,805 | | 79,805 | | | | 79,805 |
| 009 | JATOS | | 3,178 | | 3,178 | | 3,178 | | | | 3,178 |
| 010 | MK 258 MOD 1 | | 967 | | 967 | | 967 | | | | 967 |
| 011 | 5 INCH/54 GUN AMMUNITION | | 20,959 | | 20,959 | | 20,959 | | | | 20,959 |
| 012 | INTERMEDIATE CALIBER GUN | | 15,780 | | 15,780 | | 15,780 | | | | 15,780 |
| 013 | OTHER SHIP GUN AMMUNITION | | 35,111 | | 35,111 | | 35,111 | | | | 35,111 |
| 014 | SMALL ARMS & LANDING PARTY | | 45,129 | | 45,129 | | 45,129 | | | | 45,129 |
| 015 | PYROTECHNIC AND DEMOLITION | | 10,464 | | 10,464 | | 10,464 | | | | 10,464 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 016 | AMMUNITION LESS THAN $5 | | 3,207 | | 3,207 | | 3,207 | | | | 3,207 |
| | **PROC AMMO, MC** | | | | | | | | | | |
| | **MARINE CORPS AMMUNITION** | | | | | | | | | | |
| 017 | SMALL ARMS AMMUNITION | | 108,436 | | 108,436 | | 108,436 | | | | 108,436 |
| 018 | 5.56 MM, ALL TYPES | | | | | | | | | | |
| 019 | 7.62 MM, ALL TYPES | | | | | | | | | | |
| 020 | LINEAR CHARGES, ALL TYPES | | 17,677 | | 17,677 | | 17,677 | | | | 17,677 |
| 021 | .50 CALIBER | | | | | | | | | | |
| 022 | 40 MM, ALL TYPES | | 60,433 | | 60,433 | | 60,433 | | | | 60,433 |
| 023 | 60MM, ALL TYPES | | 44,846 | | 44,846 | | 44,846 | | | | 44,846 |
| 024 | 81MM, ALL TYPES | | 54,879 | | 54,879 | | 54,879 | | | | 54,879 |
| 025 | 120MM, ALL TYPES | | 87,500 | | 87,500 | | 87,500 | | | | 87,500 |
| 026 | CTG 25MM, ALL TYPES | | 2,300 | | 2,300 | | 2,300 | | | | 2,300 |
| 027 | 9 MM ALL TYPES | | | | | | | | | | |
| 028 | GRENADES, ALL TYPES | | 39,038 | | 39,038 | | 48,038 | | 2,000 | | 41,038 |
| | Program increase (Grenades all types) | | | | | | [9,000] | | [2,000] | | |
| 029 | ROCKETS, ALL TYPES | | 26,087 | | 26,087 | | 26,087 | | | | 26,087 |
| 030 | ARTILLERY, ALL TYPES | | 117,213 | | 117,213 | | 117,213 | | | | 117,213 |
| 031 | EXPEDITIONARY FIGHTING | | | | | | | | | | |
| 032 | DEMOLITION MUNITIONS, ALL | | 18,974 | | 18,974 | | 18,974 | | | | 18,974 |
| 033 | FUZE, ALL TYPES | | 3,460 | | 3,460 | | 3,460 | | | | 3,460 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 034 | NON LETHALS | | 2,158 | | 2,158 | | 2,158 | | | | 2,158 |
| 035 | AMMO MODERNIZATION | | 5,644 | | 5,644 | | 5,644 | | | | 5,644 |
| 036 | ITEMS LESS THAN $5 MILLION | | 4,495 | | 4,495 | | 4,495 | | | | 4,495 |
| | **TOTAL - PROCUREMENT OF AMMUNITION, NAVY & MARINE** | | **1,122,712** | | **1,122,712** | | **1,131,712** | | **-12,700** | | **1,110,012** |
| | **SHIPBUILDING AND CONVERSION, OTHER WARSHIPS** | | | | | | | | | | |
| 001 | CARRIER REPLACEMENT | | 2,712,251 | | 2,712,251 | | 2,712,251 | | | | 2,712,251 |
| 002 | ADVANCE PROCUREMENT (CY) | | 1,214,188 | | 1,214,188 | | 1,214,188 | | | | 1,214,188 |
| 003 | VIRGINIA CLASS SUBMARINE | 1 | 2,107,040 | 1 | 2,107,040 | 1 | 2,107,040 | | | 1 | 2,107,040 |
| 004 | ADVANCE PROCUREMENT (CY) | | 1,316,548 | | 2,038,548 | | 1,395,548 | | 300,000 | | 1,616,548 |
| | VA Advance Procurement | | | | [722,000] | | | | [300,000] | | |
| | Additional funds to smooth ramp up to 2 boats per year | | | | | | [79,000] | | | | |
| 005 | CVN REFUELING OVERHAULS | 1 | 606,561 | 1 | 606,561 | 1 | 606,561 | | | 1 | 606,561 |
| 006 | ADVANCE PROCUREMENT (CY) | | 21,389 | | 21,389 | | 21,389 | | | | 21,389 |
| 007 | SSN ERO | | | | | | | | | | |
| 008 | SSBN ERO | 1 | 221,823 | 1 | 221,823 | 1 | 221,823 | | | 1 | 221,823 |
| 009 | ADVANCE PROCUREMENT (CY) | | 39,363 | | 39,363 | | 39,363 | | | | 39,363 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 010 | DDG 1000 | 1 | 2,502,803 | | | 1 | 2,502,803 | | | 1 | 2,502,803 |
| | Program Reduction | | | | [-2,502,803] | | | | | | |
| 011 | ADVANCE PROCUREMENT (CY) | | 50,980 | | 400,000 | | 50,980 | | | | 50,980 |
| | Surface Ship Advanced Procurement | | | | [349,020] | | | | | | |
| 012 | DDG-51 | | | | | | | | 349,020 | | 349,020 |
| | Advanced Procurement | | | | | | | | [349,020] | | |
| 013 | LITTORAL COMBAT SHIP | 2 | 920,000 | 2 | 840,000 | 2 | 797,000 | | | 2 | 920,000 |
| | Program Reduction | | | | [-80,000] | | | | | | |
| | Fully fund two ships to cost cap in FY 09, reflecting government furnished material (GFM) from cancelled ships | | | | | | [-123,000] | | | | |
| | **AMPHIBIOUS SHIPS** | | | | | | | | | | |
| 014 | LPD-17 | | 103,216 | 1 | 1,800,000 | | | | -103,216 | | |
| | LPD-17 | | | | [1,696,784] | | | | | | |
| | Transfer to SCN 15 | | | | | | [-103,216] | | [-103,216] | | |
| 015 | ADVANCE PROCUREMENT (CY) | | | | | | 273,216 | | 600,000 | | 600,000 |
| | Transfer from SCN 14 | | | | | | [103,216] | | [103,216] | | |
| | Advance procurement for additional ship in FY 10 | | | | | | [170,000] | | | | |
| | Advance procurement for two additional ships | | | | | | | | [496,784] | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 016 | LHA REPLACEMENT | | | | | | 178,300 | | 178,300 | | 178,300 |
| | Transfer from National Defense Sealift Fund | | | | | | [348,300] | | [348,300] | | |
| | Reflect delays in LHA (R) program | | | | | | [-170,000] | | [-170,000] | | |
| 017 | INTRATHEATER CONNECTOR | 1 | 174,782 | 1 | 174,782 | 1 | 174,782 | | | 1 | 174,782 |
| | **AUXILIARIES, CRAFT AND PRIOR** | | | | | | | | | | |
| 018 | SPECIAL PURPOSE | | | | | | | | | | |
| 019 | OCEANOGRAPHIC SHIPS | | | | | | | | | | |
| 020 | OUTFITTING | | 429,587 | | 429,587 | | 429,587 | | | | 429,587 |
| 021 | SERVICE CRAFT | | 36,317 | | 36,317 | | 36,317 | | | | 36,317 |
| 022 | LCAC SLEP | 6 | 110,918 | 6 | 110,918 | 6 | 110,918 | | | 6 | 110,918 |
| 023 | COMPLETION OF PY SHIPBUILDING | | 165,152 | | 165,152 | | 165,152 | | | | 165,152 |
| | **TOTAL - SHIPBUILDING AND CONVERSION, NAVY** | | **12,732,918** | | **12,917,919** | | **13,037,218** | | **1,324,104** | | **14,057,022** |
| | **OTHER PROCUREMENT, NAVY** | | | | | | | | | | |
| | **SHIPS SUPPORT EQUIPMENT** | | | | | | | | | | |
| | **SHIP PROPULSION EQUIPMENT** | | | | | | | | | | |
| 001 | LM-2500 GAS TURBINE | | 7,973 | | 7,973 | | 7,973 | | | | 7,973 |
| 002 | ALLISON 501K GAS TURBINE | | 9,405 | | 9,405 | | 9,405 | | | | 9,405 |
| 003 | OTHER PROPULSION EQUIPMENT | | 38,800 | | 38,800 | | 38,800 | | | | 38,800 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **NAVIGATION EQUIPMENT** | | | | | | | | | | |
| 004 | OTHER NAVIGATION EQUIPMENT | | 47,549 | | 47,549 | | 47,549 | | | | 47,549 |
| | **UNDERWAY REPLENISHMENT** | | | | | | | | | | |
| 005 | UNDERWAY REPLENISHMENT | | | | | | | | | | |
| | **PERISCOPES** | | | | | | | | | | |
| 006 | SUB PERISCOPES & IMAGING | | 69,078 | | 69,078 | | 69,078 | | | | 69,078 |
| | **OTHER SHIPBOARD EQUIPMENT** | | | | | | | | | | |
| 007 | DDG MOD | | 165,496 | | 165,496 | | 190,496 | | | | 165,496 |
| | Planning, engineering & procurement for service life extension alterations | | | | | | [25,000] | | | | |
| 008 | FIREFIGHTING EQUIPMENT | | 8,293 | | 8,293 | | 8,293 | | | | 8,293 |
| 009 | COMMAND AND CONTROL | | 6,345 | | 6,345 | | 6,345 | | | | 6,345 |
| 010 | POLLUTION CONTROL EQUIPMENT | | 27,923 | | 27,923 | | 27,923 | | | | 27,923 |
| 011 | SUBMARINE SUPPORT EQUIPMENT | | 22,686 | | 22,686 | | 22,686 | | | | 22,686 |
| 012 | VIRGINIA CLASS SUPPORT | | 199,904 | | 199,904 | | 199,904 | | | | 199,904 |
| 013 | SUBMARINE BATTERIES | | 41,132 | | 41,132 | | 41,132 | | | | 41,132 |
| 014 | STRATEGIC PLATFORM SUPPORT | | 9,953 | | 9,953 | | 9,953 | | | | 9,953 |
| 015 | DSSP EQUIPMENT | | 5,733 | | 5,733 | | 5,733 | | | | 5,733 |
| 016 | CG MODERNIZATION | | 232,370 | | 232,370 | | 232,370 | | | | 232,370 |
| 017 | LCAC | | 174 | | 174 | | 174 | | | | 174 |
| 018 | MINESWEEPING EQUIPMENT | | 11,991 | | 11,991 | | 11,991 | | | | 11,991 |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 019 | ITEMS LESS THAN $5 MILLION | | 136,156 | | 148,156 | | 136,156 | | 10,500 | | 146,656 |
| | JP-5 Electric Valves | | | | [3,000] | | | | [3,000] | | |
| | Canned Lube Pumps (CLP) LSD-41/49 Class Amphibious Ships | | | | [4,000] | | | | [2,500] | | |
| | CVN Propeller Replacement Program | | | | [5,000] | | | | [5,000] | | |
| 020 | CHEMICAL WARFARE DETECTORS | | 6,598 | | 6,598 | | 6,598 | | | | 6,598 |
| 021 | SUBMARINE LIFE SUPPORT | | 15,212 | | 15,212 | | 15,212 | | | | 15,212 |
| | **REACTOR PLANT EQUIPMENT** | | | | | | | | | | |
| 022 | REACTOR POWER UNITS | | | | | | | | | | |
| 023 | REACTOR COMPONENTS | | 236,693 | | 236,693 | | 236,693 | | | | 236,693 |
| | **OCEAN ENGINEERING** | | | | | | | | | | |
| 024 | DIVING AND SALVAGE EQUIPMENT | | 6,549 | | 6,549 | | 6,549 | | | | 6,549 |
| | **SMALL BOATS** | | | | | | | | | | |
| 025 | STANDARD BOATS | | 17,839 | | 17,839 | | 17,839 | | | | 17,839 |
| | **TRAINING EQUIPMENT** | | | | | | | | | | |
| 026 | OTHER SHIPS TRAINING | | 5,689 | | 5,689 | | 5,689 | | | | 5,689 |
| | **PRODUCTION FACILITIES AND** | | | | | | | | | | |
| 027 | OPERATING FORCES IPE | | 51,631 | | 51,631 | | 51,631 | | | | 51,631 |
| | **OTHER SHIP SUPPORT** | | | | | | | | | | |
| 028 | NUCLEAR ALTERATIONS | | 70,694 | | 70,694 | | 70,694 | | | | 70,694 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 029 | LCS MODULES | | 131,241 | | 81,241 | | 131,241 | | -25,091 | | 106,150 |
| | LCS Mission Modules | | | | [-50,000] | | | | [-25,091] | | |
| | **LOGISTIC SUPPORT** | | | | | | | | | | |
| 030 | LSD MIDLIFE | | 90,675 | | 92,345 | | 90,675 | | | | 90,675 |
| | Boat Davit System Improvement | | | | [1,670] | | | | | | |
| | **DRUG INTERDICTION SUPPORT** | | | | | | | | | | |
| 031 | DRUG INTERDICTION SUPPORT | | | | | | | | | | |
| | **COMMUNICATIONS AND** | | | | | | | | | | |
| | **SHIP RADARS** | | | | | | | | | | |
| 032 | RADAR SUPPORT | 2 | 10,503 | 2 | 10,503 | 2 | 10,503 | | | 2 | 10,503 |
| | **SHIP SONARS** | | | | | | | | | | |
| 033 | SPQ-9B RADAR | | 9,281 | | 14,681 | | 9,281 | | 5,400 | | 14,681 |
| | Radar Improvements | | | | [5,400] | | | | [5,400] | | |
| 034 | AN/SQQ-89 SURF ASW COMBAT | 3 | 117,685 | 3 | 117,685 | 3 | 117,685 | | -12,900 | 3 | 104,785 |
| | Combat System Upgrade Kit | | | | | | | | [-12,900] | | |
| 035 | SSN ACOUSTICS | | 284,153 | | 284,153 | | 284,153 | | | | 284,153 |
| 036 | UNDERSEA WARFARE SUPPORT | 3 | 15,578 | 3 | 15,578 | 3 | 15,578 | | | 3 | 15,578 |
| 037 | SONAR SWITCHES AND | | 13,858 | | 13,858 | | 13,858 | | | | 13,858 |
| | **ASW ELECTRONIC EQUIPMENT** | | | | | | | | | | |
| 038 | SUBMARINE ACOUSTIC WARFARE | | 20,857 | | 20,857 | | 20,857 | | | | 20,857 |
| 039 | SSTD | | 10,058 | | 10,058 | | 10,058 | | | | 10,058 |
| 040 | FIXED SURVEILLANCE SYSTEM | | 44,997 | | 44,997 | | 44,997 | | | | 44,997 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 041 | SURTASS | | 26,675 | | 26,675 | | 26,675 | | | | 26,675 |
| 042 | TACTICAL SUPPORT CENTER | | 25,188 | | 25,188 | | 25,188 | | | | 25,188 |
| | **ELECTRONIC WARFARE** | | | | | | | | | | |
| 043 | AN/SLQ-32 | | 29,280 | | 29,280 | | 29,280 | | | | 29,280 |
| 044 | INFORMATION WARFARE SYSTEMS | | | | | | | | | | |
| | **RECONNAISSANCE EQUIPMENT** | | | | | | | | | | |
| 045 | SHIPBOARD IW EXPLOIT | | 83,408 | | 83,408 | | 83,408 | | | | 83,408 |
| | **SUBMARINE SURVEILLANCE** | | | | | | | | | | |
| 046 | SUBMARINE SUPPORT EQUIPMENT | | 103,597 | | 103,597 | | 103,597 | | | | 103,597 |
| | **OTHER SHIP ELECTRONIC** | | | | | | | | | | |
| 047 | NAVY TACTICAL DATA SYSTEM | | | | | | | | | | |
| | COOPERATIVE ENGAGEMENT | | 34,561 | | | | | | | | |
| 048 | CAPABILITY | | | | 34,561 | | 34,561 | | | | 34,561 |
| 049 | GCCS-M EQUIPMENT | | 25,923 | | 25,923 | | 25,923 | | | | 25,923 |
| 050 | NAVAL TACTICAL COMMAND | | 31,283 | | 31,283 | | 31,283 | | | | 31,283 |
| 051 | ATDLS | | 14,206 | | 14,206 | | 14,206 | | | | 14,206 |
| 052 | MINESWEEPING SYSTEM | | 49,024 | | 49,024 | | 49,024 | | | | 49,024 |
| 053 | SHALLOW WATER MCM | | 7,355 | | 7,355 | | 7,355 | | | | 7,355 |
| 054 | NAVSTAR GPS RECEIVERS | | 10,893 | | 10,893 | | 10,893 | | | | 10,893 |
| 055 | ARMED FORCES RADIO AND TV | | 4,178 | | 4,178 | | 4,178 | | | | 4,178 |
| 056 | STRATEGIC PLATFORM SUPPORT | | 4,106 | | 4,106 | | 4,106 | | | | 4,106 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **TRAINING EQUIPMENT** | | | | | | | | | | |
| 057 | OTHER TRAINING EQUIPMENT | | 29,791 | | 29,791 | | 29,791 | | | | 29,791 |
| | **AVIATION ELECTRONIC** | | | | | | | | | | |
| 058 | MATCALS | | 17,409 | | 17,409 | | 17,409 | | | | 17,409 |
| 059 | SHIPBOARD AIR TRAFFIC | | 7,944 | | 7,944 | | 7,944 | | | | 7,944 |
| 060 | AUTOMATIC CARRIER LANDING | | 18,787 | | 18,787 | | 18,787 | | | | 18,787 |
| 061 | NATIONAL AIR SPACE SYSTEM | | 29,066 | | 29,066 | | 29,066 | | | | 29,066 |
| 062 | AIR STATION SUPPORT | | 8,238 | | 8,238 | | 8,238 | | | | 8,238 |
| 063 | MICROWAVE LANDING SYSTEM | | 10,799 | | 10,799 | | 10,799 | | | | 10,799 |
| 064 | FACSFAC | | | | | | | | | | |
| 065 | ID SYSTEMS | | 34,560 | | 34,560 | | 34,560 | | | | 34,560 |
| 066 | TAC A/C MISSION PLANNING | | 9,512 | | 9,512 | | 9,512 | | | | 9,512 |
| | **OTHER SHORE ELECTRONIC** | | | | | | | | | | |
| 067 | DEPLOYABLE JOINT COMMAND | | 9,031 | | 9,031 | | 9,031 | | | | 9,031 |
| 068 | TADIX-B | | 5,309 | | 5,309 | | 5,309 | | | | 5,309 |
| 069 | GCCS-M EQUIPMENT | | 6,209 | | 6,209 | | 6,209 | | | | 6,209 |
| 070 | COMMON IMAGERY GROUND | | 67,133 | | 67,133 | | 67,133 | | | | 67,133 |
| 071 | RADIAC | | 9,840 | | 9,840 | | 9,840 | | | | 9,840 |
| 072 | GPETE | | 5,521 | | 5,521 | | 5,521 | | | | 5,521 |
| 073 | INTEG COMBAT SYSTEM TEST | | 4,558 | | 4,558 | | 4,558 | | | | 4,558 |
| 074 | EMI CONTROL INSTRUMENTATION | | 8,384 | | 8,384 | | 8,384 | | | | 8,384 |
| 075 | ITEMS LESS THAN $5 MILLION | | 48,930 | | 48,930 | | 48,930 | | | | 48,930 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **SHIPBOARD COMMUNICATIONS** | | | | | | | | | | |
| 076 | SHIPBOARD TACTICAL | | 9 | | 9 | | 9 | | | | 9 |
| 077 | PORTABLE RADIOS | | 14,352 | | 14,352 | | 14,352 | | | | 14,352 |
| 078 | SHIP COMMUNICATIONS | | 333,335 | | 333,335 | | 333,335 | | | | 333,335 |
| 079 | COMMUNICATIONS ITEMS UNDER | | 35,647 | | 35,647 | | 35,647 | | | | 35,647 |
| 080 | SUBMARINE BROADCAST | | 3,139 | | 3,139 | | 3,139 | | | | 3,139 |
| 081 | SUBMARINE COMMUNICATION | | 76,761 | | 76,761 | | 76,761 | | | | 76,761 |
| | **SATELLITE COMMUNICATIONS** | | | | | | | | | | |
| 082 | SATELLITE COMMUNICATIONS | | 122,003 | | 122,003 | | 122,003 | | | | 122,003 |
| | **SHORE COMMUNICATIONS** | | | | | | | | | | |
| 083 | JCS COMMUNICATIONS | | 2,376 | | 2,376 | | 2,376 | | | | 2,376 |
| 084 | ELECTRICAL POWER SYSTEMS | | 1,293 | | 1,293 | | 1,293 | | | | 1,293 |
| 085 | NAVAL SHORE COMMUNICATIONS | | 8,563 | | 8,563 | | 8,563 | | | | 8,563 |
| | **CRYPTOGRAPHIC EQUIPMENT** | | | | | | | | | | |
| 086 | INFO SYSTEMS SECURITY | | 101,153 | | 101,153 | | 101,153 | | | | 101,153 |
| | **CRYPTOLOGIC EQUIPMENT** | | | | | | | | | | |
| 087 | CRYPTOLOGIC COMMUNICATIONS | | 16,716 | | 16,716 | | 16,716 | | | | 16,716 |
| | **OTHER ELECTRONIC SUPPORT** | | | | | | | | | | |
| 088 | COAST GUARD EQUIPMENT | | 16,846 | | 16,846 | | 16,846 | | | | 16,846 |
| | **DRUG INTERDICTION SUPPORT** | | | | | | | | | | |
| 089 | OTHER DRUG INTERDICTION | | | | | | | | | | |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AVIATION SUPPORT EQUIPMENT** | | | | | | | | | | |
| | **SONOBUOYS** | | | | | | | | | | |
| 090 | SONOBUOYS - ALL TYPES | | 112,603 | | 112,603 | | 112,603 | | | | 112,603 |
| | **AIRCRAFT SUPPORT EQUIPMENT** | | | | | | | | | | |
| 091 | WEAPONS RANGE SUPPORT | | 64,396 | | 64,396 | | 64,396 | | | | 64,396 |
| 092 | EXPEDITIONARY AIRFIELDS | | 8,308 | | 8,308 | | 8,308 | | | | 8,308 |
| 093 | AIRCRAFT REARMING EQUIPMENT | | 12,761 | | 12,761 | | 12,761 | | | | 12,761 |
| 094 | AIRCRAFT LAUNCH & RECOVERY | | 46,362 | | 46,362 | | 46,362 | | | | 46,362 |
| 095 | METEOROLOGICAL EQUIPMENT | | 24,742 | | 24,742 | | 24,742 | | | | 24,742 |
| 096 | OTHER PHOTOGRAPHIC | | 1,603 | | 1,603 | | 1,603 | | | | 1,603 |
| 097 | AVIATION LIFE SUPPORT | | 17,673 | | 25,673 | | 17,673 | | 2,000 | | 19,673 |
| | Multi-Climate Protection System | | | | [8,000] | | | | [2,000] | | |
| 098 | AIRBORNE MINE | | 39,363 | | 39,363 | | 39,363 | | | | 39,363 |
| 099 | LAMPS MK III SHIPBOARD | | 35,117 | | 35,117 | | 35,117 | | | | 35,117 |
| 100 | OTHER AVIATION SUPPORT | | 13,335 | | 13,335 | | 13,335 | | | | 13,335 |
| | **ORDNANCE SUPPORT EQUIPMENT** | | | | | | | | | | |
| | **SHIP GUN SYSTEM EQUIPMENT** | | | | | | | | | | |
| 101 | NAVAL FIRES CONTROL SYSTEM | | 1,695 | | 1,695 | | 1,695 | | | | 1,695 |
| 102 | GUN FIRE CONTROL EQUIPMENT | | 8,244 | | 8,244 | | 8,244 | | | | 8,244 |
| | **SHIP MISSILE SYSTEM EQUIPMENT** | | | | | | | | | | |
| 103 | HARPOON SUPPORT EQUIPMENT | | | | | | | | | | |
| 104 | NATO SEASPARROW | | 12,270 | | 12,270 | | 12,270 | | | | 12,270 |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 105 | RAM GMLS | | 23,492 | | 23,492 | | 23,492 | | -7,200 | | 16,292 |
| | Launcher System Phasing | | | | | | | | [-7,200] | | |
| 106 | SHIP SELF DEFENSE SYSTEM | | 46,687 | | 46,687 | | 46,687 | | | | 46,687 |
| 107 | AEGIS SUPPORT EQUIPMENT | | 85,424 | | 85,424 | | 85,424 | | | | 85,424 |
| 108 | TOMAHAWK SUPPORT EQUIPMENT | | 61,976 | | 61,976 | | 61,976 | | | | 61,976 |
| 109 | VERTICAL LAUNCH SYSTEMS | | 5,644 | | 5,644 | | 5,644 | | | | 5,644 |
| | **FBM SUPPORT EQUIPMENT** | | | | | | | | | | |
| 110 | STRATEGIC MISSILE SYSTEMS | | 118,814 | | 118,814 | | 118,814 | | | | 118,814 |
| | **ASW SUPPORT EQUIPMENT** | | | | | | | | | | |
| 111 | SSN COMBAT CONTROL SYSTEMS | | 98,010 | | 98,010 | | 98,010 | | | | 98,010 |
| 112 | SUBMARINE ASW SUPPORT | | 5,374 | | 5,374 | | 5,374 | | | | 5,374 |
| 113 | SURFACE ASW SUPPORT | | 4,622 | | 4,622 | | 4,622 | | | | 4,622 |
| 114 | ASW RANGE SUPPORT | | 9,199 | | 9,199 | | 9,199 | | | | 9,199 |
| | **OTHER ORDNANCE SUPPORT** | | | | | | | | | | |
| 115 | EXPLOSIVE ORDNANCE DISPOSAL | | 46,546 | | 46,546 | | 46,546 | | | | 46,546 |
| 116 | ITEMS LESS THAN $5 MILLION | | 3,535 | | 3,535 | | 3,535 | | | | 3,535 |
| | **OTHER EXPENDABLE ORDNANCE** | | | | | | | | | | |
| 117 | ANTI-SHIP MISSILE DECOY SYSTEM | | 38,077 | | 38,077 | | 38,077 | | | | 38,077 |
| 118 | SURFACE TRAINING DEVICE MODS | | 9,822 | | 9,822 | | 9,822 | | | | 9,822 |
| 119 | SUBMARINE TRAINING DEVICE | | 33,583 | | 33,583 | | 37,383 | | 3,500 | | 37,083 |
| | Standardize metrics assessment of readiness & training | | | | | | [3,800] | | [3,500] | | |

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| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **CIVIL ENGINEERING SUPPORT** | | | | | | | | | | |
| 120 | PASSENGER CARRYING VEHICLES | | 1,966 | | 1,966 | | 1,966 | | | | 1,966 |
| 121 | GENERAL PURPOSE TRUCKS | | 829 | | 829 | | 829 | | | | 829 |
| 122 | CONSTRUCTION & MAINTENANCE | | 12,167 | | 12,167 | | 12,167 | | | | 12,167 |
| 123 | FIRE FIGHTING EQUIPMENT | | 16,289 | | 16,289 | | 16,289 | | | | 16,289 |
| 124 | TACTICAL VEHICLES | | 29,686 | | 29,686 | | 29,686 | | | | 29,686 |
| 125 | AMPHIBIOUS EQUIPMENT | | 14,041 | | 14,041 | | 14,041 | | | | 14,041 |
| 126 | POLLUTION CONTROL EQUIPMENT | | 5,418 | | 5,418 | | 5,418 | | | | 5,418 |
| 127 | ITEMS UNDER $5 MILLION | | 22,379 | | 22,379 | | 22,379 | | | | 22,379 |
| 128 | PHYSICAL SECURITY VEHICLES | | 1,116 | | 1,116 | | 1,116 | | | | 1,116 |
| | **SUPPLY SUPPORT EQUIPMENT** | | | | | | | | | | |
| 129 | MATERIALS HANDLING EQUIPMENT | | 14,971 | | 14,971 | | 14,971 | | | | 14,971 |
| 130 | OTHER SUPPLY SUPPORT | | 9,247 | | 9,247 | | 9,247 | | | | 9,247 |
| 131 | FIRST DESTINATION | | 6,216 | | 6,216 | | 6,216 | | | | 6,216 |
| 132 | SPECIAL PURPOSE SUPPLY | | 74,103 | | 74,103 | | 74,103 | | | | 74,103 |
| | **PERSONNEL AND COMMAND TRAINING DEVICES** | | | | | | | | | | |
| 133 | TRAINING SUPPORT EQUIPMENT | | 16,764 | | 16,764 | | 16,764 | | | | 16,764 |
| | **COMMAND SUPPORT EQUIPMENT** | | | | | | | | | | |
| 134 | COMMAND SUPPORT EQUIPMENT | | 43,175 | | 45,175 | | 48,025 | | 4,500 | | 47,675 |
| | Man overboard indicators (MOBI) | | | | | | [4,850] | | [3,500] | | |
| | High performance computing | | | | [2,000] | | | | [1,000] | | |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 135 | EDUCATION SUPPORT EQUIPMENT | | 2,018 | | 2,018 | | 2,018 | | | | 2,018 |
| 136 | MEDICAL SUPPORT EQUIPMENT | | 6,493 | | 6,493 | | 6,493 | | | | 6,493 |
| 137 | NAVAL MIP SUPPORT EQUIPMENT | | 1,646 | | 1,646 | | 1,646 | | | | 1,646 |
| 138 | INTELLIGENCE SUPPORT | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 139 | OPERATING FORCES SUPPORT | | 13,116 | | 13,116 | | 13,116 | | | | 13,116 |
| 140 | C4ISR EQUIPMENT | | 13,510 | | 13,510 | | 13,510 | | | | 13,510 |
| 141 | ENVIRONMENTAL SUPPORT | | 24,244 | | 24,244 | | 24,244 | | | | 24,244 |
| 142 | PHYSICAL SECURITY EQUIPMENT | | 144,863 | | 144,863 | | 144,863 | | | | 144,863 |
| 143 | ENTERPRISE INFORMATION | | 35,600 | | 35,600 | | 35,600 | | | | 35,600 |
| 144 | CLASSIFIED PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 145 | SPECIAL PROGRAM | | [ ] | | [ ] | | [ ] | | | | [ ] |
| | **PRODUCTIVITY PROGRAMS** | | | | | | | | | | |
| 146 | JUDGMENT FUND | | | | | | | | | | |
| | **OTHER** | | | | | | | | | | |
| 147 | CANCELLED ACCOUNT | | | | | | | | | | |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| 148 | SPARES AND REPAIR PARTS | | 251,765 | | 251,765 | | 251,765 | | | | 251,765 |
| 999 | CLASSIFIED PROGRAMS | | 18,314 | | 18,314 | | 18,314 | | | | 18,314 |
| | **TOTAL - OTHER PROCUREMENT, NAVY** | | **5,482,856** | | **5,461,926** | | **5,516,506** | | **-19,291** | | **5,463,565** |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **PROCUREMENT, MARINE CORPS** | | | | | | | | | | |
| | **WEAPONS AND COMBAT** | | | | | | | | | | |
| | **TRACKED COMBAT VEHICLES** | | | | | | | | | | |
| 001 | AAV7A1 PIP | | 5,441 | | 5,441 | | 5,441 | | | | 5,441 |
| 002 | EXPEDITIONARY FIGHTING | | | | | | | | | | |
| 003 | LAV PIP | | 64,526 | | 64,526 | | 64,526 | | | | 64,526 |
| 004 | M1A1 FIREPOWER | | 14,706 | | 14,706 | | 14,706 | | | | 14,706 |
| | **ARTILLERY AND OTHER WEAPONS** | | | | | | | | | | |
| 005 | EXPEDITIONARY FIRE SUPPORT | | 22,102 | | 22,102 | | 22,102 | | | | 22,102 |
| 006 | 155MM LIGHTWEIGHT TOWED | | 2,500 | | 2,500 | | 2,500 | | | | 2,500 |
| 007 | HIGH MOBILITY ARTILLERY | | 109,460 | | 109,460 | | 109,460 | | | | 109,460 |
| 008 | WEAPONS AND COMBAT VEHICLES | | 24,220 | | 24,220 | | 24,220 | | | | 24,220 |
| | **WEAPONS** | | | | | | | | | | |
| 009 | MODULAR WEAPON SYSTEM | | | | | | | | | | |
| | **OTHER SUPPORT** | | | | | | | | | | |
| 010 | MODIFICATION KITS | | 11,165 | | 11,165 | | 11,165 | | | | 11,165 |
| 011 | WEAPONS ENHANCEMENT | | 24,223 | | 24,223 | | 24,223 | | | | 24,223 |
| | **GUIDED MISSILES AND** | | | | | | | | | | |
| | **GUIDED MISSILES** | | | | | | | | | | |
| 012 | GROUND BASED AIR DEFENSE | | 12,569 | | 12,569 | | 12,569 | | -7,076 | | 5,493 |
| | Program Delays | | | | | | | | [-7,076] | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 013 | JAVELIN | | | | | | | | | | |
| | **OTHER SUPPORT** | | | | | | | | | | |
| 014 | MODIFICATION KITS | | 4,925 | | 4,925 | | 4,925 | | | | 4,925 |
| | **COMMUNICATIONS AND COMMAND AND CONTROL** | | | | | | | | | | |
| 015 | UNIT OPERATIONS CENTER | | 14,883 | | 7,883 | | 14,883 | | | | 14,883 |
| | Unit Operations Center Reduction | | | | [-7,000] | | | | | | |
| | **REPAIR AND TEST EQUIPMENT** | | | | | | | | | | |
| 016 | REPAIR AND TEST EQUIPMENT | | 35,188 | | 35,188 | | 35,188 | | | | 35,188 |
| | **OTHER SUPPORT (TEL)** | | | | | | | | | | |
| 017 | COMBAT SUPPORT SYSTEM | | 34,665 | | 34,665 | | 34,665 | | | | 34,665 |
| 018 | MODIFICATION KITS | | | | | | | | | | |
| | **COMMAND AND CONTROL SYSTEM** | | | | | | | | | | |
| 019 | ITEMS UNDER $5 MILLION (COMM & | | 9,661 | | 9,661 | | 9,661 | | | | 9,661 |
| 020 | AIR OPERATIONS C2 SYSTEMS | | 77,978 | | 77,978 | | 77,978 | | -25,000 | | 52,978 |
| | CAC2S Program Restructure | | | | | | | | [-25,000] | | |
| | **RADAR AND EQUIPMENT (NON-** | | | | | | | | | | |
| 021 | RADAR SYSTEMS | | 32,516 | | 32,516 | | 32,516 | | | | 32,516 |
| | **INTELL/COMM EQUIPMENT (NON-** | | | | | | | | | | |
| 022 | FIRE SUPPORT SYSTEM | | 2,654 | | 2,654 | | 2,654 | | | | 2,654 |
| 023 | INTELLIGENCE SUPPORT | | 49,838 | | 49,838 | | 49,838 | | | | 49,838 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **OTHER COMM/ELEC EQUIPMENT** | | | | | | | | | | |
| 024 | NIGHT VISION EQUIPMENT | | 24,868 | | 24,868 | | 24,868 | | | | 24,868 |
| | **OTHER SUPPORT (NON-TEL)** | | | | | | | | | | |
| 025 | COMMON COMPUTER RESOURCES | | 106,499 | | 106,499 | | 106,499 | | | | 106,499 |
| 026 | COMMAND POST SYSTEMS | | 15,816 | | 15,816 | | 15,816 | | | | 15,816 |
| 027 | RADIO SYSTEMS | | 95,845 | | 47,945 | | 95,845 | | | | 95,845 |
| | Radio Systems Reduction | | | | [-47,900] | | | | | | |
| 028 | COMM SWITCHING & CONTROL | | 40,639 | | 40,639 | | 40,639 | | | | 40,639 |
| 029 | COMM & ELEC INFRASTRUCTURE | | 15,527 | | 15,527 | | 15,527 | | | | 15,527 |
| | **SUPPORT VEHICLES** | | | | | | | | | | |
| | **ADMINISTRATIVE VEHICLES** | | | | | | | | | | |
| 030 | COMMERCIAL PASSENGER | | 1,201 | | 1,201 | | 1,201 | | | | 1,201 |
| 031 | COMMERCIAL CARGO VEHICLES | | 13,691 | | 13,691 | | 13,691 | | | | 13,691 |
| | **TACTICAL VEHICLES** | | | | | | | | | | |
| 032 | 5/4T TRUCK HMMWV (MYP) | 7 | 2,666 | 7 | 2,666 | 7 | 2,666 | | | 7 | 2,666 |
| 033 | MOTOR TRANSPORT | | | | | | | | | | |
| 034 | MEDIUM TACTICAL VEHICLE | | 944 | | 944 | | 944 | | | | 944 |
| 035 | LIGHTWEIGHT PRIME MOVER | | | | | | | | | | |
| 036 | LOGISTICS VEHICLE SYSTEM REP | | 324,578 | | 146,540 | | 299,578 | | | | 324,578 |
| | Transfer to Title XV | | | | [-178,038] | | | | | | |
| | Program reduction & realignment | | | | | | [-25,000] | | | | |
| 037 | FAMILY OF TACTICAL TRAILERS | | 27,619 | | 27,619 | | 27,619 | | | | 27,619 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 038 | TRAILERS | | 8,424 | | 8,424 | | 8,424 | | | | 8,424 |
| | **OTHER SUPPORT** | | | | | | | | | | |
| 039 | ITEMS LESS THAN $5 MILLION | | 4,046 | | 4,046 | | 4,046 | | | | 4,046 |
| | **ENGINEER AND OTHER** | | | | | | | | | | |
| 040 | ENVIRONMENTAL CONTROL EQUIP | | 5,131 | | 8,131 | | 5,131 | | | | 5,131 |
| | GATEWAY System | | | | [3,000] | | | | | | |
| 041 | BULK LIQUID EQUIPMENT | | 9,571 | | 9,571 | | 9,571 | | | | 9,571 |
| 042 | TACTICAL FUEL SYSTEMS | | 19,067 | | 20,567 | | 19,067 | | 1,500 | | 20,567 |
| | Nitrile Rubber Collapsible Storage | | | | [1,500] | | | | [1,500] | | |
| 043 | POWER EQUIPMENT ASSORTED | | 16,501 | | 16,501 | | 16,501 | | | | 16,501 |
| 044 | AMPHIBIOUS SUPPORT | | 13,239 | | 13,239 | | 13,239 | | | | 13,239 |
| 045 | EOD SYSTEMS | | 28,568 | | 28,568 | | 28,568 | | | | 28,568 |
| | **MATERIALS HANDLING** | | | | | | | | | | |
| 046 | PHYSICAL SECURITY EQUIPMENT | | 12,589 | | 12,589 | | 12,589 | | | | 12,589 |
| 047 | GARRISON MOBILE ENGINEER | | 11,813 | | 11,813 | | 11,813 | | | | 11,813 |
| 048 | MATERIAL HANDLING EQUIP | | 30,758 | | 30,758 | | 30,758 | | | | 30,758 |
| 049 | FIRST DESTINATION | | 5,867 | | 5,867 | | 5,867 | | | | 5,867 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **GENERAL PROPERTY** | | | | | | | | | | |
| 050 | FIELD MEDICAL EQUIPMENT | | 6,623 | | 18,623 | | 14,523 | | 4,000 | | 10,623 |
| | Combat casualty care equipment upgrades | | | | [4,000] | | [7,900] | | [4,000] | | |
| | Chemical Biological Incident Response Force equipment | | | | [8,000] | | | | | | |
| 051 | TRAINING DEVICES | | 57,476 | | 57,476 | | 57,476 | | | | 57,476 |
| 052 | CONTAINER FAMILY | | 4,050 | | 4,050 | | 4,050 | | | | 4,050 |
| 053 | FAMILY OF CONSTRUCTION | | 22,461 | | 22,461 | | 22,461 | | | | 22,461 |
| 054 | FAMILY OF INTERNALLY | | 7,987 | | 7,987 | | 7,987 | | | | 7,987 |
| 055 | BRIDGE BOATS | | | | | | | | | | |
| 056 | RAPID DEPLOYABLE KITCHEN | | 2,907 | | 2,907 | | 2,907 | | | | 2,907 |
| | **OTHER SUPPORT** | | | | | | | | | | |
| 057 | MODIFICATION KITS | | | | | | | | | | |
| 058 | ITEMS LESS THAN $5 MILLION | | 8,114 | | 8,114 | | 8,114 | | | | 8,114 |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| 059 | SPARES AND REPAIR PARTS | | 14,460 | | 14,460 | | 14,460 | | | | 14,460 |
| | **TOTAL - PROCUREMENT, MARINE CORPS** | | **1,512,765** | | **1,296,327** | | **1,495,665** | | **-26,576** | | **1,486,189** |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AIRCRAFT PROCUREMENT, AIR FORCE** | | | | | | | | | | |
| | **COMBAT AIRCRAFT** | | | | | | | | | | |
| | **TACTICAL FORCES** | | | | | | | | | | |
| 001 | F-35 | 8 | 1,673,787 | 8 | 1,673,787 | 8 | 1,673,787 | -1 | -169,489 | 7 | 1,504,298 |
| | Procurement Ramp - Aircraft | | | | | | | | [-169,489] | | |
| 002 | ADVANCE PROCUREMENT (CY) | | 136,904 | | 167,904 | | 171,904 | | 35,000 | | 171,904 |
| | JSF Competitive Engine | | | | [31,000] | | | | | | |
| | F136 engine advance procurement | | | | | | [35,000] | | [35,000] | | |
| 003 | F-22A | 20 | 3,054,197 | 20 | 3,054,197 | 20 | 3,054,197 | | -147,000 | 20 | 2,907,197 |
| | Reduction for Last Lot Cost | | | | | | | | [-147,000] | | |
| 004 | ADVANCE PROCUREMENT (CY) | | | | | | 497,000 | | 523,000 | | 523,000 |
| | Advance procurement or line close down costs | | | | | | [497,000] | | | | |
| | Program Increase | | | | | | | | [523,000] | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AIRLIFT AIRCRAFT** | | | | | | | | | | |
| | **TACTICAL AIRLIFT** | | | | | | | | | | |
| 005 | C-17A (MYP) | | 367,554 | | 318,788 | | 318,754 | | -48,766 | | 318,788 |
| | Excess Spare Parts Requirements | | | | [-40,000] | | | | [-40,000] | | |
| | Purchasing spares ahead of need | | | | | | [-40,000] | | | | |
| | Transfer to APAF-34 | | | | [-8,766] | | | | | | |
| | USAF-requested transfer to APAF 34 | | | | | | [-8,800] | | [-8,766] | | |
| | **OTHER AIRLIFT** | | | | | | | | | | |
| 006 | C-130J | | | | | | 25,000 | | 25,000 | | 25,000 |
| | USAF-requested transfer from APAF 31 | | | | | | [25,000] | | [25,000] | | |
| 007 | ADVANCE PROCUREMENT (CY) | | 96,000 | | 96,000 | | 96,000 | | | | 96,000 |
| 008 | HC/MC-130 RECAP | 6 | 507,677 | 6 | 507,677 | 6 | 507,677 | | | 6 | 507,677 |
| 009 | ADVANCE PROCUREMENT (CY) | | 80,000 | | 80,000 | | 80,000 | | | | 80,000 |
| 010 | KC-X ADVANCE PROCUREMENT | | 61,660 | | | | | | -61,660 | | |
| | Unjustified Request | | | | [-61,660] | | | | [-61,660] | | |
| | USAF-requested transfer to PE 65221F (RDAF 83) | | | | | | [-61,660] | | | | |
| 011 | JOINT CARGO AIRCRAFT | | 5,439 | | 5,439 | | 5,439 | | -5,439 | | |
| | Early to need | | | | | | | | [-5,439] | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **TRAINER AIRCRAFT** | | | | | | | | | | |
| | **OPERATIONAL TRAINERS** | | | | | | | | | | |
| 012 | JPATS | | 33,196 | | 33,196 | | 27,654 | | -5,542 | | 27,654 |
| | USAF-requested correction of JPATS (T-6) spares adjustment | | | | | | [-5,542] | | [-5,542] | | |
| | **OTHER AIRCRAFT** | | | | | | | | | | |
| | **HELICOPTERS** | | | | | | | | | | |
| 013 | CSAR-X ADVANCE PROCUREMENT | | 15,000 | | | | | | -15,000 | | |
| | Program Delay | | | | [-15,000] | | [-15,000] | | [-15,000] | | |
| 014 | V22 OSPREY | 6 | 409,027 | 6 | 409,027 | 6 | 409,027 | | | 6 | 409,027 |
| 015 | ADVANCE PROCUREMENT (CY) | | 14,266 | | 14,266 | | 14,266 | | | | 14,266 |
| | **MISSION SUPPORT AIRCRAFT** | | | | | | | | | | |
| 016 | C-29A FLIGHT INSPECTION ACFT | 1 | 31,877 | 1 | 31,877 | 1 | 31,877 | | | 1 | 31,877 |
| 017 | C-40 | | | 1 | 88,000 | | | 1 | 88,000 | 1 | 88,000 |
| | Additional Aircraft | | | | [88,000] | | | | [88,000] | | |
| 018 | CIVIL AIR PATROL A/C | | 2,435 | | 2,435 | | 2,435 | | | | 2,435 |
| | **OTHER AIRCRAFT** | | | | | | | | | | |
| 019 | TARGET DRONES | | 70,576 | | 70,576 | | 70,576 | | | | 70,576 |
| 020 | GLOBAL HAWK | 5 | 658,319 | 5 | 658,319 | 5 | 689,319 | | | 5 | 658,319 |
| | UAV NAS radar | | | | | | [31,000] | | | | |
| 021 | ADVANCE PROCUREMENT (CY) | | 53,832 | | 53,832 | | 53,832 | | | | 53,832 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 022 | MQ-1 | 38 | 378,703 | 38 | 378,703 | 38 | 409,703 | | | 38 | 378,703 |
| | UAV NAS radar | | | | | | [31,000] | | | | |
| 023 | MQ-9 | 9 | 161,439 | 9 | 161,439 | 9 | 161,439 | | | 9 | 161,439 |
| | **MODIFICATION OF IN-SERVICE STRATEGIC AIRCRAFT** | | | | | | | | | | |
| 024 | B-2A | | 330,392 | | 299,092 | | 348,892 | | -31,300 | | 299,092 |
| | Transfer from RDAF-61 | | | | [18,500] | | | | | | |
| | B-2 radar - transfer from PE 64204F (RDAF 61) | | | | | | [18,500] | | [18,500] | | |
| | Transfer to APAF-24a | | | | [-49,800] | | | | [-49,800] | | |
| 024a | B-2 Advance Procurement | | | | 49,800 | | | | 49,800 | | 49,800 |
| | Transfer from APAF 24 | | | | [49,800] | | | | [49,800] | | |
| 025 | B-1B | | 71,774 | | 71,774 | | 71,774 | | -31,900 | | 39,874 |
| | CMUP Program Delay | | | | | | | | [-31,900] | | |
| 026 | B-52 | | 41,699 | | 41,699 | | 99,299 | | | | 41,699 |
| | SAASM | | | | | | [18,100] | | | | |
| | CONNECT | | | | | | [22,800] | | | | |
| | AWI | | | | | | [16,700] | | | | |
| 027 | F-117 | | | | | | | | | | |
| | **TACTICAL AIRCRAFT** | | | | | | | | | | |
| 028 | A-10 | | 144,077 | | 144,077 | | 144,077 | | | | 144,077 |
| 029 | F-15 | | 12,326 | | 12,326 | | 12,326 | | | | 12,326 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 030 | F-16 | | 273,694 | | 273,694 | | 273,694 | | | | 273,694 |
| 031 | F-22A | | 327,046 | | 327,046 | | 327,046 | | | | 327,046 |
| | **AIRLIFT AIRCRAFT** | | | | | | | | | | |
| 032 | C-5 | | 485,484 | | 425,484 | | 485,484 | | -56,400 | | 429,084 |
| | Excess to Requirements | | | | [-60,000] | | | | [-56,400] | | |
| 033 | ADVANCE PROCUREMENT (CY) | | 97,600 | | 70,929 | | 97,600 | | | | 97,600 |
| | Excess to Requirements | | | | [-26,671] | | | | | | |
| 034 | C-17A | | 331,535 | | 340,301 | | 340,335 | | 8,766 | | 340,301 |
| | Transfer from APAF-5 | | | | [8,766] | | [8,800] | | [8,766] | | |
| 035 | C-21 | | 11,001 | | 11,001 | | 752 | | -10,249 | | 752 |
| | USAF-requested transfer to APAF 40 | | | | | | [-10,249] | | [-10,249] | | |
| 036 | C-32A | | 11,373 | | 11,373 | | 11,373 | | | | 11,373 |
| 037 | C-37A | | 2,407 | | 2,407 | | 2,407 | | | | 2,407 |
| | **TRAINER AIRCRAFT** | | | | | | | | | | |
| 038 | GLIDER MODS | | 121 | | 121 | | 121 | | | | 121 |
| 039 | T-6 | | 21,122 | | 21,122 | | 20,755 | | -367 | | 20,755 |
| | USAF-requested correction of JPATS (T-6) spares adjustment | | | | | | [-367] | | [-367] | | |
| 040 | T-1 | | 25 | | 25 | | 10,274 | | 10,249 | | 10,274 |
| | USAF-requested transfer from APAF 35 | | | | | | [10,249] | | [10,249] | | |
| 041 | T-38 | | 59,934 | | 59,934 | | 59,934 | | | | 59,934 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 042 | T-43 | | 2,269 | | 2,269 | | 2,269 | | | | 2,269 |
| | **OTHER AIRCRAFT** | | | | | | | | | | |
| 043 | KC-10A (ATCA) | | 1,899 | | 1,899 | | 1,899 | | | | 1,899 |
| 044 | C-12 | | 468 | | 468 | | 468 | | | | 468 |
| 045 | C-20 MODS | | 1,535 | | 1,535 | | 1,535 | | | | 1,535 |
| 046 | VC-25A MOD | | 60,875 | | 60,875 | | 60,875 | | | | 60,875 |
| 047 | C-40 | | 9,911 | | 9,911 | | 9,911 | | | | 9,911 |
| 048 | C-130 | | 422,814 | | 427,814 | | 415,014 | | 4,500 | | 427,314 |
| | Podded Reconnaissance, Scathe View | | | | [5,000] | | | | [500] | | |
| | Accelerate LAIRCM upgrades for C-130 aircraft | | | | | | [15,000] | | [4,000] | | |
| | Accelerate LAIRCM upgrades for AFSOC C-130 aircraft | | | | | | [2,200] | | | | |
| | Reduce C-130 AMP overhead growth | | | | | | [-25,000] | | | | |
| 049 | C130J MODS | | 59,350 | | 59,350 | | 34,350 | | -25,000 | | 34,350 |
| | USAF-requested transfer to APAF 6 | | | | | | [-25,000] | | [-25,000] | | |
| 050 | C-135 | | 134,188 | | 134,188 | | 134,188 | | | | 134,188 |
| 051 | COMPASS CALL MODS | | 24,605 | | 24,605 | | 24,605 | | | | 24,605 |
| 052 | DARP | | 106,989 | | 106,989 | | 106,989 | | | | 106,989 |
| 053 | E-3 | | 86,468 | | 86,468 | | 86,468 | | | | 86,468 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 054 | E-4 | | 28,098 | | 28,098 | | 28,098 | | | | 28,098 |
| 055 | E-8 | | 30,657 | | 30,657 | | 30,657 | | | | 30,657 |
| 056 | H-1 | | 13,200 | | 13,200 | | 13,200 | | | | 13,200 |
| 057 | H-60 | | 17,250 | | 17,250 | | 17,250 | | | | 17,250 |
| 058 | GLOBAL HAWK MODS | | 103,939 | | 103,939 | | 103,939 | | | | 103,939 |
| 059 | OTHER AIRCRAFT | | 151,932 | | 154,932 | | 151,932 | | 3,000 | | 154,932 |
| | ANG RC-26B Modernization | | | | [3,000] | | | | [3,000] | | |
| 060 | MQ-1 MODS | | 148,532 | | 148,532 | | 148,532 | | | | 148,532 |
| 061 | MQ-9 MODS | | 24,590 | | 24,590 | | 24,590 | | | | 24,590 |
| 062 | CV-22 MODS | | 22,621 | | 22,621 | | 22,621 | | | | 22,621 |
| | **AIRCRAFT SPARES AND REPAIR** | | | | | | | | | | |
| 063 | INITIAL SPARES/REPAIR PARTS | | 257,001 | | 257,001 | | 257,001 | | | | 257,001 |
| | **AIRCRAFT SUPPORT EQUIPMENT** | | | | | | | | | | |
| | **COMMON SUPPORT EQUIP** | | | | | | | | | | |
| 064 | AIRCRAFT REPLACEMENT | | 104,861 | | 104,861 | | 104,861 | | | | 104,861 |
| | **POST PRODUCTION SUPPORT** | | | | | | | | | | |
| 065 | B-1 | | | | | | | | | | |
| 066 | B-2A | | | | | | | | | | |
| 067 | B-2A | | 36,783 | | 36,783 | | 36,783 | | | | 36,783 |
| 068 | B-52 | | | | | | | | | | |
| 069 | C-5 | | 18,210 | | 18,210 | | 18,210 | | | | 18,210 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 070 | C-21 | | 19,025 | | 19,025 | | | | -19,025 | | |
| | USAF-requested transfer to APAF 75 | | | | | | [-19,025] | | [-19,025] | | |
| 071 | C-130 | | | | | | | | | | |
| 072 | EC-130J | | 5,382 | | 5,382 | | 5,382 | | | | 5,382 |
| 073 | F-15 | | 20,189 | | 20,189 | | 20,189 | | | | 20,189 |
| 074 | F-16 | | 13,623 | | 13,623 | | 13,623 | | | | 13,623 |
| 075 | T-6 | | 8,841 | | 8,841 | | | | -8,841 | | |
| | USAF-requested correction of JPATS (T-6) spares adjustment | | | | | | [-8,841] | | [-8,841] | | |
| 076 | OTHER AIRCRAFT | | 48,593 | | 48,593 | | 48,593 | | | | 48,593 |
| 077 | T-1 | | | | | | 19,025 | | 19,025 | | 19,025 |
| | USAF-requested transfer from APAF 75 | | | | | | [19,025] | | [19,025] | | |
| | **INDUSTRIAL PREPAREDNESS** | | | | | | | | | | |
| 078 | INDUSTRIAL RESPONSIVENESS | | 24,380 | | 24,380 | | 24,380 | | | | 24,380 |
| | **WAR CONSUMABLES** | | | | | | | | | | |
| 079 | WAR CONSUMABLES | | 80,622 | | 80,622 | | 80,622 | | | | 80,622 |
| | **OTHER PRODUCTION CHARGES** | | | | | | | | | | |
| 080 | OTHER PRODUCTION CHARGES | | 521,357 | | 521,357 | | 549,257 | | 20,000 | | 541,357 |
| | Litening targeting pod upgrades | | | | | | [27,900] | | [20,000] | | |
| 081 | DEPOT MODERNIZATION | | | | | | | | | | |
| 82 | CLASSIFIED PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 83 | SPECIAL PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 84 | OTHER SPECIAL PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| | **CLASSIFIED PGMS** | | | | | | | | | | |
| | **OTHER PRODUCTION CHARGES** | | | | | | | | | | |
| 085 | CANCELLED ACCT ADJUSTMENTS | | | | | | | | | | |
| | **DARP** | | | | | | | | | | |
| 086 | DARP | | 21,028 | | 21,028 | | 21,028 | | | | 21,028 |
| 999 | CLASSIFIED PROGRAMS | | 10,913 | | 10,913 | | 10,913 | | | | 10,913 |
| | **TOTAL - AIRCRAFT PROCUREMENT, AIR FORCE** | | **12,676,496** | | **12,618,665** | | **13,235,286** | | **150,362** | | **12,826,858** |
| | **PROCUREMENT OF AMMUNITION, AIR FORCE** | | | | | | | | | | |
| | **PROCUREMENT OF AMMO, AIR** | | | | | | | | | | |
| | **ROCKETS** | | | | | | | | | | |
| 001 | ROCKETS | | 29,436 | | 29,436 | | 29,436 | | | | 29,436 |
| | **CARTRIDGES** | | | | | | | | | | |
| 002 | CARTRIDGES | | 150,815 | | 150,815 | | 151,815 | | | | 150,815 |
| | Improved stores ejection cartridges | | | | | | [1,000] | | | | |
| | **BOMBS** | | | | | | | | | | |
| 003 | PRACTICE BOMBS | | 24,590 | | 24,590 | | 24,590 | | | | 24,590 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 004 | GENERAL PURPOSE BOMBS | | 149,695 | | 149,695 | | 149,695 | | | | 149,695 |
| 005 | SENSOR FUZED WEAPON | | | | | | | | | | |
| 006 | JOINT DIRECT ATTACK MUNITION | 3,647 | 105,719 | 5,026 | 145,719 | 3,647 | 105,719 | | | 3,647 | 105,719 |
| | JDAM Kits | | | | [40,000] | | | | | | |
| 007 | WIND CORRECTED MUNITIONS | | | | | | | | | | |
| | **FLARE, IR MJU-7B** | | | | | | | | | | |
| 008 | CAD/PAD | | 38,190 | | 38,190 | | 38,190 | | | | 38,190 |
| 009 | EXPLOSIVE ORDNANCE DISPOSAL | | 3,246 | | 3,246 | | 3,246 | | | | 3,246 |
| 010 | SPARES AND REPAIR PARTS | | 4,618 | | 4,618 | | 4,618 | | | | 4,618 |
| 011 | MODIFICATIONS | | 1,235 | | 1,235 | | 1,235 | | | | 1,235 |
| 012 | ITEMS LESS THAN $5,000,000 | | 2,477 | | 2,477 | | 2,477 | | | | 2,477 |
| | **FUZES** | | | | | | | | | | |
| 013 | FLARES | | 304,159 | | 304,159 | | 304,159 | | | | 304,159 |
| 014 | FUZES | | 72,133 | | 72,133 | | 72,133 | | | | 72,133 |
| | **WEAPONS** | | | | | | | | | | |
| | **SMALL ARMS** | | | | | | | | | | |
| 015 | SMALL ARMS | | 8,165 | | 8,165 | | 8,165 | | | | 8,165 |
| | **TOTAL - PROCUREMENT OF AMMUNITION, AIR FORCE** | | **894,478** | | **934,478** | | **895,478** | | | | **894,478** |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MISSILE PROCUREMENT, AIR FORCE** | | | | | | | | | | |
| | **BALLISTIC MISSILES** | | | | | | | | | | |
| | **MISSILE REPLACEMENT** | | | | | | | | | | |
| 001 | MISSILE REPLACEMENT EQ- | | 26,658 | | 26,658 | | 26,658 | | | | 26,658 |
| | **OTHER MISSILES** | | | | | | | | | | |
| | **TACTICAL** | | | | | | | | | | |
| 002 | JASSM | 260 | 240,295 | 260 | 240,295 | 115 | 160,295 | | -20,000 | 260 | 220,295 |
| | Reflect delays in program | | | | | | [-80,000] | | | | |
| | Maintain Production Ramp | | | | | | | | [-20,000] | | |
| 003 | SIDEWINDER (AIM-9X) | 275 | 77,223 | 275 | 77,223 | 275 | 77,223 | | | 275 | 77,223 |
| 004 | AMRAAM | 281 | 294,746 | 281 | 294,746 | 281 | 294,746 | -104 | -63,200 | 177 | 231,546 |
| | Smooth Production Ramp | | | | | | | | [-63,200] | | |
| 005 | PREDATOR HELLFIRE MISSILE | 642 | 63,585 | 642 | 63,585 | 642 | 63,585 | | | 642 | 63,585 |
| 006 | SMALL DIAMETER BOMB | 2,612 | 133,209 | 2,612 | 133,209 | 2,612 | 133,209 | | | 2,612 | 133,209 |
| | **INDUSTRIAL FACILITIES** | | | | | | | | | | |
| 007 | INDUSTR'L PREPAREDNS/POL | | 2,408 | | 2,408 | | 2,408 | | | | 2,408 |
| | **MODIFICATION OF IN-SERVICE** | | | | | | | | | | |
| | **CLASS IV** | | | | | | | | | | |
| 008 | ADVANCED CRUISE MISSILE | | 42 | | 42 | | 42 | | | | 42 |
| 009 | AGM-130 POWERED GBU-15 | | | | | | | | | | |
| 010 | MISSILE REPLACEMENT EQ- | | | | | | | | | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 011 | MM III MODIFICATIONS | | 296,354 | | 296,354 | | 296,354 | | | | 296,354 |
| 012 | AGM-65D MAVERICK | | 256 | | 256 | | 256 | | | | 256 |
| 013 | AIR LAUNCH CRUISE MISSILE | | 10,150 | | 10,150 | | 10,150 | | | | 10,150 |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| | **MISSILES AND REPAIR PARTS** | | | | | | | | | | |
| 014 | INITIAL SPARES/REPAIR PARTS | | 26,923 | | 26,923 | | 26,923 | | | | 26,923 |
| | **OTHER SUPPORT** | | | | | | | | | | |
| | **SPACE PROGRAMS** | | | | | | | | | | |
| 015 | ADVANCED EHF | | 16,564 | | 16,564 | | 16,564 | | | | 16,564 |
| 016 | ADVANCE PROCUREMENT (CY) | | | | | | 100,000 | | 100,000 | | 100,000 |
| | Advance procurement of AEHF 4 | | | | | | [100,000] | | [100,000] | | |
| 017 | WIDEBAND GAPFILLER | | 22,492 | | 22,492 | | 22,492 | | | | 22,492 |
| 018 | ADVANCE PROCUREMENT (CY) | | | | | | | | | | |
| 019 | SPACEBORNE EQUIP (COMSEC) | | 17,407 | | 17,407 | | 17,407 | | | | 17,407 |
| 020 | GLOBAL POSITIONING (SPACE) | | 108,043 | | 108,043 | | 108,043 | | | | 108,043 |
| 021 | ADVANCE PROCUREMENT (CY) | | 2,400 | | 2,400 | | 2,400 | | | | 2,400 |
| 022 | NUDET DETECTION SYSTEM | | 1,250 | | 1,250 | | 1,250 | | | | 1,250 |
| 023 | DEF METEOROLOGICAL SAT | | 99,788 | | 99,788 | | 99,788 | | | | 99,788 |
| 024 | DEFENSE SUPPORT | | | | | | | | | | |
| 025 | TITAN SPACE BOOSTERS(SPACE) | | | | | | | | | | |
| 026 | EVOLVED EXPENDABLE LAUNCH | 4 | 1,205,278 | 4 | 1,205,278 | 4 | 1,205,278 | | | 4 | 1,205,278 |
| 027 | MEDIUM LAUNCH VEHICLE(SPACE) | | 5,756 | | 5,756 | | 5,756 | | | | 5,756 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 028 | SBIR HIGH (SPACE) | 2 | 1,664,043 | 2 | 1,664,043 | 2 | 1,664,043 | | | 2 | 1,664,043 |
| 029 | ADVANCE PROCUREMENT (CY) | | 54,000 | | 54,000 | | 54,000 | | | | 54,000 |
| | **SPECIAL PROGRAMS** | | | | | | | | | | |
| 030 | CANCELLED ACCOUNTS | | | | | | | | | | |
| 031 | DEFENSE SPACE RECONN | | 158,966 | | 158,966 | | 158,966 | | | | 158,966 |
| 32 | SPECIAL PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 033 | SPECIAL UPDATE PROGRAMS | | 212,515 | | 212,515 | | 212,515 | | | | 212,515 |
| 34 | CLASSIFIED PROGRAM | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 35 | OTHER PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 999 | CLASSIFIED PROGRAMS | | 796,377 | | 796,377 | | 796,377 | | | | 796,377 |
| | **TOTAL - MISSILE PROCUREMENT, AIR FORCE** | | **5,536,728** | | **5,536,728** | | **5,556,728** | | **16,800** | | **5,553,528** |
| | **OTHER PROCUREMENT, AIR FORCE** | | | | | | | | | | |
| | **VEHICULAR EQUIPMENT** | | | | | | | | | | |
| | **PASSENGER CARRYING VEHICLES** | | | | | | | | | | |
| 001 | ARMORED VEHICLE | | | | | | | | | | |
| 002 | PASSENGER CARRYING VEHICLES | | 17,662 | | 17,662 | | 17,662 | | | | 17,662 |
| | **CARGO AND UTILITY VEHICLES** | | | | | | | | | | |
| 003 | MEDIUM TACTICAL VEHICLE | | 23,002 | | 23,002 | | 23,002 | | | | 23,002 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 004 | HIGH MOBILITY VEHICLE (MYP) | | | | | | | | | | |
| 005 | CAP VEHICLES | | 889 | | 889 | | 889 | | | | 889 |
| | **SPECIAL PURPOSE VEHICLES** | | | | | | | | | | |
| 006 | HMMWV, ARMORED | | | | | | | | | | |
| 007 | SECURITY AND TACTICAL | | 30,597 | | 30,597 | | 30,597 | | | | 30,597 |
| | **FIRE FIGHTING EQUIPMENT** | | | | | | | | | | |
| 008 | FIRE FIGHTING/CRASH RESCUE | | 27,020 | | 27,020 | | 27,020 | | | | 27,020 |
| | **MATERIALS HANDLING** | | | | | | | | | | |
| 009 | HALVERSEN LOADER | | | | | | | | | | |
| | **BASE MAINTENANCE SUPPORT** | | | | | | | | | | |
| 010 | RUNWAY SNOW REMOV AND | | 23,051 | | 23,051 | | 23,051 | | | | 23,051 |
| 011 | ITEMS LESS THAN | | 39,984 | | 39,984 | | 39,984 | | | | 39,984 |
| | **CANCELLED ACCOUNT** | | | | | | | | | | |
| 012 | CANCELLED ACCOUNT | | | | | | | | | | |
| | **ELECTRONICS AND COMM SECURITY EQUIPMENT** | | | | | | | | | | |
| 013 | COMSEC EQUIPMENT | | 137,914 | | 137,914 | | 137,914 | | | | 137,914 |
| 014 | MODIFICATIONS (COMSEC) | | 1,557 | | 1,557 | | 1,557 | | | | 1,557 |
| | **INTELLIGENCE PROGRAMS** | | | | | | | | | | |
| 015 | INTELLIGENCE TRAINING | | 2,671 | | 2,671 | | 2,671 | | | | 2,671 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 016 | INTELLIGENCE COMM EQUIPMENT | | 15,441 | | 19,441 | | 18,941 | | 6,000 | | 21,441 |
| | Eagle Vision one meter SAR | | | | | | [3,500] | | [3,500] | | |
| | Force protection surveillance system | | | | [4,000] | | | | [2,500] | | |
| | **ELECTRONICS PROGRAMS** | | | | | | | | | | |
| 017 | AIR TRAFFIC CONTROL & LANDING | | 9,832 | | 9,832 | | 9,832 | | | | 9,832 |
| 018 | NATIONAL AIRSPACE SYSTEM | | 47,224 | | 47,224 | | 47,224 | | | | 47,224 |
| 019 | THEATER AIR CONTROL SYS | | 68,502 | | 68,502 | | 68,502 | | | | 68,502 |
| 020 | WEATHER OBSERVATION | | 29,377 | | 29,377 | | 29,377 | | | | 29,377 |
| 021 | STRATEGIC COMMAND AND | | 53,739 | | 53,739 | | 53,739 | | | | 53,739 |
| 022 | CHEYENNE MOUNTAIN COMPLEX | | 13,662 | | 13,662 | | 13,662 | | | | 13,662 |
| 023 | DRUG INTERDICTION SPT | | 950 | | 950 | | 950 | | | | 950 |
| | **SPECIAL COMM-ELECTRONICS** | | | | | | | | | | |
| 024 | GENERAL INFORMATION | | 100,052 | | 107,552 | | 101,952 | | 5,000 | | 105,052 |
| | IMPACT | | | | [2,000] | | | | [2,000] | | |
| | SELDI | | | | [2,000] | | | | [1,000] | | |
| | NextGen OTHR risk reduction | | | | | | [1,900] | | | | |
| | ANG combat communications on the | | | | [3,500] | | | | [2,000] | | |
| 025 | AF GLOBAL COMMAND & CONTROL | | 16,148 | | 16,148 | | 16,148 | | | | 16,148 |
| 026 | MOBILITY COMMAND AND | | 10,475 | | 10,475 | | 10,475 | | | | 10,475 |
| 027 | AIR FORCE PHYSICAL SECURITY | | 57,728 | | 57,728 | | 57,728 | | | | 57,728 |
| 028 | COMBAT TRAINING RANGES | | 55,315 | | 55,315 | | 66,015 | | 5,000 | | 60,315 |
| | Unmanned threat emitter (UMTE) | | | | | | [10,700] | | [5,000] | | |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 029 | MINIMUM ESSENTIAL EMERGENCY | | 1 | | 1 | | 1 | | | | 1 |
| 030 | C3 COUNTERMEASURES | | 7,754 | | 7,754 | | 7,754 | | | | 7,754 |
| 031 | GCSS-AF FOS | | 55,783 | | 50,783 | | 55,783 | | -5,000 | | 50,783 |
| | Expeditionary Combat Support System Unjustified growth | | | | [-5,000] | | | | [-5,000] | | |
| 032 | THEATER BATTLE MGT C2 SYSTEM | | 22,525 | | 22,525 | | 22,525 | | | | 22,525 |
| 033 | AIR & SPACE OPERATIONS CTR-WPN SYS | | 35,050 | | 35,050 | | 6,050 | | | | 35,050 |
| | AOC | | | | | | [-29,000] | | | | |
| | **AIR FORCE COMMUNICATIONS** | | | | | | | | | | |
| 034 | BASE INFO INFRASTRUCTURE | | 337,190 | | 337,190 | | 337,190 | | | | 337,190 |
| 035 | USCENTCOM | | 42,677 | | 42,677 | | 42,677 | | | | 42,677 |
| | **DISA PROGRAMS** | | | | | | | | | | |
| 036 | SPACE BASED IR SENSOR PGM | | 80,405 | | 80,405 | | 80,405 | | | | 80,405 |
| 037 | NAVSTAR GPS SPACE | | 25,526 | | 25,526 | | 25,526 | | | | 25,526 |
| 038 | NUDET DETECTION SYS SPACE | | 27,626 | | 27,626 | | 27,626 | | | | 27,626 |
| 039 | AF SATELLITE CONTROL NETWORK | | 65,383 | | 65,383 | | 65,383 | | | | 65,383 |
| 040 | SPACELIFT RANGE SYSTEM SPACE | | 101,983 | | 101,983 | | 101,983 | | | | 101,983 |
| 041 | MILSATCOM SPACE | | 106,323 | | 106,323 | | 106,323 | | | | 106,323 |
| 042 | SPACE MODS SPACE | | 23,121 | | 23,121 | | 23,121 | | | | 23,121 |
| 043 | COUNTERSPACE SYSTEM | | 29,232 | | 29,232 | | 29,232 | | | | 29,232 |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **ORGANIZATION AND BASE** | | | | | | | | | | |
| 044 | TACTICAL C-E EQUIPMENT | | 293,153 | | 293,153 | | 293,153 | | -51,509 | | 241,644 |
| | Laser Targeting Devices - Unjustified Program Growth | | | | | | | | [-51,509] | | |
| 045 | COMBAT SURVIVOR EVADER | | 26,878 | | 26,878 | | 26,878 | | | | 26,878 |
| 046 | RADIO EQUIPMENT | | 13,463 | | 13,463 | | 13,463 | | | | 13,463 |
| 047 | TV EQUIPMENT (AFRTV) | | | | | | | | | | |
| 048 | CCTV/AUDIOVISUAL EQUIPMENT | | 7,423 | | 7,423 | | 7,423 | | | | 7,423 |
| 049 | BASE COMM INFRASTRUCTURE | | 135,808 | | 135,808 | | 135,808 | | | | 135,808 |
| 050 | ITEMS LESS THAN $5,000,000 | | | | | | | | | | |
| | **MODIFICATIONS** | | | | | | | | | | |
| 051 | COMM ELECT MODS | | 33,258 | | 33,258 | | 33,258 | | | | 33,258 |
| | **OTHER BASE MAINTENANCE AND PERSONAL SAFETY AND RESCUE** | | | | | | | | | | |
| 052 | NIGHT VISION GOGGLES | | 18,626 | | 18,626 | | 18,626 | | | | 18,626 |
| | **DEPOT PLANT AND MATERIAL** | | | | | | | | | | |
| 053 | MECHANIZED MATERIAL HANDLING | | 21,573 | | 21,573 | | 21,573 | | | | 21,573 |
| | **BASE SUPPORT EQUIPMENT** | | | | | | | | | | |
| 054 | BASE PROCURED EQUIPMENT | | 17,038 | | 17,038 | | 17,038 | | | | 17,038 |
| 055 | MEDICAL/DENTAL EQUIPMENT | | | | | | | | | | |
| 056 | CONTINGENCY OPERATIONS | | 6,483 | | 6,483 | | 6,483 | | | | 6,483 |
| 057 | PRODUCTIVITY CAPITAL | | 3,021 | | 3,021 | | 3,021 | | | | 3,021 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 058 | MOBILITY EQUIPMENT | | 26,459 | | 26,459 | | 26,459 | | | | 26,459 |
| 059 | ITEMS LESS THAN $5,000,000 | | 14,237 | | 14,237 | | 14,237 | | | | 14,237 |
| | **SPECIAL SUPPORT PROJECTS** | | | | | | | | | | |
| 60 | PRODUCTION ACTIVITIES | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 061 | DARP RC135 | | 22,924 | | 22,924 | | 22,924 | | | | 22,924 |
| 062 | DISTRIBUTED GROUND SYSTEMS | | 251,805 | | 251,805 | | 251,805 | | | | 251,805 |
| 63 | SELECTED ACTIVITIES | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 064 | SPECIAL UPDATE PROGRAM | | 410,370 | | 410,370 | | 410,370 | | | | 410,370 |
| 065 | DEFENSE SPACE | | 15,805 | | 15,805 | | 15,805 | | | | 15,805 |
| | **SPARES AND REPAIR PARTS** | | | | | | | | | | |
| 066 | SPARES AND REPAIR PARTS | | 25,616 | | 25,616 | | 25,616 | | | | 25,616 |
| 999 | CLASSIFIED PROGRAMS | | 13,041,085 | | 13,041,085 | | 13,041,085 | | | | 13,041,085 |
| | **TOTAL - OTHER PROCUREMENT,** | | **16,128,396** | | **16,134,896** | | **16,115,496** | | **-40,509** | | **16,087,887** |
| | **MINE RESISTANT AMBUSH PROT VEH FUND** | | | | | | | | | | |
| | **MINE RESISTANT AMBUSH PROT** | | | | | | | | | | |
| 001 | MINE RESISTANT AMBUSH PROT | | | | | | | | | | |
| | **TOTAL - MINE RESISTANT AMBUSH PROT VEH FUND** | | | | | | | | | | |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **PROCUREMENT, DEFENSE-WIDE** | | | | | | | | | | |
| | **MAJOR EQUIPMENT** | | | | | | | | | | |
| | **MAJOR EQUIPMENT, OSD/WHS** | | | | | | | | | | |
| 001 | MAJOR EQUIPMENT, OSD | | 105,946 | | 108,946 | | 105,946 | | | | 105,946 |
| | Domestic Production of Polycrystalline Laser Gain Materials | | | | [3,000] | | | | | | |
| | **MAJOR EQUIPMENT, MDA** | | | | | | | | | | |
| 001a | MAJOR EQUIPMENT, MDA | | | | | | 257,000 | | | | |
| | THAAD long lead (transfer from | | | | | | [65,000] | | | | |
| | THAAD long lead | | | | | | [75,000] | | | | |
| | THAAD radar long lead | | | | | | [40,000] | | | | |
| | SM-3 long lead | | | | | | [20,000] | | | | |
| | SM-3 long lead (transfer from RDDW | | | | | | [57,000] | | | | |
| | **MAJOR EQUIPMENT, NSA** | | | | | | | | | | |
| 2 | INTEL SUPPORT TO INFORMATION ( | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 3 | CYBER SECURITY -- CCP | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 4 | CYBER SECURITY INITIATIVE | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 5 | CONSOLIDATED CRYPTOLOGIC PR( | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 006 | PROGRAM (ISSP) | | 4,505 | | 4,505 | | 4,505 | | | | 4,505 |
| 7 | DEFENSE AIRBORNE RECONNAISS/ | | [ ] | | [ ] | | [ ] | | | | [ ] |

# Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MAJOR EQUIPMENT, WHS** | | | | | | | | | | |
| 008 | WHS MOTOR VEHICLES | | | | | | | | | | |
| 009 | MAJOR EQUIPMENT, WHS | | 26,649 | | 26,649 | | 26,649 | | | | 26,649 |
| | **MAJOR EQUIPMENT, DISA** | | | | | | | | | | |
| 010 | INTERDICTION SUPPORT | | | | | | | | | | |
| 011 | INFORMATION SYSTEMS SECURITY | | 54,934 | | 54,934 | | 54,934 | | | | 54,934 |
| 012 | DEFENSE MESSAGE SYSTEM | | | | | | | | | | |
| 013 | GLOBAL COMMAND AND CONTROL | | 10,973 | | 10,973 | | 10,973 | | | | 10,973 |
| 014 | GLOBAL COMBAT SUPPORT | | 2,788 | | 2,788 | | 2,788 | | | | 2,788 |
| 015 | TELEPORT PROGRAM | | 15,062 | | 15,062 | | 15,062 | | | | 15,062 |
| 016 | ITEMS LESS THAN $5 MILLION | | 121,296 | | 121,296 | | 121,296 | | | | 121,296 |
| 017 | NET CENTRIC ENTERPRISE | | 36,765 | | 36,765 | | 36,765 | | | | 36,765 |
| 018 | DEFENSE INFORMATION SYSTEM | | 90,328 | | 90,328 | | 90,328 | | | | 90,328 |
| 019 | PUBLIC KEY INFRASTRUCTURE | | 1,894 | | 1,894 | | 1,894 | | | | 1,894 |
| 020 | SR. LEADERSHIP CMD CONT | | | | | | | | | | |
| 021 | JOINT COMMAND AND CONTROL | | 7,952 | | 7,952 | | 7,952 | | | | 7,952 |
| 22 | CYBER SECURITY INITIATIVE | | 19,100 | | 19,100 | | 19,100 | | | | 19,100 |
| | **MAJOR EQUIPMENT, DIA** | | | | | | | | | | |
| 23 | DIA SUPPORT TO CENTCOM | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 24 | COMMUNICATIONS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 25 | OPERATIONS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 26 | INTEL ACTIVITIES | | [ ] | | [ ] | | [ ] | | | | [ ] |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 27 | MANAGEMENT HQ | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 28 | OPS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 29 | INTELLIGENCE ACTIVITIES | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 30 | INTELLIGENCE ACTIVITIES | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 31 | REVIEW ACTIVITIES | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 32 | DEFENSE HUMINT INTELLIGENCE | | [ ] | | [ ] | | [ ] | | | | [ ] |
| | **MAJOR EQUIPMENT, DLA** | | | | | | | | | | |
| 033 | MAJOR EQUIPMENT | | 8,789 | | 13,789 | | 8,789 | | | | 8,789 |
| | Combat rations surge production capacity requirements | | | | [5,000] | | | | | | |
| | **MAJOR EQUIPMENT, DCAA** | | | | | | | | | | |
| 034 | ITEMS LESS THAN $5 MILLION | | 1,523 | | 1,523 | | 1,523 | | | | 1,523 |
| | **MAJOR EQUIPMENT, TJS** | | | | | | | | | | |
| 035 | MAJOR EQUIPMENT, TJS | | 25,897 | | 25,897 | | 25,897 | | | | 25,897 |
| | **MAJOR EQUIPMENT, DHRA** | | | | | | | | | | |
| 036 | PERSONNEL ADMINISTRATION | | 19,214 | | 19,214 | | 19,214 | | | | 19,214 |
| | **NATIONAL GEOSPATIAL** | | | | | | | | | | |
| 37 | NATIONAL GEOSPATIAL - | | | | | | | | | | |
| 38 | DEFENSE GEOSPATIAL - | | | | | | | | | | |
| | **DEFENSE THREAT REDUCTION** | | | | | | | | | | |
| 039 | VEHICLES | | | | | | | | | | |
| 040 | OTHER MAJOR EQUIPMENT | | 5,621 | | 5,621 | | 5,621 | | | | 5,621 |

## Title I - Procurement

(Dollars in Thousands)

| Line | Program Title | FY 2009 Request Qty | FY 2009 Request Cost | House Authorized Qty | House Authorized Cost | Senate Authorized Qty | Senate Authorized Cost | Agreement Change Qty | Agreement Change Cost | Agreement Authorized Qty | Agreement Authorized Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MAJOR EQUIPMENT, AFIS** | | | | | | | | | | |
| 041 | MAJOR EQUIPMENT, AFIS | | | | | | | | | | |
| | **MAJOR EQUIPMENT, DODEA** | | | | | | | | | | |
| 042 | AUTOMATION/EDUCATIONAL | | 1,498 | | 1,498 | | 1,498 | | | | 1,498 |
| | **MAJOR EQUIPMENT, DCMA** | | | | | | | | | | |
| 043 | MAJOR EQUIPMENT | | 2,149 | | 2,149 | | 2,149 | | | | 2,149 |
| | **MAJOR EQUIPMENT, DTSA** | | | | | | | | | | |
| 044 | MAJOR EQUIPMENT | | 436 | | 436 | | 436 | | | | 436 |
| | **MAJOR EQUIPMENT, BTA** | | | | | | | | | | |
| 045 | MAJOR EQUIPMENT, BTA | | 689 | | 689 | | 689 | | | | 689 |
| | **MAJOR EQUIPMENT, DMACT** | | | | | | | | | | |
| 046 | A - WEAPON SYSTEM COST | 3 | 11,158 | 3 | 11,158 | 3 | 11,158 | | | 3 | 11,158 |
| | **SPECIAL OPERATIONS COMMAND AVIATION PROGRAMS** | | | | | | | | | | |
| 047 | ROTARY WING UPGRADES AND | | 51,950 | | 51,950 | | 51,950 | | | | 51,950 |
| 048 | MC-130H AIR REFUELING SYSTEM | | | | | | | | | | |
| 049 | MH-47 SERVICE LIFE EXTENSION | | 63,667 | | 63,667 | | 63,667 | | | | 63,667 |
| 050 | MH-60 SOF MODERNIZATION | | 98,163 | | 98,163 | | 98,163 | | 74,800 | | 172,963 |
| | SIRFC Radar Warning Receivers | | | | | | | | [74,800] | | |
| 051 | NON-STANDARD AVIATION | 6 | 39,172 | 6 | 39,172 | 6 | 39,172 | | | 6 | 39,172 |

# Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 052 | SOF TANKER RECAPITALIZATION | | 36,286 | | 36,286 | | 36,286 | | -25,000 | | 11,286 |
| | Funding Provided in the FY 2008 Supplemental | | | | | | | | [-25,000] | | |
| 053 | SOF U-28 | | 7,659 | | 7,659 | | 7,659 | | | | 7,659 |
| 054 | MC-130H, COMBAT TALON II | | | | | | | | | | |
| 055 | CV-22 SOF MOD | 6 | 162,971 | 6 | 162,971 | 6 | 162,971 | | | 6 | 162,971 |
| 056 | AC-130U GUNSHIP ACQUISITION | | | | | | | | | | |
| 057 | C-130 MODIFICATIONS | | 47,018 | | 47,018 | | 47,018 | | -13,700 | | 33,318 |
| | 30mm Gun Termination | | | | | | | | [-13,700] | | |
| 058 | AIRCRAFT SUPPORT | | 1,347 | | 1,347 | | 1,347 | | | | 1,347 |
| | **SHIPBUILDING** | | | | | | | | | | |
| 059 | ADVANCED SEAL DELIVERY | | 5,760 | | 5,760 | | 5,760 | | | | 5,760 |
| 060 | MK8 MOD1 SEAL DELIVERY | | 7,061 | | 7,061 | | 7,061 | | | | 7,061 |
| | **AMMUNITION PROGRAMS** | | | | | | | | | | |
| 061 | SOF ORDNANCE REPLENISHMENT | | 67,083 | | 67,083 | | 67,083 | | | | 67,083 |
| 062 | SOF ORDNANCE ACQUISITION | | 5,540 | | 11,540 | | 5,540 | | | | 5,540 |
| | Remote Activated Munitions | | | | [6,000] | | | | | | |
| | **OTHER PROCUREMENT** | | | | | | | | | | |
| 063 | COMMUNICATIONS EQUIPMENT | | 67,220 | | 67,220 | | 67,220 | | | | 67,220 |
| 064 | SOF INTELLIGENCE SYSTEMS | | 54,122 | | 74,922 | | 67,422 | | | | 54,122 |
| | SOCOM Intelligence Equipment Package | | | | [20,800] | | | | | | |
| | ISR mission equipment package | | | | | | [13,300] | | | | |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 065 | SMALL ARMS AND WEAPONS | | 15,689 | | 21,689 | | 20,089 | | 7,500 | | 23,189 |
| | Mk47 Advanced Lightweight Grenade Launcher | | | | [6,000] | | | | [4,500] | | |
| | MK 17 rifle | | | | | | [4,400] | | [3,000] | | |
| 66 | CLASSIFIED PROGRAMS | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 067 | MARITIME EQUIPMENT | | 1,265 | | 1,265 | | 1,265 | | | | 1,265 |
| 068 | SPECIAL APPLICATIONS FOR | | 12,484 | | 12,484 | | 12,484 | | | | 12,484 |
| 069 | SOF COMBATANT CRAFT SYSTEMS | | 18,795 | | 22,395 | | 18,795 | | 3,600 | | 22,395 |
| | Special Operations Craft - Riverine | | | | [3,600] | | | | [3,600] | | |
| 070 | SPARES AND REPAIR PARTS | | 3,272 | | 3,272 | | 3,272 | | | | 3,272 |
| 71 | SPECIAL PROGRAM | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 072 | TACTICAL VEHICLES | | 3,702 | | 3,702 | | 3,702 | | | | 3,702 |
| 073 | MISSION TRAINING AND | | 34,151 | | 34,151 | | 34,151 | | | | 34,151 |
| 074 | COMBAT MISSION REQUIREMENTS | | 21,593 | | 21,593 | | 21,593 | | | | 21,593 |
| 075 | MILCON COLLATERAL EQUIPMENT | | 11,722 | | 11,722 | | 11,722 | | | | 11,722 |
| 076 | UNMANNED VEHICLES | | 27,194 | | 27,194 | | 27,194 | | | | 27,194 |
| 77 | CLASSIFIED PROGRAM GDIP | | [ ] | | [ ] | | [ ] | | | | [ ] |
| 078 | SOF AUTOMATION SYSTEMS | | 55,248 | | 55,248 | | 55,248 | | | | 55,248 |
| 079 | SOF GLOBAL VIDEO | | 15,862 | | 15,862 | | 15,862 | | | | 15,862 |
| 080 | SOF OPERATIONAL | | 25,892 | | 25,892 | | 25,892 | | | | 25,892 |

# Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 081 | SOF SOLDIER PROTECTION AND | | 15,455 | | 16,655 | | 15,455 | | 1,200 | | 16,655 |
| | SOCOM Personal Equipment Advanced Requirements | | | | [1,200] | | | | [1,200] | | |
| 082 | SOF VISUAL AUGMENTATION, | | 30,201 | | 45,601 | | 35,201 | | 3,000 | | 33,201 |
| | SOCOM Visual Augmentation Systems Hand Held Imagers | | | | [15,400] | | | | [3,000] | | |
| | Hand-held imager / long range | | | | | | [5,000] | | | | |
| 083 | SOF TACTICAL RADIO SYSTEMS | | 33,966 | | 33,966 | | 33,966 | | -10,000 | | 23,966 |
| | Multiband Inter/Intra Team Radio | | | | | | | | [-12,000] | | |
| | Multi-Band Multi-Mission Radio | | | | | | | | [2,000] | | |
| 084 | SOF MARITIME EQUIPMENT | | 13,450 | | 13,450 | | 13,450 | | | | 13,450 |
| 085 | DRUG INTERDICTION | | | | | | | | | | |
| 086 | MISCELLANEOUS EQUIPMENT | | 15,331 | | 15,331 | | 15,331 | | | | 15,331 |
| 087 | SOF OPERATIONAL | | 315,443 | | 324,643 | | 320,443 | | 2,000 | | 317,443 |
| | SOCOM High Performance Sniper Scope | | | | [9,200] | | | | | | |
| | M53 joint chemical biological | | | | | | [5,000] | | [2,000] | | |
| 088 | PSYOP EQUIPMENT | | 64,778 | | 64,778 | | 64,778 | | | | 64,778 |
| | **CHEMICAL/BIOLOGICAL DEFENSE** | | | | | | | | | | |
| | **CBDP** | | | | | | | | | | |
| 089 | INSTALLATION FORCE | | 88,565 | | 88,565 | | 88,565 | | | | 88,565 |
| 090 | INDIVIDUAL PROTECTION | | 80,211 | | 80,211 | | 80,211 | | | | 80,211 |
| 091 | DECONTAMINATION | | 22,299 | | 22,299 | | 22,299 | | | | 22,299 |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 092 | JOINT BIOLOGICAL DEFENSE | | 38,702 | | 38,702 | | 38,702 | | | | 38,702 |
| 093 | COLLECTIVE PROTECTION | | 37,784 | | 37,784 | | 37,784 | | | | 37,784 |
| 094 | CONTAMINATION AVOIDANCE | | 199,610 | | 199,610 | | 217,610 | | 10,000 | | 209,610 |
| | Joint chemical agent detector | | | | | | [10,000] | | [5,000] | | |
| | Joint bio standoff detection system (JBSDS) | | | | | | [8,000] | | [5,000] | | |
| | **BALLISTIC MISSILE DEFENSE** | | | | | | | | | | |
| 95 | STANDARD MISSILE-3 | | | | 111,000 | | 77,000 | | 50,000 | | 50,000 |
| | Transfer from PE 63892C | | | | [56,000] | | [57,000] | | [50,000] | | |
| | Facility upgrades | | | | [20,000] | | | | | | |
| | Long-lead procurement | | | | [35,000] | | [20,000] | | | | |
| 96 | TERMINAL HIGH ALTITUDE AREA | | | | 140,000 | | 180,000 | | 115,000 | | 115,000 |
| | Transfer from PE 63881C | | | | [65,000] | | [65,000] | | [65,000] | | |
| | Long-lead procurement | | | | [75,000] | | [75,000] | | [50,000] | | |
| | THAAD radar | | | | | | [40,000] | | | | |
| 999 | CLASSIFIED PROGRAMS | | 671,379 | | 671,379 | | 671,379 | | | | 671,379 |
| | **TOTAL - PROCUREMENT, DEFENSE-WIDE** | | **3,164,228** | | **3,485,428** | | **3,723,928** | | **218,400** | | **3,382,628** |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| | **RAPID ACQUISITION FUND** | | | | | | | | | | |
| 001 | JOINT RAPID ACQUISITION CELL | | 102,045 | | 50,000 | | 102,045 | | -102,045 | | |
| | Transfer to Title XV | | | | [-102,045] | | | | | | |
| | Program Increase | | | | [50,000] | | | | | | |
| | Program decrease | | | | | | | | [-102,045] | | |
| | **TOTAL - RAPID ACQUISITION FUND** | | **102,045** | | **50,000** | | **102,045** | | **-102,045** | | |

## Title I - Procurement

(Dollars in Thousands)

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|---|---|---|---|---|---|---|---|---|---|---|---|
| | **NATIONAL GUARD & RESERVE** | | | | | | | | | | |
| | **RESERVE EQUIPMENT** | | | | 800,000 | | | | 800,000 | | 800,000 |
| | **ARMY RESERVE** | | | | | | | | | | |
| 001 | MISCELLANEOUS EQUIPMENT | | | | | | | | | | |
| | **NAVY RESERVE** | | | | | | | | | | |
| 002 | MISCELLANEOUS EQUIPMENT | | | | | | | | | | |
| | **MARINE CORPS RESERVE** | | | | | | | | | | |
| 003 | MISCELLANEOUS EQUIPMENT | | | | | | | | | | |
| | **AIR FORCE RESERVE** | | | | | | | | | | |
| 004 | MISCELLANEOUS EQUIPMENT | | | | | | | | | | |
| | **NATIONAL GUARD EQUIPMENT** | | | | | | | | | | |
| | **ARMY NATIONAL GUARD** | | | | | | | | | | |
| 005 | MISCELLANEOUS EQUIPMENT | | | | | | | | | | |
| | **AIR NATIONAL GUARD** | | | | | | | | | | |
| 006 | MISCELLANEOUS EQUIPMENT | | | | | | | | | | |
| | **TOTAL - NATIONAL GUARD &** | | | | **800,000** | | | | **800,000** | | **800,000** |

However, the agreement would authorize $349.0 million for surface ship advance procurement which would permit the Navy to acquire major spares for DDG–51 destroyers or buy advance procurement should the Secretary of Defense determine that there is a validated requirement to produce more of these ships.

The agreement also would authorize $600.0 million in advance procurement to extend the LPD–17 amphibious acquisition program to a total of 11 ships. The Marine Corps considers the tenth and eleventh ships of this class to be vital to the future expeditionary force.

The agreement would authorize the budget request of $920.0 million for two LCS vessels. Elsewhere in the agreement, we recommend a provision that would delay implementation of the cost cap for the LCS program until fiscal year 2010. We note that the Navy has taken delivery of the first ship of this class and anticipates taking delivery of the second by the end of the calendar year. While these are significant milestones, we remain concerned that the Navy has not taken sufficient actions to control costs for follow-on vessels. Moreover, in repeated testimony before the Committees on Armed Services of the Senate and the House of Representatives, we have been told that a primary benefit of utilizing mid-tier shipyards is that such yards can easily balance commercial and government workload to ensure that the Navy does not have to pay overhead costs to maintain capability during periods of limited government funding. Nevertheless, the Navy has requested, for the second year in a row, an adjustment to the cost cap in order to preserve industrial capability because the Navy is unable to purchase a ship at or below its budgetary estimate and lacks a coherent acquisition strategy for the program. We strongly encourage the Navy to take steps to procure follow-on vessels with required warfighting capability, while prioritizing the aggressive management of cost and the most efficient utilization of the industrial base. Likewise, we direct the Secretary to develop and submit to the Congress a long-term acquisition strategy for LCS vessels with the submission of the fiscal year 2010 budget request.

Finally, consistent with a change in the definition of the vessels appropriately funded within the NDSF, the agreement would transfer $348.3 million from the NDSF to the Shipbuilding and Conversion, Navy (SCN) account to buy MPF(F) vessels which are noncombatant versions of assault echelon vessels of the Navy's amphibious force.

ITEMS OF SPECIAL INTEREST

*Intelligence, surveillance, and reconnaissance task force*

The Senate report (110–335) accompanying S. 3001 included recommendations for authorization of funding and direction for multiple programs and activities to immediately strengthen intelligence, surveillance, and reconnaissance (ISR) capabilities for deployed forces. Since the publication of that report, the Secretary of Defense established an ISR Task Force to recommend immediate actions to field additional capabilities. The Secretary of Defense subsequently submitted a prior-approval reprogramming request to the Congress of $1.2 billion for fiscal year 2008 (which Congress approved), and indicated that another $1.4 billion or more would be requested for fiscal year 2009.

We applaud the Secretary's decisive action. However, based on past experience with countering improvised explosive devices and fielding large numbers of Mine-Resistant Ambush Protected armored vehicles, we are concerned that the Department of Defense will encounter difficulties in executing the approved initiatives as rapidly as needed unless the Department establishes a high-level organization and process to manage, oversee, and report regularly to the Secretary on the initiative. In addition, we expect that additional requirements for immediate ISR support will arise, suggesting the need for sustaining an organization and process for evaluating theater needs and potential solutions.

Therefore, we urge the Secretary of Defense to create and sustain an organization, led by a senior official, to manage the implementation of the ISR initiatives and to evaluate and make recommendations to the Secretary on new ISR requirements as they arise. We request that the Secretary submit a report to the congressional defense and intelligence committees within 30 days of the date of enactment on the Secretary's plans for managing the multi-billion dollar ISR enhancement effort.

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

*Authorization of appropriations (secs. 101–105)*

The House bill contained provisions (secs. 101–106) that would authorize the recommended fiscal year 2009 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, Defense-wide activities, and National Guard and reserve equipment.

The Senate bill contained provisions (secs. 101–104) that would authorize the recommended fiscal year 2009 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, and Defense-wide activities.

The agreement includes the House provisions with technical amendments.

SUBTITLE B—ARMY PROGRAMS

*Separate procurement line items for Future Combat Systems program (sec. 111)*

The House bill contained a provision (sec. 111) that would require, beginning with the fiscal year 2010 President's budget request, separate procurement lines for five classes of equipment planned for procurement under the Future Combat Systems (FCS) program. These classes would be FCS manned ground vehicles, FCS unmanned ground vehicles, FCS unmanned aerial vehicles, FCS unattended ground systems, and other FCS elements.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the use of dedicated procurement line items for the FCS program beginning with the Fiscal Year 2011 President's Budget Request submitted to Congress under section 1105(a) of title 31, United States Code.

*Clarification of status of Future Combat Systems program lead system integrator (sec. 112)*

The House bill contained a provision (sec. 112) that would prohibit the Army from awarding a contract for low-rate initial production or full-rate production for major elements of the Future Combat Systems (FCS) program to entities serving in the role of a lead systems integrator for the FCS program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would amend section 802 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to clarify the prime contractor for the Future Combat Systems program is a lead system integrator under such section and will remain so until 45 days after the Secretary of the Army certifies in writing that such contractor is no longer serving as a lead system integrator. The specific functions performed by the prime contractor for the FCS program under the current FCS program contract, including major roles in system and subsystem integration, requirements definition, program scope adjustments, and program management, constitute ''acquisition functions closely associated with inherently governmental functions'' for the purposes of this provision. The provision would also clarify the definition of ''new contract'' to include certain FCS contract modifications.

*Restriction on obligation of funds for Army tactical radio pending report (sec. 113)*

The House bill contained a provision (sec.113) that would restrict obligation of 25 percent of the total funds authorized for Army tactical radio systems pending a report on Army tactical radio system fielding plans from the Assistant Secretary for Defense for Networks and Information Integration.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

The agreement specifies that the restriction on obligation of funds in paragraph (b) of the provision refers only to Army radios procured through the following Other Procurement, Army budget lines: ''SINCGARS family,'' and ''Radio, Improved HF (COTS) family.''

*Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification (sec. 114)*

The House bill contained a provision (sec. 114) that would limit the obligation of funds for the Armed Reconnaissance Helicopter (ARH) for fiscal year 2009 to not more than 20 percent of the authorized amounts until 30 days after the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD-ATL) certifies to the congressional defense committees that the ARH has satisfactorily completed a Limited User Test and has been approved by the USD-ATL to enter production.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would add requirements for the ARH program to achieve certification as required by section 2433 of title 10, United States Code, and restructuring of its acquisition strategy.

*Stryker Mobile Gun System (sec. 115)*

The Senate bill contained a provision (sec.111) that would require the Secretary of Defense, through the Director of Operational Test and Evaluation (DOT&E), to ensure that the Stryker Mobile Gun System (MGS) is subject to testing to confirm the efficacy of any actions taken to mitigate operational deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation. The provision would also require the Secretary of the Army to provide quarterly updates to the congressional defense committees on the status of the corrective measures and expand section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to future fiscal years.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment that updates the provision based on developments relating to the program since Senate committee action.

We remain concerned by the Army's deployment of low-rate initial production Stryker MGS vehicles to Iraq given the performance and survivability issues noted during testing and urge the Army to take the

actions necessary to ensure Stryker MGS vehicles meet all requirements before deploying any additional Stryker MGS vehicles to theater.

SUBTITLE C—NAVY PROGRAMS

*Refueling and complex overhaul of the U.S.S. Theodore Roosevelt (sec. 121)*

The House bill contained a provision (sec. 121) that would provide a one-time exemption to the normal full funding policy to allow for contracting of a 3 year incrementally-funded aircraft carrier refueling complex overhaul (RCOH) from the Shipbuilding and Conversion, Navy (SCN) account. This language would provide the Navy with the authority to commence the refueling overhaul in fiscal year 2009.

The Senate bill contained a similar provision (sec. 132).

The agreement includes a provision incorporating this one-time exemption.

*Littoral Combat Ship (LCS) program (sec. 122)*

The House bill contained a provision (sec. 123) that would amend section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), to permit the Secretary of the Navy to make adjustments in the cost cap for the Littoral Combat Ship (LCS) to reflect: (1) economic inflation, up to a total of $10.0 million per ship; and (2) cost increases or decreases for insertion of new technology, owing to lower life cycle costs or increased capability required to meet emerging threats.

The Senate bill contained no similar provision.

The agreement includes a provision that would amend section 125 of the National Defense Authorization Act for Fiscal Year 2008 to delay implementation of the existing cost cap until fiscal year 2010.

*Report on F/A–18 procurement costs, comparing multiyear to annual (sec. 123)*

The House bill contained a provision (sec. 124) that would require the Secretary of Defense to submit a report on F/A–18 procurement, comparing multiyear procurement costs to those of annual procurements. The provision would also authorize the Secretary of the Navy to obligate up to $100.0 million from within F/A–18 procurement funds to pay for cost reduction initiatives, either for single year procurement or multiyear procurement.

The Senate bill contained no similar provision.

The agreement includes a requirement that the Secretary of Defense submit a report comparing F/A–18 annual and multiyear procurement alternatives, and that he submit appropriate certifications required by section 2306b of title 10, United States Code if he finds that a multiyear procurement is the preferable alternative.

*Authority for advanced procurement and construction of components for the Virginia-class submarine program (sec. 124)*

The Senate bill contained a provision (sec. 131) that would modify the multiyear authority provided in section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The House bill contained no similar provision.

The agreement includes the Senate provision.

SUBTITLE D—AIR FORCE PROGRAMS

*Maintenance of retired KC–135E aircraft (sec. 131)*

The House bill contained a provision (sec. 132) that would require the Secretary of the Air Force to maintain a minimum of 46 KC–135E tanker aircraft in Type–1000 storage, rather than all of those KC–135E tanker aircraft that have been or would be retired under section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that requires the Secretary of the Air Force maintain at least 74 aircraft in Type–1000 storage.

*Repeal of multi-year contract authority for procurement of tanker aircraft (sec. 132)*

The House bill contained a provision (sec. 133) that would repeal section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) that, among other things, authorized multi-year procurement of up to 80 aircraft as part of a tanker leasing pilot program to acquire 100 tanker aircraft, with 20 coming from a long-term lease.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Report on processes used for requirements development for KC-(X) tanker aircraft (sec. 133)*

The House bill contained a provision (sec. 134) that would require the Secretary of the Air Force to report on: (1) an evaluation of the process for deriving KC-(X) requirements; (2) the justification for using the KC–135R as the comparative baseline for the KC-(X) competition; and (3) and evaluation of potential aerial refueling platforms derived from commercial aircraft in the range of maximum gross take-off weights from 750,000 to 1,000,000 pounds.

The Senate bill contained no similar provision.

The agreement includes the House provision amended to require the Secretary of Defense to report on:

(1) an examination of the requirements for aerial refueling, including an explanation for the use of the KC–135R as the baseline for the last KC-(X) solicitation; and

(2) a summary of commercial derivative or commercial, off-the-shelf aircraft available for use as potential aerial refueling platforms using aerial refueling capabilities within the capability bands identified within the KC-(X) Analysis of Alternatives.

The agreement also includes a requirement that the Secretary of Defense reassess the requirements for aerial refueling that have been most recently validated by the Joint Requirements Oversight Council, and submit the complete results of that reassessment to the congressional defense committees.

*F–22A fighter aircraft (sec. 134)*

The Senate bill contained a provision (sec. 151) that would authorize $497.0 million for Aircraft Procurement, Air Force (APAF) for either (1) advance procurement for F–22A aircraft in fiscal year 2010; or (2) winding down the production line for F–22A aircraft. The next President of the United States would have to decide which alternative would be in the best interests of the Nation and submit a certification of that decision to the congressional defense committees before any of these funds could be spent.

The House bill contained no similar provision.

The agreement authorizes $523.0 million in APAF for advance procurement for the F–22A aircraft. The agreement also includes a provision that would prohibit obligating more than $140.0 million of those funds until the next President of the United States: (1) decides whether continuing F–22 production or terminating production would be in the best interests of the Nation; and (2) submits a certification of that decision before March 1, 2009, to the congressional defense committees.

SUBTITLE E-JOINT AND MULTISERVICE MATTERS

*Annual long-term plan for the procurement of aircraft for the Navy and the Air Force (sec. 141)*

The Senate bill contained a provision (sec. 171) that would require the Secretary of Defense to submit an annual long-term plan for procurement of aircraft for the Departments of the Navy and Air Force. The provision would require that the plan project procurement, inventories, retirements, and losses for the following 30–year period.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Report on body armor acquisition strategy (sec. 142)*

The House bill contained a provision (sec. 141) that would require the Secretary of Defense to establish an executive agent for individual body armor and associated components and establish a procurement budget line item for body armor and personnel protection enhancements. This provision would also require the Under Secretary of Defense for Acquisition, Technology, and Logistics to report to the congressional defense committees by March 15, 2009, detailing an assessment of the body armor industrial base and a strategic plan for its sustainment, and to specify the objective technical capabilities intended for the body armor system.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to submit a report to the congressional defense committees, not later than 120 days after enactment, that includes an assessment of the feasibility and advisability of establishing a dedicated procurement line item for body armor; an assessment of the feasibility and advisability of designating one executive agent for the acquisition of body armor for the military departments; and an assessment of all current initiatives implemented by the Secretary of Defense and the military departments that provide improvements to the body armor acquisition process.

*Small arms acquisition strategy and requirements review (sec. 143)*

The House bill contained a provision (sec. 142) that would require the Comptroller General of the United States Government Accountability Office to audit the Department of Defense small arms requirements generation process and report to the congressional defense committees by October 1, 2009, on any statutory, regulatory, or procedural barriers that may affect the ability of the military services to rapidly field small arms. This section would also require the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide a report to the congressional defense committees that details small arms inventory, research and development programs, joint acquisition strategy, an analysis of any ongoing small arms capability gap assessments.

The Senate bill contained a similar provision (sec. 112) that would require the Secretary of the Army to submit a report on the Army's small arms Capabilities Based Assessment. The provision would also recommend that in the event the Army requires a new individual weapon, that the acquisition of such weapons should result from a full and open competition. The provision would also require that the Secretary of Defense submit a report on the feasibility and

advisability of conducting a full and open competition for carbine-type rifles.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to report to the congressional defense committees on the Department's assessments of small arms requirements, modernization plans, and the United States small arms industrial base. The amendment would further direct that in the event that the Secretary of the Army determines that there is a gap in small arms capabilities and that a new individual weapon is required, the Secretary shall procure the new individual weapon using a full and open competition.

*Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems (sec. 144)*

The House bill contained a provision (sec. 143) that would require the Secretary of Defense to establish a policy for acquisition of intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems that would have as its objective obtaining commonality throughout the Department.

The Senate bill contained no similar provision.

The amendment contains the House provision with a clarifying amendment.

*Report on future jet carrier training requirements of the Navy (sec. 145)*

The House bill contained a provision (sec. 144) that would require the Secretary of the Navy to submit a report to the congressional defense committees within 120 days after the date of enactment of this Act on future jet carrier training requirements.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Rapid acquisition fund*

The House bill contained a provision (sec. 106) that would authorize funds for a rapid acquisition fund.

The Senate bill did not contain a similar provision.

The agreement does not include the House provision.

*Applicability of previous teaming agreements for Virginia-class submarine program*

The House bill contained a provision (sec. 122) that would amend the multiyear contracting authority contained in section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to require that the Secretary of the Navy certify that the contract to be awarded under such authority comports with the Team Agreement between the two submarine building yards, dated February 16, 1997, which was submitted to the Congress on March 31, 1997.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Limitation on retiring C–5 aircraft*

The House bill contained a provision (sec. 131) that would repeal section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) relating to a prohibition on retiring C–5A aircraft until certain testing had been completed. Instead, the provision would prohibit retiring C–5A aircraft until 45 days after the Secretary of the Air Force had submitted a certification that retiring aircraft would not increase operational risk, and a cost analysis assessing different approaches for meeting strategic airlift requirements.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

BUDGET ITEMS

*Research, Development, Test and Evaluation overview*

The budget request included $79.7 billion in Research, Development, Test and Evaluation for the Department of Defense.

The House bill would authorize $79.8 billion.

The Senate bill would authorize $79.8 billion.

The agreement would authorize $77.8 billion.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

*Network science, technology and experimentation center*

The budget request included $10.0 million in PE 61104A for the establishment of a network science and technology research center. This is an example of the Army's continued commitment to investments in basic research, especially in the face of severe budget constraints due to the current operations and reset of the force. In particular, it is widely expected that new investments in network science can lead to significant enhancements in operational capabilities.

The fact that the current Army plan for this effort calls for the majority of funding to go to the establishment of a single research center is a cause for concern. The National

Title II -- RESEARCH, DEVELOPMENT, TEST & EVALUATION

| | Authorization Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|
| Research, Development, Test & Evaluation, Army | 10,524,085 | 10,685,695 | 10,855,210 | 419,755 | 10,943,840 |
| Research, Development, Test & Evaluation, Navy | 19,337,238 | 19,764,738 | 19,442,192 | 8,365 | 19,345,603 |
| Research, Development, Test & Evaluation, Air Force | 28,066,617 | 28,238,349 | 28,322,477 | -1,777,109 | 26,289,508 |
| Research, Development, Test & Evaluation, Defense-wide | 21,499,229 | 20,822,879 | 20,924,729 | -556,500 | 20,942,729 |
| Operational Test & Evaluation | 188,772 | 188,772 | 188,772 | 0 | 188,772 |
| TOTAL, RDT&E | 79,615,941 | 79,700,433 | 79,733,380 | -1,905,489 | 77,710,452 |

# Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY** | | | | | |
| | | **BASIC RESEARCH** | | | | | |
| 0601101A | 1 | IN-HOUSE LABORATORY INDEPENDENT RESEARCH | 19,832 | 19,832 | 19,832 | | 19,832 |
| 0601102A | 2 | DEFENSE RESEARCH SCIENCES | 176,959 | 183,439 | 184,459 | 9,980 | 186,939 |
| | | Advanced energy storage research | | | [3,000] | [2,000] | |
| | | Drug resistant infections research | | | [1,500] | [1,500] | |
| | | Military operating environments research | | | [1,500] | [1,500] | |
| | | Organic semiconductor modeling and simulation | | | [1,500] | [1,000] | |
| | | Functionally integrated reactive surface technologies | | [2,500] | | | |
| | | Nanostructured materials for photovoltaic applications | | [2,000] | | [2,000] | |
| | | Solid state shelter lighting system | | [480] | | [480] | |
| | | Nanocrystal source display | | [1,500] | | [1,500] | |
| 0601103A | 3 | UNIVERSITY RESEARCH INITIATIVES | 76,980 | 79,480 | 86,180 | 6,700 | 83,680 |
| | | Low temperature vehicle performance research | | | [2,000] | [2,000] | |
| | | Nanocomposite materials research | | | [2,000] | [2,000] | |
| | | Nanocomposite wireless power systems research | | | [1,500] | | |
| | | Nanoscale biosensor research | | | [2,500] | [1,500] | |
| | | Urban simulation and training research | | | [1,200] | [1,200] | |
| | | Science, tech, engineering, mathematics at Coppin State | | [1,000] | | | |
| | | Program increase | | [1,500] | | | |
| 0601104A | 4 | UNIVERSITY AND INDUSTRY RESEARCH CENTERS | 105,622 | 105,622 | 105,622 | | 105,622 |
| | | **SUBTOTAL, BASIC RESEARCH, ARMY** | **379,393** | **388,373** | **396,093** | **16,680** | **396,073** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **APPLIED RESEARCH** | | | | | |
| 0602105A | 5 | MATERIALS TECHNOLOGY | 26,985 | 31,685 | 36,660 | 6,975 | 33,960 |
| | | Cold spray technology development | | | [2,000] | | |
| | | Composite materials applied research and technology | | | [2,000] | [2,000] | |
| | | Improvised explosive device blast simulations | | | [475] | [475] | |
| | | Magnetic nanosensor development | | | [2,000] | [2,000] | |
| | | Nanosensor manufacturing research | | | [1,500] | [1,000] | |
| | | Aircraft skin repair-cold spray | | [3,000] | | | |
| | | Ultrasonic consolidation for armor applications | | [1,700] | [1,700] | [1,500] | |
| 0602120A | 6 | SENSORS AND ELECTRONIC SURVIVABILITY | 46,147 | 56,477 | 48,147 | 6,500 | 52,647 |
| | | Hydrogen battery research | | | [2,000] | [2,000] | |
| | | Dismounted soldier millimeter wave BTID RF tag | | [2,000] | | | |
| | | Command, control, communications and computer module | | [1,500] | | [1,500] | |
| | | Electromagnetic geolocation | | [2,830] | | | |
| | | Semi-autonomous or unattended psychop and recon tool | | [3,000] | | [3,000] | |
| | | Cyber forensics and tracking capability tool | | [1,000] | | | |
| 0602122A | 7 | TRACTOR HIP | 18,192 | 18,192 | 18,192 | | 18,192 |
| 0602211A | 8 | AVIATION TECHNOLOGY | 42,013 | 43,213 | 44,513 | 1,200 | 43,213 |
| | | Slowed-rotor technologies | | | [2,500] | | |
| | | Intensive quenching for advanced weapons systems | | [1,200] | | [1,200] | |
| 0602270A | 9 | ELECTRONIC WARFARE TECHNOLOGY | 16,611 | 23,611 | 16,611 | 2,500 | 19,111 |
| | | Silver Fox and Manta UAS | | [4,000] | | [2,500] | |
| | | Knowledge integration & management center of excellence | | [3,000] | | | |
| 0602303A | 10 | MISSILE TECHNOLOGY | 48,174 | 50,674 | 48,174 | | 48,174 |
| | | Micro safe and arm device for DOD rocket systems | | [2,500] | | | |
| 0602307A | 11 | ADVANCED WEAPONS TECHNOLOGY | 19,664 | 19,664 | 19,664 | | 19,664 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602308A | 12 | ADVANCED CONCEPTS AND SIMULATION | 17,048 | 17,048 | 20,048 | 3,000 | 20,048 |
| | | Photonics research for sniper detection | | | [3,000] | [3,000] | |
| 0602601A | 13 | COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY | 55,234 | 89,234 | 73,234 | 24,000 | 79,234 |
| | | Advanced vehicle technology and fuel development | | | [1,500] | [1,000] | |
| | | Condition based maintenance simulation tools | | | [4,500] | [3,000] | |
| | | Ground vehicle reliability modeling | | | [2,000] | [1,000] | |
| | | Hybrid electric vehicle batteries for FCS | | | [2,000] | [2,000] | |
| | | Lightweight electric drive technologies | | | [2,000] | | |
| | | Military fuels research program | | | [2,000] | [2,000] | |
| | | DOD hydrogen PEM fuel cell medium | | [8,000] | [4,000] | [3,000] | |
| | | Nano-based, rust corrosion-UV protection system | | [300] | | | |
| | | Fire resistant fuels | | [4,800] | | [4,000] | |
| | | Dual stage variable energy absorber (DSVEA) | | [3,000] | | [3,000] | |
| | | Glass ceramic armor technology for vehicle survivability | | [6,000] | | | |
| | | Rapid up-armor synthesis and crashworthiness design | | [2,000] | | [1,500] | |
| | | Torque-vectoring rollover prevention technology | | [1,400] | | | |
| | | Nanofluids for advanced mobility | | [2,200] | | [1,000] | |
| | | Tactical metal fabrication | | [6,300] | | [2,500] | |
| 0602618A | 14 | BALLISTICS TECHNOLOGY / ROBOTICS | 71,550 | 76,550 | 71,550 | 3,000 | 74,550 |
| | | Unmanned rotorcraft for risk reduction - BIRRRD | | [1,500] | | [1,000] | |
| | | Globally accessible manufacturing and maintenance activity | | [3,500] | | [2,000] | |
| 0602622A | 15 | CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY | 2,295 | 2,295 | 2,295 | | 2,295 |
| 0602623A | 16 | JOINT SERVICE SMALL ARMS PROGRAM | 7,531 | 7,531 | 7,531 | | 7,531 |
| 0602624A | 17 | WEAPONS AND MUNITIONS TECHNOLOGY | 30,576 | 33,576 | 34,076 | 3,500 | 34,076 |
| | | UGV weaponization | | | [3,500] | [1,500] | |
| | | Compact automated mechanical clearance platform | | [3,000] | | [2,000] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602705A | 18 | ELECTRONICS AND ELECTRONIC DEVICES | 45,278 | 45,278 | 47,278 | 2,000 | 47,278 |
| | | Soldier portable power pack technologies | | | [2,000] | [2,000] | |
| 0602709A | 19 | NIGHT VISION TECHNOLOGY | 25,647 | 36,297 | 25,647 | 1,500 | 27,147 |
| | | Power efficient microdisplay development | | [4,650] | | | |
| | | Multi-threat detection initiative (MTDI) | | [3,000] | | | |
| | | Miniaturized sensors for small and tactical UAV | | [3,000] | | [1,500] | |
| 0602712A | 20 | COUNTERMINE SYSTEMS | 21,815 | 26,815 | 24,815 | 8,000 | 29,815 |
| | | Standoff IED detection technologies | | | [3,000] | [3,000] | |
| | | Hawaii undersea chem military munitions assessment plan | | [5,000] | | [5,000] | |
| 0602716A | 21 | HUMAN FACTORS ENGINEERING TECHNOLOGY | 17,348 | 42,348 | 17,348 | 25,000 | 42,348 |
| | | LWI training based collaborative initiative | | [25,000] | | [25,000] | |
| 0602720A | 22 | ENVIRONMENTAL QUALITY TECHNOLOGY | 16,064 | 22,314 | 16,064 | 1,000 | 17,064 |
| | | Range scrap disposal | | [1,250] | | [1,000] | |
| | | Integrated enviro control sys and cryogenic agent removal | | [5,000] | | | |
| 0602782A | 23 | COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY | 24,014 | 24,014 | 26,014 | 2,000 | 26,014 |
| | | Portable compass/positioning/timing device development | | | [2,000] | [2,000] | |
| 0602783A | 24 | COMPUTER AND SOFTWARE TECHNOLOGY | 5,495 | 5,495 | 5,495 | | 5,495 |
| 0602784A | 25 | MILITARY ENGINEERING TECHNOLOGY | 52,066 | 52,066 | 56,066 | 3,500 | 55,566 |
| | | Geosciences and atmospheric research | | | [2,500] | [2,000] | |
| | | Nanocomposite panels for blast and ballistic protection | | | [1,500] | [1,500] | |
| 0602785A | 26 | MANPOWER/PERSONNEL/TRAINING TECHNOLOGY | 16,412 | 16,412 | 16,412 | | 16,412 |
| 0602786A | 27 | WARFIGHTER TECHNOLOGY | 21,948 | 27,048 | 24,948 | 6,100 | 28,048 |
| | | Ballistic materials for force protection | | | [1,500] | [1,000] | |
| | | Mobile feeding unit development | | | [1,500] | | |
| | | Advanced thermal processing of packaged combat rations | | [2,100] | | [2,100] | |
| | | Wearable personal area network technology | | [3,000] | | [3,000] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602787A | 28 | MEDICAL TECHNOLOGY | 75,395 | 105,895 | 110,895 | 17,700 | 93,095 |
| | | Bioengineering research | | | [2,500] | | |
| | | Biomechanics research | | | [1,000] | [1,000] | |
| | | Blast wave effect modeling | | | [5,000] | | |
| | | Dengue fever treatment research | | | [2,000] | | |
| | | Dried blood technology clinical research | | | [2,000] | [2,000] | |
| | | Extremity war Injuries research program | | | [5,000] | [5,000] | |
| | | Genetics research for soldier survivability | | | [2,000] | [2,000] | |
| | | PTSD research | | | [2,500] | | |
| | | Traumatic brain injury research | | | [3,500] | | |
| | | Bio-engineering for enhancement of soldier survivability | | [3,000] | | | |
| | | Adv functional nanomaterials for biological processes | | [2,500] | [2,000] | [2,000] | |
| | | Depression and mood disorders research | | [1,000] | | | |
| | | Pharmacologic agents to reduce hearing loss | | [1,600] | | | |
| | | Measuring and protecting against traumatic brain injury | | [3,000] | | | |
| | | Minimizing health effects of air toxics | | [1,200] | | [1,200] | |
| | | Neuropsychiatric and post traumatic stress treatment | | [1,200] | | | |
| | | Orthopedic implant design and manufacturing | | [2,000] | | | |
| | | Plasma technology laboratory | | [1,000] | | [1,000] | |
| | | Post traumatic stress disorder attention modification | | [1,500] | | | |
| | | Military photomedicine program | | [6,000] | [8,000] | [3,500] | |
| | | Program increase | | [1,500] | | | |
| | | **SUBTOTAL, APPLIED RESEARCH, ARMY** | **723,502** | **873,732** | **811,677** | **117,475** | **840,977** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **ADVANCED TECHNOLOGY DEVELOPMENT** | | | | | |
| 0603001A | 29 | WARFIGHTER ADVANCED TECHNOLOGY | 46,793 | 53,593 | 50,293 | 9,600 | 56,393 |
| | | Biosensor controller systems development | | | [3,500] | [3,500] | |
| | | Ballistic precision aerial delivery system | | [4,800] | | [4,600] | |
| | | Novel flame retardant nylon fabrics | | [2,000] | | [1,500] | |
| 0603002A | 30 | MEDICAL ADVANCED TECHNOLOGY | 59,043 | 150,993 | 105,043 | 65,000 | 124,043 |
| | | Advanced fibrin dressings | | | [5,000] | [3,000] | |
| | | Battlefield tracheal intubation technologies | | | [2,000] | [2,000] | |
| | | Bioelectrics research | | | [2,000] | [2,000] | |
| | | Combat wound initiative | | | [5,500] | [2,000] | |
| | | Electronic vital signs monitoring | | | [3,000] | [3,000] | |
| | | Gulf War veterans' illnesses research | | | [13,000] | [10,000] | |
| | | Joint medical logistics modernization program | | | [4,000] | | |
| | | Lower limb prosthetics research | | | [2,500] | [2,000] | |
| | | Mild traumatic brain injury assessment sensor research | | | [2,000] | | |
| | | Online military medical training program | | | [2,000] | [3,000] | |
| | | Regenerative medicine research | | | [5,000] | [3,000] | |
| | | Center for traumatic injury to the visual sys and brain | | [5,000] | | | |
| | | Controlled release of anti-inflammatory and tissue repair | | [6,000] | | [6,000] | |
| | | Corneal wound repair | | [6,000] | | [5,500] | |
| | | Cardiac surgery robotic computerized telemanipulation | | [2,000] | | [2,000] | |
| | | Chronic tinnitus treatment program | | [3,700] | | [1,000] | |
| | | Clinical technology integration for military health | | [6,800] | | | |
| | | Composite tissue allotransplantation research | | [5,000] | | [2,000] | |
| | | Emergency department preparedness project | | [2,000] | | | |
| | | Magnetic brain stimulation for traumatic brain injury rehab | | [1,000] | | | |
| | | Jt Med. Logistics AIT modernization init: Navy hospital ships | | [6,000] | | | |
| | | Mild traumatic brain injury and triage using smart sensors | | [3,200] | | | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | Infectious and inflammatory disease center | | [2,000] | | [2,000] | |
| | | Institute of surgical and interventional simulation | | [3,000] | | [3,000] | |
| | | Locomotor translational for traumatic brain injury | | [4,200] | | | |
| | | National Trauma Institute | | [3,000] | | | |
| | | Terastack pilot for army telemedicine | | [2,500] | | | |
| | | Ultra-high resolution display | | [5,200] | | [5,000] | |
| | | USF College of Public Health | | [5,000] | | | |
| | | Digital pen | | [250] | | | |
| | | Personal status monitor (Nightengale) | | [2,500] | | [2,500] | |
| | | PTSD telemedicine support | | [2,200] | | | |
| | | Shock trauma center operating room equipment | | [2,100] | | | |
| | | Telepharmacy remote medicine device unit | | [3,000] | | [3,000] | |
| | | Smisson cartledge infuser | | [2,000] | | | |
| | | Ultra high-speed MEMS electromagnetic cell sorter | | [5,500] | | [3,000] | |
| | | Program increase | | [2,800] | | | |
| 0603003A | 31 | AVIATION ADVANCED TECHNOLOGY | 57,277 | 87,177 | 64,277 | 18,500 | 75,777 |
| | | Helicopter vulnerability reduction technologies | | | [1,500] | [1,500] | |
| | | Tactical integration systems development | | | [3,500] | [2,000] | |
| | | UAV payload delivery systems | | | [2,000] | [1,000] | |
| | | Polymer matrix technology for rotorcraft drive systems | | [5,000] | | [3,000] | |
| | | Mission execution technology implementation | | [10,000] | | [4,000] | |
| | | Non-hazardous infrared anti-reflective coatings for sensors | | [2,000] | | [1,500] | |
| | | Universal control - full authority digital engine control | | [5,000] | | [4,000] | |
| | | Universal UAV-resupply BURRO | | [4,800] | | [1,500] | |
| | | Advanced drive system laser-peening technologies | | [3,100] | | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603004A | 32 | WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY | 73,697 | 83,597 | 73,697 | 4,900 | 78,597 |
| | | Lens-less micro seeker sys for small steerable projectiles | | [5,000] | | [2,000] | |
| | | Precision molding mantech for large IR aspheric optics | | [2,900] | | [2,900] | |
| | | Chemical mechanical self-destruct fuze | | [2,000] | | | |
| 0603005A | 33 | COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY | 107,992 | 152,942 | 208,242 | 71,500 | 179,492 |
| | | Advanced battery development program | | | [10,000] | | |
| | | Advanced digital hydraulic hybrid drive systems | | | [3,500] | [2,500] | |
| | | Advanced lithium vehicle battery systems | | | [3,000] | [2,000] | |
| | | Advanced tactical wheeled vehicle electric drive systems | | | [5,000] | [3,000] | |
| | | Advanced thermal and oil management controls research | | | [5,000] | [3,000] | |
| | | Composite armor cab development | | | [2,000] | | |
| | | Development of logistical fuel processors | | | [3,500] | [2,800] | |
| | | Diverse threat sensor development | | | [1,000] | [1,000] | |
| | | Fastening & joining research | | | [2,000] | | |
| | | Ground vehicle integration technologies | | | [4,000] | [3,000] | |
| | | Hostile fire detection systems | | | [2,500] | [2,000] | |
| | | Hybrid electric blast protected vehicle technologies | | | [4,000] | [1,500] | |
| | | Hybrid engine development program | | | [6,000] | | |
| | | Hydraulic hybrid vehicle systems | | | [3,000] | [1,000] | |
| | | Next generation non-tactical vehicle propulsion technologies | | | [5,000] | [2,000] | |
| | | Nickel metal hydride battery development | | | [2,000] | | |
| | | Power and energy research equipment upgrades | | | [12,000] | [6,000] | |
| | | Power management control and integration systems | | | [2,000] | [1,000] | |
| | | Solid hydrogen storage systems development | | | [1,000] | [1,000] | |
| | | Unmanned ground vehicle initiative | | | [12,000] | [12,000] | |
| | | Vehicle prognostics technologies | | | [3,500] | | |
| | | Fire shield | | [6,000] | | [4,000] | |
| | | Long range power source for unmanned ground vehicles | | [4,000] | | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | Comm. viable Si/C power semiconductors using superlattice | | [3,200] | | [3,200] | |
| | | Li - iron phosphate battery system for Army hybrid HMMWV | | [4,000] | | | |
| | | Antiballistic windshield armor | | [5,000] | [4,000] | [4,500] | |
| | | Dynamometer facility upgrade program | | [4,250] | [4,250] | [4,000] | |
| | | Heavy duty hybrid electric vehicle | | [5,000] | | [3,000] | |
| | | Advanced drivetrains for enhanced mobility and safety | | [2,500] | | [2,000] | |
| | | Tac. wheeled vehicle condition based maintenance tech | | [4,000] | | [4,000] | |
| | | Composites for light weight, low cost transportation sys | | [5,000] | | [3,000] | |
| | | User evaluation of LASSO vehicles | | [2,000] | | | |
| 0603006A | 34 | COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY | 9,183 | 9,183 | 9,183 | | 9,183 |
| 0603007A | 35 | MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY | 6,853 | 6,853 | 6,853 | | 6,853 |
| 0603008A | 36 | ELECTRONIC WARFARE ADVANCED TECHNOLOGY | 50,961 | 58,961 | 50,961 | 5,000 | 55,961 |
| | | Applied communications and information networking | | [7,000] | | [4,000] | |
| | | Maritime C4ISR system | | [1,000] | | [1,000] | |
| 0603009A | 37 | TRACTOR HIKE | 14,562 | 14,562 | 14,562 | | 14,562 |
| 0603015A | 38 | NEXT GENERATION TRAINING & SIMULATION SYSTEMS | 18,881 | 29,581 | 24,381 | 2,500 | 21,381 |
| | | Modeling architectures for battle command experimentation | | | [2,000] | | |
| | | Experiential tech for urban warfare and disaster response | | [4,200] | | | |
| | | Joint fires & effects training system | | [6,500] | [3,500] | [2,500] | |
| 0603020A | 39 | TRACTOR ROSE | 11,575 | 11,575 | 11,575 | | 11,575 |
| 0603100A | 40 | IED DEFEAT TECHNOLOGY DEVELOPMENT | | | | | |
| 0603103A | 41 | EXPLOSIVES DEMILITARIZATION TECHNOLOGY | 10,564 | 12,564 | 11,064 | 1,000 | 11,564 |
| | | Deactivation of military explosives research | | | [500] | | |
| | | Unserviceable ammunition demil - Tooele Army Depot | | [2,000] | | [1,000] | |
| 0603105A | 42 | MILITARY HIV RESEARCH | 7,116 | 7,116 | 7,116 | | 7,116 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603125A | 43 | COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT | 13,064 | 15,064 | 13,064 | | 13,064 |
| | | Army field test of solar power | | [2,000] | | | |
| 0603238A | 44 | GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY DEMONSTRATION | | | | | |
| 0603270A | 45 | ELECTRONIC WARFARE TECHNOLOGY | 23,996 | 25,496 | 25,996 | | 23,996 |
| | | Laser development for light aircraft missile defense | | | [2,000] | | |
| | | UWB-RWM for IED countermeasures | | [1,500] | | | |
| 0603313A | 46 | MISSILE AND ROCKET ADVANCED TECHNOLOGY | 63,998 | 63,998 | 64,998 | 1,000 | 64,998 |
| | | Hypersonic interceptor studies | | | [1,000] | [1,000] | |
| 0603322A | 47 | TRACTOR CAGE | 12,372 | 12,372 | 12,372 | | 12,372 |
| 0603606A | 48 | LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY | 30,797 | 30,797 | 30,797 | | 30,797 |
| 0603607A | 49 | JOINT SERVICE SMALL ARMS PROGRAM | 8,809 | 10,309 | 8,809 | | 8,809 |
| | | Integrated fire control system for small arms | | [1,500] | | | |
| 0603710A | 50 | NIGHT VISION ADVANCED TECHNOLOGY | 39,916 | 56,016 | 43,416 | 8,000 | 47,916 |
| | | Short range electro-optic sensors | | | [3,500] | [2,000] | |
| | | Hyperspectral sensor for improved force portection | | [5,400] | | [2,000] | |
| | | Video enhancement for night vision and low-light video | | [2,000] | | | |
| | | Personal miniature thermal viewer | | [4,200] | | [2,000] | |
| | | Brownout situational awareness sensor | | [4,500] | | [2,000] | |
| 0603728A | 51 | ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS | 15,519 | 15,519 | 15,519 | | 15,519 |

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|---|---|---|---|---|---|---|---|
| 0603734A | 52 | MILITARY ENGINEERING ADVANCED TECHNOLOGY | 7,654 | 15,254 | 10,654 | 5,800 | 13,454 |
| | | Direct methanol fuel cell development | | | [2,000] | [1,000] | |
| | | Fuel cell technologies for continuity of operations | | | [1,000] | | |
| | | Enhanced holographic imager | | [2,800] | | [2,800] | |
| | | Distributed power from wastewater | | [2,800] | | | |
| | | Synthetic automotive virtual environments | | [2,000] | | [2,000] | |
| 0603772A | 53 | ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY | 48,236 | 54,736 | 48,236 | 5,000 | 53,236 |
| | | Foliage penetrating radar (FORESTER) | | [4,000] | | [4,000] | |
| | | Software life cycle affordability management | | [2,500] | | [1,000] | |
| | | **SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY** | **738,858** | **978,258** | **911,108** | **197,800** | **936,658** |
| | | **ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** | | | | | |
| 0603024A | 54 | UNIQUE ITEM IDENTIFICATION (UID) | 649 | 649 | 2,649 | | 649 |
| | | Unique item ID data management research | | | [2,000] | | |
| 0603305A | 55 | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE) | 14,005 | 24,505 | 29,505 | 21,000 | 35,005 |
| | | Advanced electronics integration | | | [4,000] | [4,000] | |
| | | Advanced environmental control systems | | | [5,000] | [5,000] | |
| | | Advanced fuel cell research | | | [3,500] | [3,000] | |
| | | Radiation hardening initiative | | | [3,000] | [3,000] | |
| | | Compact pulsed power for defense applications | | [4,000] | | [3,000] | |
| | | Composite structure design | | [2,500] | | [2,000] | |
| | | Deployable space and electronic warfare analysis tool | | [4,000] | | [1,000] | |

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|---|---|---|---|---|---|---|---|
| 0603308A | 56 | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION | 19,986 | 19,986 | 22,986 | 3,000 | 22,986 |
| | | High-altitude integration testbed | | | [3,000] | [3,000] | |
| 0603327A | 57 | AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING | 116,410 | 117,410 | 121,410 | | 116,410 |
| | | IAMD architecture analysis program | | | [5,000] | | |
| | | Center for defense systems research | | [1,000] | | | |
| 0603460A | 58 | JOINT AIR-TO-GROUND MISSILE (JAGM) | | | | | |
| 0603619A | 59 | LANDMINE WARFARE AND BARRIER - ADV DEV | 29,234 | 29,234 | 29,234 | | 29,234 |
| 0603627A | 60 | SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV | 3,840 | 3,840 | 3,840 | | 3,840 |
| 0603639A | 61 | TANK AND MEDIUM CALIBER AMMUNITION / FCS | 45,866 | 45,866 | 45,866 | | 45,866 |
| 0603653A | 62 | ADVANCED TANK ARMAMENT SYSTEM (ATAS) | 108,012 | 118,212 | 112,512 | 3,500 | 111,512 |
| | | Stryker active protection system | | | [4,500] | [1,500] | |
| | | Stryker common active protection system (APS) radar | | [4,500] | | [2,000] | |
| | | Stryker family of vehicles research and development | | [5,700] | | | |
| 0603747A | 63 | SOLDIER SUPPORT AND SURVIVABILITY | 30,716 | 32,716 | 30,716 | 2,000 | 32,716 |
| | | Headborne energy analysis and diagnostic sys (HEADS) | | [2,000] | | [2,000] | |
| 0603766A | 64 | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV | 12,275 | 12,275 | 12,275 | | 12,275 |
| 0603774A | 65 | NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT | 2,588 | 2,588 | 2,588 | | 2,588 |
| 0603779A | 66 | ENVIRONMENTAL QUALITY TECHNOLOGY | 5,355 | 20,655 | 5,355 | 2,500 | 7,855 |
| | | Renewable Energy Testing Center | | | | [2,000] | |
| | | Mobile detection and response system | | [5,500] | | | |
| | | Lead environmental, energy, and transp. management | | [500] | | | |
| | | Green range and impact zone pilot program | | [2,500] | | | |
| | | Environmental management information sys at Travis AFB | | [500] | | [500] | |
| | | Internet-based environmental compliance management sys | | [2,500] | | | |

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|---|---|---|---|---|---|---|---|
| 0603782A | 67 | WARFIGHTER INFORMATION NETWORK-TACTICAL | 414,357 | 381,257 | 414,357 | -33,100 | 381,257 |
| | | WIN-T increment 3 reduction | | [-33,100] | | [-33,100] | |
| 0603790A | 68 | NATO RESEARCH AND DEVELOPMENT | 5,041 | 5,041 | 5,041 | | 5,041 |
| 0603801A | 69 | AVIATION - ADV DEV | 7,455 | 7,455 | 7,455 | | 7,455 |
| 0603804A | 70 | LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV | 44,141 | 44,141 | 44,141 | | 44,141 |
| 0603805A | 71 | COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS | 17,788 | 17,788 | 17,788 | | 17,788 |
| 0603807A | 72 | MEDICAL SYSTEMS - ADV DEV | 26,308 | 27,808 | 26,308 | 1,000 | 27,308 |
| | | Leishmania skin test | | [1,500] | | [1,000] | |
| 0603827A | 73 | SOLDIER SYSTEMS - ADVANCED DEVELOPMENT | 36,558 | 16,558 | 36,558 | | 36,558 |
| | | Ground soldier systems | | [-20,000] | | | |
| 0603850A | 74 | INTEGRATED BROADCAST SERVICE | 11,238 | 11,238 | 11,238 | | 11,238 |
| | | **SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY** | **951,822** | **939,222** | **981,822** | **-100** | **951,722** |
| | | **SYSTEM DEVELOPMENT & DEMONSTRATION** | | | | | |
| 0603808A | 75 | CLASSIFIED PROGRAM | | | | | |
| 0604201A | 76 | AIRCRAFT AVIONICS | 71,562 | 71,562 | 74,562 | | 71,562 |
| | | Vibration management enhancement research | | | [3,000] | | |
| 0604220A | 77 | ARMED RECONNAISSANCE HELOCOPTER (ARH) | 135,652 | 135,652 | 135,652 | | 135,652 |
| 0604270A | 78 | ELECTRONIC WARFARE DEVELOPMENT (MIP) | 32,325 | 37,325 | 32,325 | 5,000 | 37,325 |
| | | Hostile fire indicator for rotorcraft | | [5,000] | | [5,000] | |
| 0604321A | 79 | ALL SOURCE ANALYSIS SYSTEM | 16,465 | 16,465 | 16,465 | | 16,465 |
| 0604328A | 80 | TRACTOR CAGE | 16,807 | 16,807 | 16,807 | | 16,807 |
| 0604329A | 81 | COMMON MISSILE | | | | | |

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|---|---|---|---|---|---|---|---|
| 0604601A | 82 | INFANTRY SUPPORT WEAPONS | 42,414 | 42,414 | 45,414 | | 42,414 |
| | | Next generation helmet | | | [3,000] | | |
| 0604604A | 83 | MEDIUM TACTICAL VEHICLES | 1,949 | 1,949 | 1,949 | | 1,949 |
| 0604609A | 84 | SMOKE, OBSCURANT AND TARGET DEFEATING SYS | 5,603 | 5,603 | 5,603 | | 5,603 |
| 0604622A | 85 | FAMILY OF HEAVY TACTICAL VEHICLES | 2,901 | 5,901 | 2,901 | | 2,901 |
| | | Multi-purpose ISO container transporters | | [3,000] | | | |
| 0604633A | 86 | AIR TRAFFIC CONTROL | 14,214 | 14,214 | 14,214 | | 14,214 |
| 0604642A | 87 | LIGHT TACTICAL WHEELED VEHICLES | | | 5,000 | | |
| | | HMMWV modernization research | | | [5,000] | | |
| 0604645A | 88 | ARMORED SYSTEMS MODERNIZATION (ASM)-SDD | | | | | |
| 0604646A | 89 | NON-LINE OF SIGHT LAUNCH SYSTEM | 200,099 | 200,099 | 202,099 | | 200,099 |
| | | NLOS-LS anti-tamper research | | | [2,000] | | |
| 0604647A | 90 | NON-LINE OF SIGHT CANNON | 89,841 | 89,841 | 89,841 | | 89,841 |
| 0604660A | 91 | FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE | 774,257 | 673,257 | 774,257 | | 774,257 |
| | | Program reduction | | [-101,000] | | | |
| 0604661A | 92 | FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT | 1,413,945 | 1,281,945 | 1,413,945 | | 1,413,945 |
| | | Program reduction | | [-132,000] | | | |
| 0604662A | 93 | FCS RECONNAISSANCE (UAV) PLATFORMS | 34,379 | 49,379 | 34,379 | 15,000 | 49,379 |
| | | Program increase | | [15,000] | | [15,000] | |
| 0604663A | 94 | FCS UNMANNED GROUND VEHICLES | 96,918 | 104,918 | 96,918 | 8,000 | 104,918 |
| | | Program increase | | [8,000] | | [8,000] | |
| 0604664A | 95 | FCS UNATTENDED GROUND SENSORS | 12,967 | 12,967 | 12,967 | | 12,967 |
| 0604665A | 96 | FCS SUSTAINMENT & TRAINING R&D | 539,145 | 539,145 | 539,145 | | 539,145 |
| 0604666A | 97 | MODULAR BRIGADE ENHANCEMENT | 64,900 | 74,900 | 64,900 | 10,000 | 74,900 |
| | | Program increase | | [10,000] | | [10,000] | |
| 0604710A | 98 | NIGHT VISION SYSTEMS | 44,508 | 44,508 | 44,508 | | 44,508 |
| 0604713A | 99 | COMBAT FEEDING, CLOTHING, AND EQUIPMENT | 2,499 | 2,499 | 2,499 | | 2,499 |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604715A | 100 | NON-SYSTEM TRAINING DEVICES - SDD | 35,424 | 35,424 | 41,424 | 3,000 | 38,424 |
| | | Urban training development | | | [6,000] | [3,000] | |
| 0604741A | 101 | AIR DEFENSE CZ AND INTELLIGENCE - (C-RAM) | 22,415 | 22,415 | 22,415 | | 22,415 |
| 0604742A | 102 | CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT | 26,244 | 26,244 | 26,244 | | 26,244 |
| 0604746A | 103 | AUTOMATIC TEST EQUIPMENT DEVELOPMENT | 23,582 | 23,582 | 23,582 | | 23,582 |
| 0604760A | 104 | DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) | 16,095 | 16,095 | 16,095 | | 16,095 |
| 0604780A | 105 | COMBINED ARMS TACTICAL TRAINER (CATT) CORE | 29,468 | 29,468 | 29,468 | | 29,468 |
| 0604783A | 106 | JOINT NETWORK MANAGEMENT SYSTEM | 676 | 676 | 676 | | 676 |
| 0604802A | 107 | WEAPONS AND MUNITIONS - SDD | 52,140 | 52,140 | 55,140 | | 52,140 |
| | | Extended range sniper rifle research | | | [3,000] | | |
| 0604804A | 108 | LOGISTICS AND ENGINEER EQUIPMENT | 37,718 | 37,718 | 37,718 | | 37,718 |
| 0604805A | 109 | COMMAND, CONTROL, COMMUNICATIONS SYSTEMS | 9,795 | 9,795 | 9,795 | | 9,795 |
| 0604807A | 110 | MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - SDD | 34,971 | 37,971 | 34,971 | 1,000 | 35,971 |
| | | Rotary valve pressure swing absorption oxygen generator | | [3,000] | | [1,000] | |
| 0604808A | 111 | LANDMINE WARFARE/BARRIER (FCS) | 126,475 | 64,275 | 126,475 | | 126,475 |
| | | Landmine warfare barrier - SDD reduction | | [-62,200] | | | |
| 0604812A | 112 | CLASSIFIED PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0604814A | 113 | ARTILLERY MUNITIONS / XM 982 | 78,197 | 63,197 | 78,197 | | 78,197 |
| | | Realign to Excalibur projectile procurement | | [-15,000] | | | |
| 0604817A | 114 | COMBAT IDENTIFICATION | 10,909 | 10,909 | 10,909 | | 10,909 |
| 0604818A | 115 | ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE | 67,535 | 67,535 | 67,535 | | 67,535 |
| 0604820A | 116 | RADAR DEVELOPMENT | | | | | |
| 0604822A | 117 | GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) | 60,308 | 60,308 | 60,308 | | 60,308 |
| 0604823A | 118 | FIREFINDER | 47,845 | 47,845 | 47,845 | | 47,845 |
| 0604827A | 119 | SOLDIER SYSTEMS - WARRIOR | 15,790 | 15,790 | 15,790 | | 15,790 |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604854A | 120 | ARTILLERY SYSTEMS | 42,300 | 47,300 | 42,300 | | 42,300 |
| | | M109A6 Paladin virtual sys development and modernization | | [5,000] | | | |
| 0604869A | 121 | PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) | 431,270 | 431,270 | 431,270 | | 431,270 |
| 0604870A | 122 | NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK | 6,260 | 6,260 | 6,260 | | 6,260 |
| 0605013A | 123 | INFORMATION TECHNOLOGY DEVELOPMENT | 73,740 | 76,740 | 73,740 | 2,500 | 76,240 |
| | | Health informatics initiative | | [3,000] | | [2,500] | |
| 0605450A | 124 | JOINT AIR-TO-GROUND MISSILE (JAGM) | 118,517 | 118,517 | 118,517 | | 118,517 |
| | | **SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY** | **4,981,024** | **4,722,824** | **5,003,024** | **44,500** | **5,025,524** |
| | | **RDT&E MANAGEMENT SUPPORT** | | | | | |
| 0603808A | 125 | CLASSIFIED PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0604256A | 126 | THREAT SIMULATOR DEVELOPMENT | 21,416 | 21,416 | 21,416 | | 21,416 |
| 0604258A | 127 | TARGET SYSTEMS DEVELOPMENT | 13,498 | 13,498 | 16,498 | | 13,498 |
| | | Fixed-wing aerial target development | | | [3,000] | | |
| 0604759A | 128 | MAJOR T&E INVESTMENT | 64,618 | 64,618 | 64,618 | | 64,618 |
| 0604812A | 129 | CLASSIFIED PROGRAM | | | | | |
| 0605103A | 130 | RAND ARROYO CENTER | 16,339 | 19,339 | 16,339 | 3,000 | 19,339 |
| | | Program increase | | [3,000] | | [3,000] | |
| 0605301A | 131 | ARMY KWAJALEIN ATOLL | 174,601 | 174,601 | 174,601 | | 174,601 |
| 0605326A | 132 | CONCEPTS EXPERIMENTATION PROGRAM | 28,271 | 40,271 | 28,271 | 1,000 | 29,271 |
| | | Warfighting study of future technologies and tactics - Aviation | | [3,000] | | | |
| | | Gunfire detection system for unmanned aerial vehicles | | [9,000] | | [1,000] | |
| 0605502A | 133 | SMALL BUSINESS INNOVATIVE RESEARCH | | 5,000 | | | |
| | | Electro-magnetic flak impulse system | | [5,000] | | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0605601A | 134 | ARMY TEST RANGES AND FACILITIES | 342,079 | 342,079 | 342,079 | | 342,079 |
| 0605602A | 135 | ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS | 74,624 | 77,624 | 77,624 | 4,500 | 79,124 |
| | | LIDAR and modeling improvements | | | [3,000] | [3,000] | |
| | | MOTS all sky imager (MASI) | | [3,000] | | [1,500] | |
| 0605604A | 136 | SURVIVABILITY/LETHALITY ANALYSIS | 41,066 | 41,066 | 41,066 | | 41,066 |
| 0605605A | 137 | DOD HIGH ENERGY LASER TEST FACILITY | 2,835 | 2,835 | 17,835 | 5,000 | 7,835 |
| | | HELSTF | | | [15,000] | [5,000] | |
| 0605606A | 138 | AIRCRAFT CERTIFICATION | 5,054 | 5,054 | 5,054 | | 5,054 |
| 0605702A | 139 | METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES | 8,289 | 8,289 | 8,289 | | 8,289 |
| 0605706A | 140 | MATERIEL SYSTEMS ANALYSIS | 17,028 | 17,028 | 17,028 | | 17,028 |
| 0605709A | 141 | EXPLOITATION OF FOREIGN ITEMS | 3,530 | 3,530 | 3,530 | | 3,530 |
| 0605712A | 142 | SUPPORT OF OPERATIONAL TESTING | 72,942 | 72,942 | 72,942 | | 72,942 |
| 0605716A | 143 | ARMY EVALUATION CENTER | 63,382 | 63,382 | 63,382 | | 63,382 |
| 0605718A | 144 | SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART) | 5,325 | 5,325 | 5,325 | | 5,325 |
| 0605801A | 145 | PROGRAMWIDE ACTIVITIES | 73,748 | 73,748 | 73,748 | | 73,748 |
| 0605803A | 146 | TECHNICAL INFORMATION ACTIVITIES | 42,905 | 42,905 | 42,905 | | 42,905 |
| 0605805A | 147 | MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY | 20,857 | 20,857 | 20,857 | | 20,857 |
| 0605857A | 148 | ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT | 5,125 | 5,125 | 5,125 | | 5,125 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0605898A | 149 | MANAGEMENT HQ - R&D | 15,665 | 15,665 | 15,665 | | 15,665 |
| 0909999A | 150 | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS | | | | | |
| | | **SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY** | **1,113,197** | **1,136,197** | **1,134,197** | **13,500** | **1,126,697** |
| | | **OPERATIONAL SYSTEMS DEVELOPMENT** | | | | | |
| 0603778A | 151 | MLRS PRODUCT IMPROVEMENT PROGRAM | 59,749 | 59,749 | 59,749 | | 59,749 |
| 0603820A | 152 | WEAPONS CAPABILITY MODIFICATIONS UAV | | | | | |
| 0102419A | 153 | AEROSTAT JOINT PROJECT OFFICE | 356,434 | 356,434 | 356,434 | | 356,434 |
| 0203726A | 154 | ADV FIELD ARTILLERY TACTICAL DATA SYSTEM | 15,860 | 17,360 | 15,860 | 1,000 | 16,860 |
| | | Fire support technology improvement program | | [1,500] | | [1,000] | |
| 0203735A | 155 | COMBAT VEHICLE IMPROVEMENT PROGRAMS | 141,114 | 146,914 | 141,114 | 3,000 | 144,114 |
| | | Condition based maintenance for military vehicles | | [1,000] | | | |
| | | Ground combat systems electronic enhancements | | [4,800] | | [3,000] | |
| 0203740A | 156 | MANEUVER CONTROL SYSTEM | 37,151 | 37,151 | 37,151 | | 37,151 |
| 0203744A | 157 | AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS | 452,787 | 452,787 | 452,787 | | 452,787 |
| 0203752A | 158 | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM | 332 | 332 | 332 | | 332 |
| 0203758A | 159 | DIGITIZATION | 9,534 | 9,534 | 9,534 | | 9,534 |
| 0203759A | 160 | FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) | 38,418 | 38,418 | 38,418 | | 38,418 |
| 0203764A | 161 | TACTICAL WHEELED VEHICLE IMPROVEMENT PROGRAM | | | | | |
| 0203801A | 162 | MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM | 37,871 | 37,871 | 37,871 | | 37,871 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0203802A | 163 | OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS | 1,527 | 16,527 | 11,527 | 3,700 | 5,227 |
| | | Javelin modernization | | | [10,000] | | |
| | | Close combat missile modernization (Javelin) | | [10,000] | | [3,700] | |
| | | Program increase | | [5,000] | | | |
| 0203808A | 164 | TRACTOR CARD | 19,601 | 19,601 | 19,601 | | 19,601 |
| 0208010A | 165 | JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC) | 920 | 920 | 920 | | 920 |
| 0208053A | 166 | JOINT TACTICAL GROUND SYSTEM | 1,957 | 7,957 | 1,957 | | 1,957 |
| | | JTAGS preplanned product improvement | | [6,000] | | | |
| 0208058A | 167 | JOINT HIGH SPEED VESSEL (JHSV) | 2,936 | 2,936 | 2,936 | | 2,936 |
| 0301359A | 168 | SPECIAL ARMY PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0303028A | 169 | SECURITY AND INTELLIGENCE ACTIVITIES | | | | | |
| 0303140A | 170 | INFORMATION SYSTEMS SECURITY PROGRAM | 38,090 | 38,090 | 38,090 | | 38,090 |
| 0303141A | 171 | GLOBAL COMBAT SUPPORT SYSTEM | 104,934 | 98,934 | 64,934 | | 104,934 |
| | | GCSS | | | [-30,000] | | |
| | | PLM+ | | | [-10,000] | | |
| | | Multi-band integrated SATCOM terminal | | [-6,000] | | | |
| 0303142A | 172 | SATCOM GROUND ENVIRONMENT (SPACE) | 106,327 | 66,327 | 106,327 | | 106,327 |
| 0303150A | 173 | WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM | 12,922 | 11,922 | 12,922 | | 12,922 |
| | | Global Command and Control System Army | | [-1,000] | | | |
| 0303158A | 174 | JOINT COMMAND AND CONTROL PROGRAM (JC2) | 15,203 | 15,203 | 15,203 | | 15,203 |
| 0305204A | 175 | TACTICAL UNMANNED AERIAL VEHICLES | 50,976 | 50,976 | 50,976 | | 50,976 |
| 0305206A | 176 | AIRBORNE RECONNAISANCE SYSTEMS | [ ] | [ ] | [ ] | | [ ] |
| 0305208A | 177 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 57,704 | 74,204 | 57,704 | 8,500 | 66,204 |
| | | Blast damage assess. risk analysis and mitigation app | | [4,000] | | [1,000] | |
| | | Constant look operational support environment (CLOSE) | | [4,000] | | [2,000] | |
| | | Assymmetric threat response and analysis (ATRAP) | | [5,000] | | [3,000] | |
| | | Heuristic internet protocol packet inspection engine | | [3,500] | | [2,500] | |
| 0702239A | 178 | AVIONICS COMPONENT IMPROVEMENT PROGRAM | 1,023 | 1,023 | 1,023 | | 1,023 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0708045A | 179 | END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES | 69,084 | 82,084 | 80,084 | 13,700 | 82,784 |
| | | Castings research for weapons systems | | | [3,500] | [2,000] | |
| | | Manufacturing metrology research | | | [3,000] | [2,200] | |
| | | Nanotechnology manufacturing research | | | [2,500] | [2,000] | |
| | | Near-net shaped body armor plate development | | [4,000] | [2,000] | [2,000] | |
| | | Vehicle common armor manufacturing process (VCAMP) | | [4,000] | | [2,500] | |
| | | Composite rotorcraft airframe development | | [2,000] | | | |
| | | Helicopter vulnerability reduction | | [3,000] | | [3,000] | |
| 1001018A | 180 | NATO JOINT STARS | | | | | |
| | | **SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY** | **1,632,454** | **1,643,254** | **1,613,454** | **29,900** | **1,662,354** |
| | 999 | CLASSIFIED PROGRAMS | 3,835 | 3,835 | 3,835 | | 3,835 |
| | | **Total, RDT&E Army** | **10,524,085** | **10,685,695** | **10,855,210** | **419,755** | **10,943,840** |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY** | | | | | |
| | | **BASIC RESEARCH** | | | | | |
| 0601103N | 1 | UNIVERSITY RESEARCH INITIATIVES | 103,707 | 110,707 | 106,207 | 2,500 | 106,207 |
| | | Automated technology for landmine detection | | | [1,500] | [1,500] | |
| | | Radiation hardened electronic systems | | | [1,000] | [1,000] | |
| | | Ship model testing facility | | [7,000] | | | |
| 0601152N | 2 | IN-HOUSE LABORATORY INDEPENDENT RESEARCH | 17,298 | 17,298 | 17,298 | | 17,298 |
| 0601153N | 3 | DEFENSE RESEARCH SCIENCES | 407,271 | 410,271 | 413,771 | 6,500 | 413,771 |
| | | Energetics research | | | [1,500] | | |
| | | Manufacturing engineering educational outreach program | | | [2,000] | [2,000] | |
| | | Quantum studies research | | | [1,500] | [1,500] | |
| | | S&T educational outreach programs | | | [1,500] | | |
| | | Energetics S&T workforce | | [3,000] | | [3,000] | |
| | | **SUBTOTAL, BASIC RESEARCH, NAVY** | **528,276** | **538,276** | **537,276** | **9,000** | **537,276** |
| | | **APPLIED RESEARCH** | | | | | |
| 0602114N | 4 | POWER PROJECTION APPLIED RESEARCH | 79,913 | 83,813 | 87,413 | 8,500 | 88,413 |
| | | Free electron laser development | | | [3,500] | [3,000] | |
| | | High brightness electron source development | | | [1,500] | | |
| | | UAV fuel cell technologies | | | [2,500] | [2,000] | |
| | | High energy conventional energetics | | [1,500] | | [1,500] | |
| | | Marine mammal hearing and echolocation research | | [2,400] | | [2,000] | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602123N | 5 | FORCE PROTECTION APPLIED RESEARCH | 131,310 | 146,510 | 151,810 | 14,000 | 145,310 |
| | | Energy systems integration research | | | [3,000] | [3,000] | |
| | | Infrared materials research | | | [3,000] | | |
| | | Novel coating technologies for military equipment | | | [3,500] | [3,500] | |
| | | Port security technologies | | | [3,500] | [3,500] | |
| | | SOF combatant signature and weight performance research | | | [2,000] | [2,000] | |
| | | Towed array systems M&S | | | [2,500] | | |
| | | Optical recognition protocol for biologics detection | | [3,200] | | | |
| | | Composite Sea Lion craft project | | [5,000] | [3,000] | [2,000] | |
| | | Medium voltage distribution employing high fidelity tech | | [5,000] | | | |
| | | Autonomous superconducting fault current limiting sys | | [2,000] | | | |
| 0602131M | 6 | MARINE CORPS LANDING FORCE TECHNOLOGY | 36,480 | 40,480 | 40,980 | 4,000 | 40,480 |
| | | Warfighter rapid awareness processing technology | | [4,000] | [4,500] | [4,000] | |
| 0602234N | 7 | MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY | | 3,000 | | 2,500 | 2,500 |
| | | Infrared materials laboratories | | [3,000] | | [2,500] | |
| 0602235N | 8 | COMMON PICTURE APPLIED RESEARCH | 77,054 | 81,554 | 77,054 | 4,500 | 81,554 |
| | | Test environment for adv team collaboration missions | | [2,000] | | [2,000] | |
| | | All-weather sense and avoid for UAVs | | [2,500] | | [2,500] | |
| 0602236N | 9 | WARFIGHTER SUSTAINMENT APPLIED RESEARCH | 93,862 | 95,862 | 95,362 | 1,500 | 95,362 |
| | | Acoustic research detachment test support upgrades | | | [1,500] | [1,500] | |
| | | Remote fuel assessment system | | [2,000] | | | |
| 0602271N | 10 | RF SYSTEMS APPLIED RESEARCH | 54,830 | 55,830 | 56,330 | 2,500 | 57,330 |
| | | RF power technologies | | | [1,500] | [1,500] | |
| | | Center for hetero-functional materials | | [1,000] | | [1,000] | |
| 0602435N | 11 | OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH | 47,278 | 49,278 | 47,278 | | 47,278 |
| | | Autonomous undersea vehicle applications center | | [2,000] | | | |
| 0602651M | 12 | JOINT NON-LETHAL WEAPONS APPLIED RESEARCH | 6,084 | 6,084 | 6,084 | | 6,084 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602747N | 13 | UNDERSEA WARFARE APPLIED RESEARCH | 58,658 | 58,658 | 58,658 | | 58,658 |
| 0602782N | 14 | MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH | 47,869 | 47,869 | 47,869 | | 47,869 |
| | | **SUBTOTAL, APPLIED RESEARCH, NAVY** | **633,338** | **668,938** | **668,838** | **37,500** | **670,838** |
| | | **ADVANCED TECHNOLOGY DEVELOPMENT** | | | | | |
| 0603114N | 15 | POWER PROJECTION ADVANCED TECHNOLOGY | 60,360 | 79,060 | 66,360 | 8,200 | 68,560 |
| | | *Mobile target tracking technologies* | | | [3,500] | [3,000] | |
| | | Watercraft APS | | | [2,500] | | |
| | | Hyperspectral targeting sensor | | [3,000] | | [3,000] | |
| | | Countermine LIDAR UAV-based system (CLUBS) | | [2,200] | | [1,200] | |
| | | Free space optical communications interrogator | | [6,000] | | | |
| | | Electromagnetic railgun program | | [5,000] | | | |
| | | High speed anti-radiation demonstrator | | [2,500] | | [1,000] | |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603123N | 16 | FORCE PROTECTION ADVANCED TECHNOLOGY | 55,099 | 84,399 | 76,599 | 16,300 | 71,399 |
| | | Combined mishap reduction system | | | [2,000] | | |
| | | Integrated vehicle health monitoring system | | | [3,500] | | |
| | | Navy/USMC fuel cell non-tactical vehicle initiative | | | [5,000] | [2,000] | |
| | | Single generator operations lithium ion battery | | | [9,000] | [5,000] | |
| | | Wide band gap semiconductor materials | | | [2,000] | | |
| | | Sea fighter | | [10,000] | | | |
| | | High strength flame resistant LCP reinforced netting | | [3,000] | | [2,000] | |
| | | Superconducting DC homopolar motor | | [2,000] | | | |
| | | Multi-fuel combustor for shipboard fuel cell systems | | [2,000] | | [2,000] | |
| | | Power node switching and control center | | [3,000] | | | |
| | | Repair cell/engineering education outreach program | | [1,000] | | [1,000] | |
| | | Integrated ship and motion control technology | | [4,300] | | [4,300] | |
| | | Pure hydrogen supply from logistic fuels | | [4,000] | | | |
| 0603235N | 17 | COMMON PICTURE ADVANCED TECHNOLOGY | 104,578 | 43,378 | 43,378 | -61,200 | 43,378 |
| | | High integrity global positioning systems (HIGPS) | | [-61,200] | | [-61,200] | |
| 0603236N | 18 | WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY | 112,520 | 126,320 | 112,520 | 1,000 | 113,520 |
| | | Helo ruggedized avionics displays | | [6,800] | | | |
| | | System for intelligent task assignment & readiness | | [3,000] | | [1,000] | |
| | | Deployed ASW sustainment training | | [4,000] | | | |
| 0603271N | 19 | RF SYSTEMS ADVANCED TECHNOLOGY | 37,058 | 37,058 | 37,058 | | 37,058 |
| 0603640M | 20 | USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) | 100,787 | 111,287 | 102,787 | 3,500 | 104,287 |
| | | Acoustic combat sensors | | | [2,000] | [2,000] | |
| | | Sniper defeat and combat situational awareness | | [8,500] | | | |
| | | Ballistic helmet development | | [1,500] | | [1,500] | |
| | | New class of backpacks for marine electricity independence | | [500] | | | |
| 0603651M | 21 | JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT | 11,020 | 11,020 | 11,020 | | 11,020 |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603729N | 22 | WARFIGHTER PROTECTION ADVANCED TECHNOLOGY | 12,129 | 12,129 | 12,129 | | 12,129 |
| 0603747N | 23 | UNDERSEA WARFARE ADVANCED TECHNOLOGY | 81,490 | 83,990 | 81,490 | | 81,490 |
| | | Navy - use of UNOLS fleet | | [2,500] | | | |
| 0603758N | 24 | NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS | 70,216 | 70,216 | 70,216 | | 70,216 |
| 0603782N | 25 | MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY | 33,426 | 33,426 | 33,426 | | 33,426 |
| | | **SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY** | **678,683** | **692,283** | **646,983** | **-32,200** | **646,483** |
| | | **ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** | | | | | |
| 0603207N | 26 | AIR/OCEAN TACTICAL APPLICATIONS | 66,133 | 66,133 | 66,133 | | 66,133 |
| 0603216N | 27 | AVIATION SURVIVABILITY | 5,917 | 12,117 | 5,917 | 2,500 | 8,417 |
| | | Trigger and alert sonobuoy system | | [2,500] | | [2,500] | |
| | | Port and harbor security enhancement - AUV platforms | | [3,700] | | | |
| 0603237N | 28 | DEPLOYABLE JOINT COMMAND AND CONTROL | 5,905 | 5,905 | 5,905 | | 5,905 |
| 0603254N | 29 | ASW SYSTEMS DEVELOPMENT | 28,799 | 42,999 | 28,799 | 6,200 | 34,999 |
| | | Marine mammal awareness, alert and response systems | | [6,000] | | [3,000] | |
| | | Tactical E-field buoy development | | [7,000] | | [2,000] | |
| | | Holographic optical filters for LIDAR | | [1,200] | | [1,200] | |
| 0603261N | 30 | TACTICAL AIRBORNE RECONNAISSANCE | 4,298 | 4,298 | 4,298 | | 4,298 |
| 0603382N | 31 | ADVANCED COMBAT SYSTEMS TECHNOLOGY | 4,367 | 4,367 | 4,367 | | 4,367 |
| 0603502N | 32 | SURFACE AND SHALLOW WATER MINE COUNTERMEASURES | 119,164 | 119,164 | 119,164 | | 119,164 |
| 0603506N | 33 | SURFACE SHIP TORPEDO DEFENSE | 49,171 | 49,171 | 49,171 | | 49,171 |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603512N | 34 | CARRIER SYSTEMS DEVELOPMENT | 120,511 | 123,511 | 120,511 | 3,000 | 123,511 |
| | | Improved corrosion protection for EMALS | | [3,000] | | [3,000] | |
| 0603513N | 35 | SHIPBOARD SYSTEM COMPONENT DEVELOPMENT | 4,003 | 14,503 | 17,103 | 10,100 | 14,103 |
| | | DDG-51 permanent magnet hybrid electric propulsion | | | [7,600] | [6,600] | |
| | | High temperature superconducting (HTS) propulsion motor | | | [5,500] | | |
| | | Power conversion - high density power generation pckgs | | [1,500] | | | |
| | | Data acquisition reporting and trending system (DARTS) | | [3,000] | | [3,000] | |
| | | Diagnostic/prognostic pump system | | [2,000] | | | |
| | | High temp superconductor propulsion motor; DDG & CG(X) | | [2,000] | | | |
| | | IR LED free space optics communications advancement | | [2,000] | | [500] | |
| 0603525N | 36 | PILOT FISH | 86,017 | 86,017 | 86,017 | | 86,017 |
| 0603527N | 37 | RETRACT LARCH | 93,078 | 93,078 | 93,078 | | 93,078 |
| 0603536N | 38 | RETRACT JUNIPER | 159,175 | 159,175 | 159,175 | | 159,175 |
| 0603542N | 39 | RADIOLOGICAL CONTROL | 1,094 | 1,094 | 1,094 | | 1,094 |
| 0603553N | 40 | SURFACE ASW | 29,574 | 33,474 | 29,574 | 500 | 30,074 |
| | | Connectory expansion for rapid ID of tech sources | | [1,300] | | [500] | |
| | | Sonobuoy flight vehicle | | [2,600] | | | |
| 0603559N | 41 | SSGN CONVERSION | | | | | |
| 0603561N | 42 | ADVANCED SUBMARINE SYSTEM DEVELOPMENT | 141,720 | 170,220 | 156,720 | 4,000 | 145,720 |
| | | Continue SSBN(X) design & study activities | | | [15,000] | | |
| | | SSGN/Virginia payload tube development | | [15,000] | | | |
| | | HBCU applied research incubator | | [3,500] | | | |
| | | Sea based strategic deterrent (UMLS) | | [10,000] | | [4,000] | |
| 0603562N | 43 | SUBMARINE TACTICAL WARFARE SYSTEMS | 10,212 | 10,212 | 10,212 | | 10,212 |
| 0603563N | 44 | SHIP CONCEPT ADVANCED DESIGN | 31,111 | 32,111 | 31,111 | 1,000 | 32,111 |
| | | Analytics for shipboard monitoring systems (ASMS) | | [1,000] | | [1,000] | |
| 0603564N | 45 | SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES | 14,627 | 24,627 | 14,627 | 5,000 | 19,627 |
| | | Naval ship hydrodynamic test facilities, NSWC, Carderock | | [10,000] | | [5,000] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603570N | 46 | ADVANCED NUCLEAR POWER SYSTEMS | 158,270 | 158,270 | 158,270 | | 158,270 |
| 0603573N | 47 | ADVANCED SURFACE MACHINERY SYSTEMS | | | | | |
| 0603576N | 48 | CHALK EAGLE | 352,858 | 352,858 | 352,858 | | 352,858 |
| 0603581N | 49 | LITTORAL COMBAT SHIP (LCS) | 371,008 | 371,008 | 371,008 | | 371,008 |
| 0603582N | 50 | COMBAT SYSTEM INTEGRATION | 54,401 | 54,401 | 54,401 | | 54,401 |
| 0603609N | 51 | CONVENTIONAL MUNITIONS | 8,124 | 8,124 | 8,124 | | 8,124 |
| 0603611M | 52 | MARINE CORPS ASSAULT VEHICLES / EFV | 316,052 | 275,852 | 316,052 | -35,000 | 281,052 |
| | | Marine Corps assault vehicle reduction | | [-40,200] | | [-35,000] | |
| 0603612M | 53 | USMC MINE COUNTERMEASURES SYSTEMS - ADV DEV | | | | | |
| 0603635M | 54 | USMC GROUND COMBAT/SUPPORT SYSTEM / JLTV | 59,049 | 66,049 | 59,049 | 2,000 | 61,049 |
| | | Center for geospatial intelligence and investigation | | [1,000] | | | |
| | | Urban operations laboratory | | [6,000] | | [2,000] | |
| 0603654N | 55 | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT | 115,086 | 115,086 | 115,086 | | 115,086 |
| 0603658N | 56 | COOPERATIVE ENGAGEMENT | 38,316 | 38,316 | 38,316 | | 38,316 |
| 0603713N | 57 | OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT | 7,737 | 7,737 | 7,737 | | 7,737 |
| 0603721N | 58 | ENVIRONMENTAL PROTECTION | 19,632 | 19,632 | 19,632 | | 19,632 |
| 0603724N | 59 | NAVY ENERGY PROGRAM | 5,611 | 5,611 | 5,611 | | 5,611 |
| 0603725N | 60 | FACILITIES IMPROVEMENT | 4,086 | 20,286 | 6,086 | 12,000 | 16,086 |
| | | Critical components for ocean alternate energy options | | [2,500] | | [2,500] | |
| | | Wave energy powerbuoy generating system | | [3,500] | | [2,000] | |
| | | Swimmer detection sonar network - PNS | | [5,500] | | [4,000] | |
| | | Hydrokinetic power generator | | [2,000] | [2,000] | [2,000] | |
| | | Regenerative fuel cell back-up power | | [2,700] | | [1,500] | |
| 0603734N | 61 | CHALK CORAL | 117,543 | 117,543 | 117,543 | | 117,543 |
| 0603739N | 62 | NAVY LOGISTIC PRODUCTIVITY | 2,846 | 3,846 | 6,846 | 2,000 | 4,846 |
| | | Highly integrated optical interconnect for military avionics | | | [4,000] | [2,000] | |
| | | In transit visibility system | | [1,000] | | | |
| 0603746N | 63 | RETRACT MAPLE | 138,091 | 138,091 | 138,091 | | 138,091 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603748N | 64 | LINK PLUMERIA | 60,444 | 60,444 | 60,444 | | 60,444 |
| 0603751N | 65 | RETRACT ELM | 139,139 | 139,139 | 139,139 | | 139,139 |
| 0603755N | 66 | SHIP SELF DEFENSE | 11,001 | 11,001 | 11,001 | | 11,001 |
| 0603764N | 67 | LINK EVERGREEN | 75,995 | 75,995 | 75,995 | | 75,995 |
| 0603787N | 68 | SPECIAL PROCESSES | 60,678 | 60,678 | 60,678 | | 60,678 |
| 0603790N | 69 | NATO RESEARCH AND DEVELOPMENT | 10,129 | 10,129 | 10,129 | | 10,129 |
| 0603795N | 70 | LAND ATTACK TECHNOLOGY | 40,028 | 16,228 | 10,028 | -16,000 | 24,028 |
| | | Reflect cancellation of ERGM development | | | [-30,000] | | |
| | | Affordable weapons system | | [15,000] | | [14,000] | |
| | | Extended range guided munition program delay | | [-38,800] | | [-30,000] | |
| 0603851M | 71 | NONLETHAL WEAPONS | 46,902 | 46,902 | 46,902 | | 46,902 |
| 0603860N | 72 | JOINT PRECISION APPROACH AND LANDING SYSTEMS | 99,929 | 99,929 | 99,929 | | 99,929 |
| 0603879N | 73 | SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE) | 41,807 | 41,807 | 41,807 | | 41,807 |
| 0603889N | 74 | COUNTERDRUG RDT&E PROJECTS | | 1,500 | | | |
| | | CRISSTL ball | | [1,500] | | | |
| 0603925N | 75 | DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS | | | 10,700 | 2,200 | 2,200 |
| | | Develop directed energy weapons for asymmetric threats | | | [10,700] | [2,200] | |
| 0604272N | 76 | TACTICAL AIR DIRECTIONAL INFRARED | 63,244 | 67,744 | 63,244 | 2,000 | 65,244 |
| | | Compact ultra-fast laser system development | | [4,500] | | [2,000] | |
| 0604327N | 77 | HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM | | | | | |
| 0604450N | 78 | JOINT AIR-TO-GROUND MISSILE (JAGM) | | | | | |
| 0604707N | 79 | SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT | 47,518 | 47,518 | 47,518 | | 47,518 |
| | | **SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY** | **3,440,400** | **3,483,900** | **3,455,200** | **1,500** | **3,441,900** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **SYSTEM DEVELOPMENT & DEMONSTRATION** | | | | | |
| 0604212N | 80 | OTHER HELO DEVELOPMENT | 58,210 | 58,210 | 58,210 | | 58,210 |
| 0604214N | 81 | AV-8B AIRCRAFT - ENG DEV | 29,924 | 29,924 | 29,924 | | 29,924 |
| 0604215N | 82 | STANDARDS DEVELOPMENT | 71,920 | 73,920 | 71,920 | 2,000 | 73,920 |
| | | Navy METCAL | | [2,000] | | [2,000] | |
| 0604216N | 83 | MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT | 70,329 | 70,329 | 70,329 | | 70,329 |
| 0604218N | 84 | AIR/OCEAN EQUIPMENT ENGINEERING | 5,750 | 5,750 | 5,750 | | 5,750 |
| 0604221N | 85 | P-3 MODERNIZATION PROGRAM | 3,589 | 3,589 | 3,589 | | 3,589 |
| 0604230N | 86 | WARFARE SUPPORT SYSTEM | 8,611 | 13,611 | 8,611 | | 8,611 |
| | | Wireless imaging and sensor - AT force protection initiative | | [5,000] | | | |
| 0604231N | 87 | TACTICAL COMMAND SYSTEM | 128,742 | 127,742 | 128,742 | -1,000 | 127,742 |
| | | Global Command and Control System Maritime | | [-1,000] | | [-1,000] | |
| 0604234N | 88 | ADVANCED HAWKEYE | 484,159 | 484,159 | 484,159 | | 484,159 |
| 0604245N | 89 | H-1 UPGRADES | 3,795 | 3,795 | 3,795 | | 3,795 |
| 0604261N | 90 | ACOUSTIC SEARCH SENSORS | 45,790 | 45,790 | 45,790 | | 45,790 |
| 0604262N | 91 | V-22A | 68,763 | 68,763 | 68,763 | | 68,763 |
| 0604264N | 92 | AIR CREW SYSTEMS DEVELOPMENT | 16,192 | 16,192 | 16,192 | | 16,192 |
| 0604269N | 93 | EA-18 | 128,906 | 128,906 | 128,906 | | 128,906 |
| 0604270N | 94 | ELECTRONIC WARFARE DEVELOPMENT | 106,932 | 106,932 | 106,932 | | 106,932 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604273N | 95 | VH-71A EXECUTIVE HELO DEVELOPMENT | 1,047,835 | 1,047,835 | 1,047,835 | -212,835 | 835,000 |
| | | Increment II | | | | [-212,835] | |
| 0604280N | 96 | JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY) | 834,650 | 834,650 | 834,650 | | 834,650 |
| 0604300N | 97 | SC-21 TOTAL SHIP SYSTEM ENGINEERING | 678,936 | 678,936 | 591,736 | | 678,936 |
| | | Reduce CG(X) R&D to reflect delay in program decisions | | | [-87,200] | | |
| 0604307N | 98 | SURFACE COMBATANT COMBAT SYSTEM ENGINEERING | 188,500 | 191,500 | 188,500 | 3,000 | 191,500 |
| | | DDG-51 class permanent magnet hybrid electric propulsion | | [3,000] | | [3,000] | |
| 0604311N | 99 | LPD-17 CLASS SYSTEMS INTEGRATION | 985 | 985 | 985 | | 985 |
| 0604329N | 100 | SMALL DIAMETER BOMB (SDB) | 19,574 | 19,574 | 19,574 | | 19,574 |
| 0604366N | 101 | STANDARD MISSILE IMPROVEMENTS | 234,653 | 234,653 | 234,653 | | 234,653 |
| 0604373N | 102 | AIRBORNE MCM | 39,882 | 39,882 | 39,882 | | 39,882 |
| 0604378N | 103 | NAVAL INTEGRATED FIRE CONTROL - COUNTER AIR SYSTEMS ENGINEERING | 10,533 | 10,533 | 10,533 | | 10,533 |
| 0604501N | 104 | ADVANCED ABOVE WATER SENSORS | 153,558 | 158,558 | 119,958 | 5,000 | 158,558 |
| | | Reduce CG(X) R&D to reflect delay in program decisions | | | [-33,600] | | |
| | | National RF R&D and tech transfer center | | [5,000] | | [5,000] | |
| 0604503N | 105 | SSN-688 AND TRIDENT MODERNIZATION | 143,453 | 143,453 | 147,553 | | 143,453 |
| | | Improved towed array handler | | | [4,100] | | |
| 0604504N | 106 | AIR CONTROL | 8,191 | 8,191 | 8,191 | | 8,191 |
| 0604512N | 107 | SHIPBOARD AVIATION SYSTEMS | 42,843 | 42,843 | 42,843 | | 42,843 |
| 0604518N | 108 | COMBAT INFORMATION CENTER CONVERSION | 14,792 | 14,792 | 14,792 | | 14,792 |
| 0604558N | 109 | NEW DESIGN SSN | 167,357 | 169,357 | 172,657 | 2,000 | 169,357 |
| | | Submarine electronic chart updates | | | [5,300] | | |
| | | Large scale demonstration item for VA-Class bow dome | | [2,000] | | [2,000] | |
| 0604561N | 110 | SSN-21 DEVELOPMENTS | | | | | |
| 0604562N | 111 | SUBMARINE TACTICAL WARFARE SYSTEM | 58,592 | 58,592 | 58,592 | | 58,592 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604567N | 112 | SHIP CONTRACT DESIGN/ LIVE FIRE T&E | 72,932 | 146,132 | 78,332 | 8,900 | 81,832 |
| | | Transfer LHA (R) contract design from NDSF | | | [5,400] | [5,400] | |
| | | Automated fiber optic manufacturing initiative | | [4,500] | | [3,500] | |
| | | MPF(F) research and development | | [68,700] | | | |
| 0604601N | 113 | MINE DEVELOPMENT | 2,008 | 2,008 | 2,008 | | 2,008 |
| 0604603N | 114 | UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS | | | | | |
| 0604610N | 115 | LIGHTWEIGHT TORPEDO DEVELOPMENT | 50,732 | 50,732 | 50,732 | | 50,732 |
| 0604654N | 116 | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT | 10,858 | 10,858 | 10,858 | | 10,858 |
| 0604703N | 117 | PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTO | 5,263 | 5,263 | 5,263 | | 5,263 |
| 0604727N | 118 | JOINT STANDOFF WEAPON SYSTEMS | 22,510 | 22,510 | 22,510 | | 22,510 |
| 0604755N | 119 | SHIP SELF DEFENSE (DETECT & CONTROL) | 35,999 | 35,999 | 35,999 | | 35,999 |
| 0604756N | 120 | SHIP SELF DEFENSE (ENGAGE: HARD KILL) | 36,238 | 36,238 | 46,938 | 10,700 | 46,938 |
| | | Next generation Phalanx | | | [10,700] | [10,700] | |
| 0604757N | 121 | SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) | 57,574 | 57,574 | 66,574 | 2,000 | 59,574 |
| | | NULKA improvements | | | [9,000] | [2,000] | |
| 0604761N | 122 | INTELLIGENCE ENGINEERING | 13,750 | 13,750 | 13,750 | | 13,750 |
| 0604771N | 123 | MEDICAL DEVELOPMENT | 7,833 | 14,833 | 10,333 | 4,000 | 11,833 |
| | | Composite tissue transplantation research | | | [2,500] | [2,000] | |
| | | Reducing operational stress | | [5,000] | | | |
| | | U.S. Navy pandemic influenza vaccine program | | [2,000] | | [2,000] | |
| 0604777N | 124 | NAVIGATION/ID SYSTEM | 49,007 | 49,007 | 49,007 | | 49,007 |
| 0604784N | 125 | DISTRIBUTED SURVEILLANCE SYSTEM | | 2,000 | | | |
| | | Augmentation for force protection at NAWCAD | | [2,000] | | | |
| 0604800N | 126 | JOINT STRIKE FIGHTER (JSF) | 1,532,748 | 1,795,248 | 1,747,748 | 247,500 | 1,780,248 |
| | | JSF competitive engine | | [247,500] | [215,000] | [247,500] | |
| | | F135 technology insertion | | [15,000] | | | |
| 0605013M | 127 | INFORMATION TECHNOLOGY DEVELOPMENT | 30,238 | 30,238 | 30,238 | | 30,238 |
| 0605013N | 128 | INFORMATION TECHNOLOGY DEVELOPMENT | 72,497 | 72,497 | 72,497 | | 72,497 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0605172N | 129 | MULTINATIONAL INFORMATION SHARING (MNIS) | | | | | |
| 0605212N | 130 | CH-53K RDTE | 570,484 | 570,484 | 570,484 | | 570,484 |
| 0605430N | 131 | C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP) | 24,407 | 24,407 | 24,407 | | 24,407 |
| 0605450N | 132 | JOINT AIR-TO-GROUND MISSILE (JAGM) | 62,324 | 62,324 | 62,324 | | 62,324 |
| 0605500N | 133 | MULTI-MISSION MARITIME AIRCRAFT (MMA) | 1,132,026 | 1,132,026 | 1,132,026 | | 1,132,026 |
| 0304785N | 134 | TACTICAL CRYPTOLOGIC SYSTEMS | 16,678 | 16,678 | 16,678 | | 16,678 |
| | | **SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY** | **8,682,052** | **9,042,752** | **8,813,252** | **71,265** | **8,753,317** |
| | | **RDT&E MANAGEMENT SUPPORT** | | | | | |
| 0604256N | 135 | THREAT SIMULATOR DEVELOPMENT | 24,959 | 24,959 | 24,959 | | 24,959 |
| 0604258N | 136 | TARGET SYSTEMS DEVELOPMENT | 80,337 | 80,337 | 80,337 | | 80,337 |
| 0604759N | 137 | MAJOR T&E INVESTMENT | 42,391 | 48,891 | 42,391 | 4,500 | 46,891 |
| | | Air combat enviro test and evaluation facility upgrades | | [3,000] | | [3,000] | |
| | | Improved interoperability to support NAVAIR and GWOT | | [1,500] | | [1,500] | |
| | | SURETRAK re-architecture and sensor augmentation | | [2,000] | | | |
| 0605152N | 138 | STUDIES AND ANALYSIS SUPPORT - NAVY | 8,084 | 8,084 | 8,084 | | 8,084 |
| 0605154N | 139 | CENTER FOR NAVAL ANALYSES | 49,745 | 49,745 | 49,745 | | 49,745 |
| 0605155N | 140 | FLEET TACTICAL DEVELOPMENT | | | | | |
| 0605502N | 141 | SMALL BUSINESS INNOVATIVE RESEARCH | | | | | |
| 0605804N | 142 | TECHNICAL INFORMATION SERVICES | 713 | 713 | 713 | | 713 |
| 0605853N | 143 | MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT | 51,568 | 51,568 | 51,568 | | 51,568 |
| 0605856N | 144 | STRATEGIC TECHNICAL SUPPORT | 3,597 | 3,597 | 3,597 | | 3,597 |
| 0605861N | 145 | RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT | 69,913 | 69,913 | 69,913 | | 69,913 |
| 0605862N | 146 | RDT&E INSTRUMENTATION MODERNIZATION | | | | | |
| 0605863N | 147 | RDT&E SHIP AND AIRCRAFT SUPPORT | 195,017 | 195,017 | 195,017 | | 195,017 |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0605864N | 148 | TEST AND EVALUATION SUPPORT | 356,254 | 356,254 | 346,254 | | 356,254 |
| | | Unjustified request | | | [-10,000] | | |
| 0605865N | 149 | OPERATIONAL TEST AND EVALUATION CAPABILITY | 12,195 | 12,195 | 12,195 | | 12,195 |
| 0605866N | 150 | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT | 2,708 | 2,708 | 2,708 | | 2,708 |
| 0605867N | 151 | LINK CRIMSON | 25,358 | 25,358 | 25,358 | | 25,358 |
| 0605873M | 152 | MARINE CORPS PROGRAM WIDE SUPPORT | 24,687 | 24,687 | 24,687 | | 24,687 |
| 0305885N | 153 | TACTICAL CRYPTOLOGIC ACTIVITIES | 1,998 | 1,998 | 1,998 | | 1,998 |
| 0804758N | 154 | SERVICE SUPPORT TO JFCOM, JNTC | 5,148 | 5,148 | 5,148 | | 5,148 |
| 0909999N | 155 | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS | | | | | |
| | | **SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY** | **954,672** | **961,172** | **944,672** | **4,500** | **959,172** |
| | | **OPERATIONAL SYSTEMS DEVELOPMENT** | | | | | |
| 0603660N | 156 | ADVANCED DEVELOPMENT PROJECTS | [ ] | [ ] | [ ] | | [ ] |
| 0604227N | 157 | HARPOON MODIFICATIONS | 68,214 | 68,214 | 68,214 | | 68,214 |
| 0604402N | 158 | UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT | 275,823 | 275,823 | 275,823 | | 275,823 |
| 0101221N | 159 | STRATEGIC SUB & WEAPONS SYSTEM SUPPORT | 80,120 | 74,520 | 60,774 | -6,000 | 74,120 |
| | | Reliable replacement warhead (RRW) | | [-23,300] | [-23,346] | [-23,300] | |
| | | Arming, fuzing, and firing systems | | [13,300] | | [13,300] | |
| | | Advanced LINAC facility | | [4,400] | [4,000] | [4,000] | |
| 0101224N | 160 | SSBN SECURITY TECHNOLOGY PROGRAM | 34,131 | 34,131 | 34,131 | | 34,131 |
| 0101226N | 161 | SUBMARINE ACOUSTIC WARFARE DEVELOPMENT | 7,384 | 7,384 | 7,384 | | 7,384 |
| 0101402N | 162 | NAVY STRATEGIC COMMUNICATIONS | 47,495 | 47,495 | 47,495 | | 47,495 |
| 0203761N | 163 | RAPID TECHNOLOGY TRANSITION (RTT) | 34,469 | 34,469 | 34,469 | | 34,469 |
| 0204136N | 164 | F/A-18 SQUADRONS | 71,232 | 71,232 | 71,232 | | 71,232 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0204152N | 165 | E-2 SQUADRONS | 54,096 | 54,096 | 54,096 | | 54,096 |
| 0204163N | 166 | FLEET TELECOMMUNICATIONS (TACTICAL) | 26,696 | 26,696 | 29,696 | | 26,696 |
| | | Warfighter enhanced decision making | | | [3,000] | | |
| 0204229N | 167 | TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) | 14,212 | 17,212 | 14,212 | 1,000 | 15,212 |
| | | Low-cost image-based navigation and precision targeting | | [3,000] | | [1,000] | |
| 0204311N | 168 | INTEGRATED SURVEILLANCE SYSTEM | 20,565 | 20,565 | 20,565 | | 20,565 |
| 0204413N | 169 | AMPHIBIOUS TACTICAL SUPPORT UNITS | 2,325 | 2,325 | 2,325 | | 2,325 |
| 0204571N | 170 | CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT | 28,017 | 28,017 | 28,017 | | 28,017 |
| 0204574N | 171 | CRYPTOLOGIC DIRECT SUPPORT | 1,441 | 1,441 | 1,441 | | 1,441 |
| 0204575N | 172 | ELECTRONIC WARFARE (EW) READINESS SUPPORT | 24,276 | 24,276 | 24,276 | | 24,276 |
| 0205601N | 173 | HARM IMPROVEMENT | 31,427 | 34,427 | 31,427 | | 31,427 |
| | | Advanced anti-radiation guided missile derivative | | [3,000] | | | |
| 0205604N | 174 | TACTICAL DATA LINKS | 4,247 | 4,247 | 4,247 | | 4,247 |
| 0205620N | 175 | SURFACE ASW COMBAT SYSTEM INTEGRATION | 21,720 | 21,720 | 21,720 | | 21,720 |
| 0205632N | 176 | MK-48 ADCAP | 15,879 | 16,879 | 15,879 | 1,000 | 16,879 |
| | | MK-48 post launch comm system | | [1,000] | | [1,000] | |
| 0205633N | 177 | AVIATION IMPROVEMENTS | 122,906 | 126,106 | 126,906 | 4,200 | 127,106 |
| | | Radio frequency synthetic subsystems for military automated test systems | | | [3,000] | | |
| | | Rapid repair structural adhesives | | | [1,000] | [1,000] | |
| | | Ultraviolet-cure structural repair adhesives | | [2,000] | | [2,000] | |
| | | Helo laminate widescreen development | | [1,200] | | [1,200] | |
| 0205658N | 178 | NAVY SCIENCE ASSISTANCE PROGRAM | 3,625 | 3,625 | 3,625 | | 3,625 |
| 0205675N | 179 | OPERATIONAL NUCLEAR POWER SYSTEMS | 71,576 | 71,576 | 71,576 | | 71,576 |
| 0206313M | 180 | MARINE CORPS COMMUNICATIONS SYSTEMS | 273,696 | 273,696 | 273,696 | | 273,696 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0206623M | 181 | MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS | 136,080 | 145,080 | 136,080 | -16,400 | 119,680 |
| | | Program Delay | | | | [-19,400] | |
| | | Marine corps shotgun modernization program | | [3,000] | | [3,000] | |
| | | Enhanced military vehicle maintenance | | [4,000] | | | |
| | | Dev and test program for EMI hardened test shelter | | [2,000] | | | |
| 0206624M | 182 | MARINE CORPS COMBAT SERVICES SUPPORT | 9,646 | 9,646 | 9,646 | | 9,646 |
| 0207161N | 183 | TACTICAL AIM MISSILES | 6,679 | 6,679 | 6,679 | | 6,679 |
| 0207163N | 184 | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) | 8,556 | 8,556 | 8,556 | | 8,556 |
| 0208058N | 185 | JOINT HIGH SPEED VESSEL (JHSV) | 11,960 | 11,960 | 11,960 | | 11,960 |
| 0301303N | 186 | MARITIME INTELLIGENCE | [ ] | [ ] | [ ] | | [ ] |
| 0301323N | 187 | COLLECTION MANAGEMENT | [ ] | [ ] | [ ] | | [ ] |
| 0301327N | 188 | TECHNICAL RECONNAISANCE AND SURVEILLANCE | [ ] | [ ] | [ ] | | [ ] |
| 0301372N | 189 | CYBER SECURITY INITIATIVE - GDIP | [ ] | [ ] | [ ] | | [ ] |
| 0303109N | 190 | SATELLITE COMMUNICATIONS (SPACE) | 652,463 | 658,463 | 652,463 | 1,000 | 653,463 |
| | | Joint-integrated sys tech for advanced digital networking | | [6,000] | | [1,000] | |
| 0303140N | 191 | INFORMATION SYSTEMS SECURITY PROGRAM | 27,037 | 27,037 | 27,037 | | 27,037 |
| 0303158M | 192 | JOINT COMMAND AND CONTROL PROGRAM (JC2) | 2,000 | 2,000 | 2,000 | | 2,000 |
| 0303158N | 193 | JOINT COMMAND AND CONTROL PROGRAM (JC2) | 4,148 | 4,148 | 4,148 | | 4,148 |
| 0305149N | 194 | COBRA JUDY | 101,114 | 101,114 | 101,114 | | 101,114 |
| 0305160N | 195 | NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) | 8,208 | 8,208 | 8,208 | | 8,208 |
| 0305192N | 196 | MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES | 4,614 | 4,614 | 4,614 | | 4,614 |
| 0305204N | 197 | TACTICAL UNMANNED AERIAL VEHICLES | 45,717 | 45,717 | 45,717 | | 45,717 |
| 0305205N | 198 | ENDURANCE UNMANNED AERIAL VEHICLES | 480,098 | 418,098 | 431,898 | -62,000 | 418,098 |
| | | BAMS program | | [-62,000] | [-48,200] | [-62,000] | |
| 0305206N | 199 | AIRBORNE RECONNAISSANCE SYSTEMS | 55,719 | 55,719 | 55,719 | | 55,719 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0305207N | 200 | MANNED RECONNAISSANCE SYSTEMS | 13,982 | 13,982 | 13,982 | | 13,982 |
| 0305208N | 201 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 44,540 | 44,540 | 44,540 | | 44,540 |
| 0307207N | 202 | AERIAL COMMON SENSOR (ACS) | 74,604 | 74,604 | 74,604 | | 74,604 |
| 0308601N | 203 | MODELING AND SIMULATION SUPPORT | 8,007 | 8,007 | 8,007 | | 8,007 |
| 0702207N | 204 | DEPOT MAINTENANCE (NON-IF) | 21,130 | 21,130 | 21,130 | -6,000 | 15,130 |
| | | F-18 Service Life Assessment Program delay | | | | [-6,000] | |
| 0702239N | 205 | AVIONICS COMPONENT IMPROVEMENT PROGRAM | 1,877 | 1,877 | 1,877 | | 1,877 |
| 0708011N | 206 | INDUSTRIAL PREPAREDNESS | 56,681 | 56,681 | 58,381 | | 56,681 |
| | | Digital direct manufacturing technologies | | | [1,700] | | |
| 0708730N | 207 | MARITIME TECHNOLOGY (MARITECH) | | | 15,000 | | |
| | | National Shipbuilding Research Program | | | [15,000] | | |
| | | **SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, NAVY** | **3,110,432** | **3,068,032** | **3,066,586** | **-83,200** | **3,027,232** |
| | 999 | CLASSIFIED PROGRAMS | 1,309,385 | 1,309,385 | 1,309,385 | | 1,309,385 |
| | | **Total, RDT&E Navy** | **19,337,238** | **19,764,738** | **19,442,192** | **8,365** | **19,345,603** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE** | | | | | |
| | | **BASIC RESEARCH** | | | | | |
| 0601102F | 1 | DEFENSE RESEARCH SCIENCES | 309,926 | 309,926 | 309,926 | | 309,926 |
| 0601103F | 2 | UNIVERSITY RESEARCH INITIATIVES | 125,949 | 127,949 | 134,049 | 10,100 | 136,049 |
| | | Advanced design technologies for hypersonics research | | | [2,000] | [2,000] | |
| | | Diamond substrates for microelectronics research | | | [2,500] | [2,500] | |
| | | Information security research | | | [2,000] | [2,000] | |
| | | Military decision cycle time research | | | [1,600] | [1,600] | |
| | | Aerodynamic wind tunnel upgrade initiative | | [2,000] | | [2,000] | |
| 0601108F | 3 | HIGH ENERGY LASER RESEARCH INITIATIVES | 13,425 | 13,425 | 13,425 | | 13,425 |
| 0301555F | 4 | CLASSIFIED PROGRAM | [ ] | [ ] | [ ] | [4,000] | [ ] |
| | | Remote suspect identification | | [4,000] | | [4,000] | |
| 0301556F | 5 | SPECIAL PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0305172F | 6 | COMBINED ADVANCED APPLICATIONS | [ ] | [ ] | [ ] | | [ ] |
| | | **SUBTOTAL, BASIC RESEARCH, AIR FORCE** | **449,300** | **451,300** | **457,400** | **10,100** | **459,400** |
| | | **APPLIED RESEARCH** | | | | | |
| 0602015F | 7 | MEDICAL DEVELOPMENT | | 5,100 | | | |
| | | Mobile diabetes management | | [2,000] | | | |
| | | Basic science research | | [3,100] | | | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602102F | 8 | MATERIALS | 117,143 | 132,543 | 125,643 | 17,900 | 135,043 |
| | | Fire and blast resistant materials research | | | [2,000] | [2,000] | |
| | | Health monitoring sensors for aerospace components | | | [1,500] | [1,500] | |
| | | Thermal protection systems for hypersonics | | | [2,500] | | |
| | | Advanced carbon fiber research and test initiative | | [3,000] | [2,500] | [3,000] | |
| | | Advanced casting and coating technologies | | [3,500] | | [3,500] | |
| | | FEL capabilities for aerospace microfabrication | | [1,400] | | [1,400] | |
| | | Next generation manufacturing processes | | [1,500] | | [1,500] | |
| | | Ceramic matrix composite turbine blade demonstration | | [5,000] | | [4,000] | |
| | | ONAMI safer nanomaterials and nanomanufacturing | | [1,000] | | [1,000] | |
| 0602201F | 9 | AEROSPACE VEHICLE TECHNOLOGIES | 122,870 | 124,370 | 124,370 | | 122,870 |
| | | Optical connector research | | | [1,500] | | |
| | | Single-mode optical connectors for advanced air vehicles | | [1,500] | | | |
| 0602202F | 10 | HUMAN EFFECTIVENESS APPLIED RESEARCH | 82,091 | 86,591 | 86,591 | 4,500 | 86,591 |
| | | Joint theater air-ground simulation system | | | [2,500] | [2,500] | |
| | | Satellite control system training technology | | | [2,000] | [2,000] | |
| | | Bay area language tech innovation center (BALTIC) | | [4,500] | | | |
| 0602203F | 11 | AEROSPACE PROPULSION | 218,049 | 235,449 | 225,049 | 9,950 | 227,999 |
| | | Hybrid bearing development | | | [2,000] | [2,000] | |
| | | X-51B scramjet research | | | [5,000] | | |
| | | Advanced vehicle propulsion center | | [3,000] | | [1,500] | |
| | | National test facility for aerospace fuels and propulsion | | [1,700] | | [1,700] | |
| | | Wavelength agile spectral harmonic oxygen sensor | | [2,400] | | [1,000] | |
| | | Cell-level battery controller | | [2,800] | | | |
| | | High temperature, high energy-density capacitors | | [1,000] | | | |
| | | Integrated electrical starter/generator | | [3,500] | | [2,000] | |
| | | Hydrocarbon boost technology demonstrator | | [3,000] | | [1,750] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602204F | 12 | AEROSPACE SENSORS | 109,048 | 114,048 | 113,548 | 6,000 | 115,048 |
| | | Wideband electronic sensing technologies | | | [3,000] | [3,000] | |
| | | Information quality tools - persistent surveillance data sets | | [2,000] | [1,500] | [2,000] | |
| | | Net-centric sensor grids | | [3,000] | | [1,000] | |
| 0602601F | 13 | SPACE TECHNOLOGY | 117,519 | 120,519 | 130,519 | 4,500 | 122,019 |
| | | Seismic research program | | | [13,000] | [2,500] | |
| | | Radiation hardened non-volatile memory technology | | [3,000] | | [2,000] | |
| 0602602F | 14 | CONVENTIONAL MUNITIONS | 55,963 | 55,963 | 55,963 | | 55,963 |
| 0602605F | 15 | DIRECTED ENERGY TECHNOLOGY | 62,871 | 62,871 | 62,871 | | 62,871 |
| 0602702F | 16 | COMMAND CONTROL AND COMMUNICATIONS | 109,492 | 110,492 | 111,992 | 2,000 | 111,492 |
| | | Cyber attack mitigation technologies | | | [2,500] | [2,000] | |
| | | Cyber boot camp | | [1,000] | | | |
| 0602890F | 17 | HIGH ENERGY LASER RESEARCH | 49,449 | 49,449 | 49,449 | | 49,449 |
| | | **SUBTOTAL, APPLIED RESEARCH, AIR FORCE** | **1,044,495** | **1,097,395** | **1,085,995** | **44,850** | **1,089,345** |
| | | **ADVANCED TECHNOLOGY DEVELOPMENT** | | | | | |
| 0603112F | 18 | ADVANCED MATERIALS FOR WEAPON SYSTEMS | 41,926 | 57,926 | 46,926 | 5,000 | 46,926 |
| | | Metals affordability initiative | | [14,000] | [5,000] | [5,000] | |
| | | Improved inspection reliability for optimized inspection | | [2,000] | | | |
| 0603203F | 19 | ADVANCED AEROSPACE SENSORS | 56,916 | 62,916 | 58,916 | 4,000 | 60,916 |
| | | Reconfigurable secure computing technologies | | | [2,000] | [1,500] | |
| | | Moving target strike | | [6,000] | | [2,500] | |
| 0603211F | 20 | AEROSPACE TECHNOLOGY DEV/DEMO | 44,918 | 44,918 | 44,918 | | 44,918 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603216F | 21 | AEROSPACE PROPULSION AND POWER TECHNOLOGY | 170,856 | 176,356 | 179,856 | 6,500 | 177,356 |
| | | Assured aerospace fuels research | | | [3,000] | [2,000] | |
| | | HiSTED supersonic/hypersonic cruise missile engine | | | [6,000] | | |
| | | VAATE for supersonic cruise missiles | | [5,500] | | [4,500] | |
| 0603231F | 22 | CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY | 26,630 | 26,630 | 26,630 | | 26,630 |
| 0603270F | 23 | ELECTRONIC COMBAT TECHNOLOGY | 21,056 | 24,056 | 21,056 | 1,500 | 22,556 |
| | | COTS analysis tools for navigational warfare | | [3,000] | | [1,500] | |
| 0603311F | 24 | BALLISTIC MISSILE TECHNOLOGY | | | | | |
| 0603401F | 25 | ADVANCED SPACECRAFT TECHNOLOGY | 80,958 | 89,958 | 82,958 | 5,000 | 85,958 |
| | | Thin film amorphous solar arrays | | | [2,000] | [2,000] | |
| | | Hybrid sounding rocket propulsion | | [2,000] | | [1,000] | |
| | | Technology testing platform | | [2,000] | | | |
| | | Small low cost reconnaissance spacecraft components | | [5,000] | | [2,000] | |
| 0603444F | 26 | MAUI SPACE SURVEILLANCE SYSTEM (MSSS) | 4,838 | 12,838 | 4,838 | | 4,838 |
| | | High accuracy network determination system (HANDS) | | [8,000] | | | |
| 0603601F | 27 | CONVENTIONAL WEAPONS TECHNOLOGY | 11,813 | 11,813 | 14,813 | 3,000 | 14,813 |
| | | Integrated targeting devices | | | [3,000] | [3,000] | |
| 0603605F | 28 | ADVANCED WEAPONS TECHNOLOGY | 44,507 | 44,507 | 44,507 | | 44,507 |
| 0603680F | 29 | MANUFACTURING TECHNOLOGY PROGRAM | 39,729 | 43,729 | 39,729 | 2,000 | 41,729 |
| | | Prepreg thickness variability reduction program | | [2,000] | | [2,000] | |
| | | Wire integrity technology program | | [2,000] | | | |
| 0603789F | 30 | C3I ADVANCED DEVELOPMENT | 30,103 | 30,103 | 32,103 | 2,000 | 32,103 |
| | | Optical interconnects research | | | [2,000] | [2,000] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603801F | 31 | SPECIAL PROGRAMS | | | | | |
| 0603924F | 32 | HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM | 4,013 | 4,013 | 9,013 | | 4,013 |
| | | HEL directed energy weapons | | | [5,000] | | |
| | | **SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE** | **578,263** | **629,763** | **606,263** | **29,000** | **607,263** |
| | | **ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** | | | | | |
| 0603260F | 33 | INTELLIGENCE ADVANCED DEVELOPMENT | 4,988 | 4,988 | 4,988 | | 4,988 |
| 0603287F | 34 | PHYSICAL SECURITY EQUIPMENT | 477 | 477 | 477 | | 477 |
| 0603421F | 35 | NAVSTAR GLOBAL POSITIONING SYSTEM III | | | | | |
| 0603423F | 36 | GLOBAL POSITIONING SYSTEM III - OPERATIONAL CONTROL SEGMENT | 2,975 | 2,975 | 307,335 | | 2,975 |
| | | GPS III-OCX | | | [304,360] | | |
| 0603427F | 37 | GPS OPERATIONAL CONTROL SEGMENT - BACKWARDS COMPATIBILITY | 304,360 | 304,360 | 0 | | 304,360 |
| | | GPS III-OCX backwards compatibility | | | [-304,360] | | |
| 0603430F | 38 | ADVANCED EHF MILSATCOM (SPACE) | 388,041 | 388,041 | 388,041 | | 388,041 |
| 0603432F | 39 | POLAR MILSATCOM (SPACE) | 237,749 | 237,749 | 237,749 | | 237,749 |
| 0603438F | 40 | SPACE CONTROL TECHNOLOGY | 76,845 | 76,845 | 81,845 | | 76,845 |
| | | Space situational awareness | | | [5,000] | | |
| 0603742F | 41 | COMBAT IDENTIFICATION TECHNOLOGY | 29,400 | 29,400 | 29,400 | | 29,400 |
| 0603790F | 42 | NATO RESEARCH AND DEVELOPMENT | 4,334 | 4,334 | 4,334 | | 4,334 |
| 0603791F | 43 | INTERNATIONAL SPACE COOPERATIVE R&D | 627 | 627 | 627 | | 627 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603845F | 44 | TRANSFORMATIONAL SATCOM (TSAT) | 842,974 | 842,974 | 1,192,974 | -56,000 | 786,974 |
| | | Program reduction | | | | [-56,000] | |
| | | TSAT | | | [350,000] | | |
| 0603850F | 45 | INTEGRATED BROADCAST SERVICE | 21,105 | 21,105 | 21,105 | | 21,105 |
| 0603851F | 46 | INTERCONTINENTAL BALLISTIC MISSILE | 65,629 | 70,629 | 65,629 | | 65,629 |
| | | ICBM cryptography upgrade | | [5,000] | | | |
| 0603854F | 47 | WIDEBAND GLOBAL SATCOM RDT&E (SPACE) | 12,422 | 12,422 | 12,422 | | 12,422 |
| 0603858F | 48 | SPACE RADAR | | | | | |
| 0603859F | 49 | POLLUTION PREVENTION | 2,877 | 2,877 | 2,877 | | 2,877 |
| 0603860F | 50 | JOINT PRECISION APPROACH AND LANDING SYSTEMS | 7,479 | 7,479 | 7,479 | | 7,479 |
| 0604015F | 51 | NEXT GENERATION BOMBER | | | | | |
| 0604796F | 52 | ALTERNATIVE FUELS | 28,464 | 30,664 | 28,464 | | 28,464 |
| | | Advanced propulsion non-tactical vehicle | | [2,200] | | | |
| 0604830F | 53 | AUTOMATED AIR-TO-AIR REFUELING | 9,889 | 9,889 | 9,889 | | 9,889 |
| 0604856F | 54 | COMMON AERO VEHICLE (CAV) | | | | | |
| 0604857F | 55 | OPERATIONALLY RESPONSIVE SPACE | 110,032 | 120,032 | 120,032 | | 110,032 |
| | | ORS | | | [10,000] | | |
| | | Day/night ISR payload for ORS | | [10,000] | | | |
| 0305178F | 56 | NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS) | 289,469 | 289,469 | 289,469 | | 289,469 |
| | | **SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE** | **2,440,136** | **2,457,336** | **2,805,136** | **-56,000** | **2,384,136** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **SYSTEM DEVELOPMENT & DEMONSTRATION** | | | | | |
| 0603840F | 57 | GLOBAL BROADCAST SERVICE (GBS) | 18,790 | 18,790 | 18,790 | | 18,790 |
| 0604222F | 58 | NUCLEAR WEAPONS SUPPORT | 20,166 | 20,166 | 20,166 | | 20,166 |
| 0604226F | 59 | B-1B | 128,871 | 128,871 | 128,871 | | 128,871 |
| 0604233F | 60 | SPECIALIZED UNDERGRADUATE FLIGHT TRAINING | 7,462 | 7,462 | 7,462 | | 7,462 |
| 0604240F | 61 | B-2 ADVANCED TECHNOLOGY BOMBER | 351,417 | 343,217 | 332,917 | -8,200 | 343,217 |
| | | B-2 Radar (Transfer to APAF 24) | | | [-18,500] | [-18,500] | |
| | | SDB moving target kill integration | | [10,300] | | [10,300] | |
| 0604261F | 62 | PERSONNEL RECOVERY SYSTEMS | | | | | |
| 0604270F | 63 | ELECTRONIC WARFARE DEVELOPMENT | 54,995 | 54,995 | 54,995 | | 54,995 |
| 0604287F | 64 | PHYSICAL SECURITY EQUIPMENT | 52 | 52 | 52 | | 52 |
| 0604329F | 65 | SMALL DIAMETER BOMB (SDB) | 125,067 | 125,067 | 125,067 | | 125,067 |
| 0604421F | 66 | COUNTERSPACE SYSTEMS | 74,918 | 84,918 | 74,918 | 2,000 | 76,918 |
| | | Space control test capabilities | | [10,000] | | [2,000] | |
| 0604425F | 67 | SPACE SITUATION AWARENESS SYSTEMS | 210,501 | 210,501 | 220,501 | | 210,501 |
| | | SBSS 10 | | | [10,000] | | |
| 0604429F | 68 | AIRBORNE ELECTRONIC ATTACK | 34,279 | 34,279 | 34,279 | | 34,279 |
| 0604441F | 69 | SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD | 529,771 | 529,771 | 559,771 | 30,000 | 559,771 |
| | | SBIRS ground operations and training | | | [30,000] | [30,000] | |
| 0604443F | 70 | THIRD GENERATION INFRARED SURVEILLANCE (3GIRS) | 149,064 | 74,964 | 119,064 | -74,100 | 74,964 |
| | | Third generation infrared surveillance | | | [-30,000] | [-74,100] | |
| 0604602F | 71 | ARMAMENT/ORDNANCE DEVELOPMENT | 2,095 | 2,095 | 2,095 | | 2,095 |
| 0604604F | 72 | SUBMUNITIONS | 1,730 | 1,730 | 1,730 | | 1,730 |
| 0604617F | 73 | AGILE COMBAT SUPPORT | 5,790 | 5,790 | 5,790 | | 5,790 |
| 0604618F | 74 | JOINT DIRECT ATTACK MUNITION | | | | | |
| 0604706F | 75 | LIFE SUPPORT SYSTEMS | 10,998 | 16,998 | 10,998 | 6,000 | 16,998 |
| | | ACES 5 ejection seat | | [6,000] | | [6,000] | |
| 0604735F | 76 | COMBAT TRAINING RANGES | 28,047 | 28,047 | 28,047 | | 28,047 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604740F | 77 | INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) | 177 | 7,177 | 177 | 2,000 | 2,177 |
| | | Distributed mission interoperability toolkit | | [7,000] | | [2,000] | |
| 0604750F | 78 | INTELLIGENCE EQUIPMENT | 1,488 | 1,488 | 1,488 | | 1,488 |
| 0604762F | 79 | COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS) | | | | | |
| 0604800F | 80 | JOINT STRIKE FIGHTER (JSF) | 1,524,016 | 1,786,516 | 1,774,016 | 247,500 | 1,771,516 |
| | | Alternative engine development | | | | [247,500] | |
| | | Fund competitive propulsion system | | | [215,000] | | |
| | | Technology development for F135 engine | | | [35,000] | | |
| | | Joint Strike Fighter competitive engine | | [247,500] | | | |
| | | F135 technology insertion | | [15,000] | | | |
| 0604853F | 81 | EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) | 33,719 | 33,719 | 33,719 | | 33,719 |
| 0605011F | 82 | RDT&E FOR AGING AIRCRAFT | 13,828 | 13,828 | 13,828 | | 13,828 |
| 0605221F | 83 | NEXT GENERATION AERIAL REFUELING AIRCRAFT | 831,759 | 831,759 | 893,419 | -831,759 | 0 |
| | | Transfer to tanker replacement transfer fund | | | | [-831,759] | |
| | | USAF-requested transfer from APAF 10 | | | [61,660] | | |
| 0605277F | 84 | CSAR-X RDT&E | 305,062 | 265,062 | 265,062 | -40,000 | 265,062 |
| | | Reflect delays in acquisition program | | | [-40,000] | | |
| | | Program delay | | [-40,000] | | [-40,000] | |
| 0605278F | 85 | HC/MC-130 RECAP | 11,692 | 11,692 | 11,692 | | 11,692 |
| 0207434F | 86 | LINK-16 SUPPORT AND SUSTAINMENT | 186,213 | 190,213 | 186,213 | 1,500 | 187,713 |
| | | Flexible access secure transfer | | [4,000] | | [1,500] | |
| 0207450F | 87 | E-10 SQUADRONS | 42,215 | 42,215 | 42,215 | | 42,215 |
| 0207451F | 88 | SINGLE INTEGRATED AIR PICTURE (SIAP) | 66,909 | 66,909 | 66,909 | | 66,909 |
| 0207701F | 89 | FULL COMBAT MISSION TRAINING | 135,152 | 135,152 | 135,152 | | 135,152 |
| 0401138F | 90 | JOINT CARGO AIRCRAFT (JCA) | 26,777 | 26,777 | 26,777 | -10,000 | 16,777 |
| | | Unexecutable request | | | | [-10,000] | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0401318F | 91 | CV-22 | 18,562 | 18,562 | 18,562 | | 18,562 |
| 0401845F | 92 | AIRBORNE SENIOR LEADER C3 (SLC3S) | 1,992 | 1,992 | 1,992 | | 1,992 |
| | | **SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE** | **4,953,574** | **5,120,774** | **5,216,734** | **-675,059** | **4,278,515** |
| | | **RDT&E MANAGEMENT SUPPORT** | | | | | |
| 0604256F | 93 | THREAT SIMULATOR DEVELOPMENT | 34,568 | 34,568 | 34,568 | | 34,568 |
| 0604759F | 94 | MAJOR T&E INVESTMENT | 61,818 | 72,018 | 65,818 | 8,500 | 70,318 |
| | | High speed test track | | | [4,000] | [4,000] | |
| | | FPS-16 radar modernization upgrade | | [6,000] | | [3,500] | |
| | | Eglin AFB range operations control center upgrade | | [4,200] | | [1,000] | |
| 0605101F | 95 | RAND PROJECT AIR FORCE | 28,676 | 31,676 | 28,676 | 3,000 | 31,676 |
| | | Program increase | | [3,000] | | [3,000] | |
| 0605502F | 96 | SMALL BUSINESS INNOVATION RESEARCH | | | | | |
| 0605712F | 97 | INITIAL OPERATIONAL TEST & EVALUATION | 29,537 | 29,537 | 29,537 | | 29,537 |
| 0605807F | 98 | TEST AND EVALUATION SUPPORT | 787,737 | 787,737 | 787,737 | | 787,737 |
| 0605860F | 99 | ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) | 14,895 | 14,895 | 14,895 | | 14,895 |
| 0605864F | 100 | SPACE TEST PROGRAM (STP) | 48,072 | 48,072 | 48,072 | | 48,072 |
| 0605976F | 101 | FACILITIES RESTORATION AND MODERNIZATION - TEST AND EVALUATION SUPPORT | 46,234 | 46,234 | 46,234 | | 46,234 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0605978F | 102 | FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT | 28,898 | 29,898 | 28,898 | 1,000 | 29,898 |
| | | Low profile arresting gear | | [1,000] | | [1,000] | |
| 0804731F | 103 | GENERAL SKILL TRAINING | | | | | |
| 1001004F | 104 | INTERNATIONAL ACTIVITIES | 3,910 | 3,910 | 3,910 | | 3,910 |
| | | **SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE** | **1,084,345** | **1,098,545** | **1,088,345** | **12,500** | **1,096,845** |
| | | **OPERATIONAL SYSTEMS DEVELOPMENT** | | | | | |
| 0604263F | 105 | COMMON VERTICAL LIFT SUPPORT PLATFORM | 3,868 | 0 | 3,868 | | 3,868 |
| | | Unjustified program | | [-3,868] | | | |
| 0605024F | 106 | ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY | 20,987 | 20,987 | 20,987 | | 20,987 |
| 0605798F | 107 | ANALYSIS SUPPORT GROUP | [ ] | [ ] | [ ] | | [ ] |
| 0101113F | 108 | B-52 SQUADRONS | 38,651 | 38,651 | 48,151 | | 38,651 |
| | | B-52 CONECT | | | [9,500] | | |
| 0101120F | 109 | ADVANCED CRUISE MISSILE | | | | | |
| 0101122F | 110 | AIR-LAUNCHED CRUISE MISSILE (ALCM) | 396 | 396 | 396 | | 396 |
| 0101313F | 111 | STRAT WAR PLANNING SYSTEM - USSTRATCOM | 17,553 | 17,553 | 17,553 | | 17,553 |
| 0101314F | 112 | NIGHT FIST - USSTRATCOM | 5,299 | 5,299 | 5,299 | | 5,299 |
| 0101815F | 113 | ADVANCED STRATEGIC PROGRAMS | [ ] | [ ] | [ ] | | [ ] |
| | | ISSO | | | [-10,000] | | |
| 0102326F | 114 | REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM | 23,858 | 23,858 | 23,858 | | 23,858 |
| 0102823F | 115 | STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES | 15 | 15 | 15 | | 15 |
| 0203761F | 116 | WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND | 20,807 | 20,807 | 20,807 | | 20,807 |
| 0205219F | 117 | MQ-9 UAV | 43,557 | 43,557 | 43,557 | | 43,557 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0207131F | 118 | A-10 SQUADRONS | | | | | |
| 0207133F | 119 | F-16 SQUADRONS | 123,979 | 123,979 | 123,979 | | 123,979 |
| 0207134F | 120 | F-15E SQUADRONS | 184,213 | 184,213 | 184,213 | | 184,213 |
| 0207136F | 121 | MANNED DESTRUCTIVE SUPPRESSION | 5,585 | 5,585 | 5,585 | | 5,585 |
| 0207138F | 122 | F-22A SQUADRONS | 700,305 | 700,305 | 700,305 | | 700,305 |
| 0207141F | 123 | F-117A SQUADRONS | | | | | |
| 0207161F | 124 | TACTICAL AIM MISSILES | 5,748 | 5,748 | 5,748 | | 5,748 |
| 0207163F | 125 | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) | 54,239 | 54,239 | 54,239 | | 54,239 |
| 0207170F | 126 | JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) | 3,192 | 3,192 | 3,192 | | 3,192 |
| 0207247F | 127 | AF TENCAP | 11,578 | 11,578 | 11,578 | | 11,578 |
| 0207248F | 128 | SPECIAL EVALUATION PROGRAM | | | | | |
| 0207253F | 129 | COMPASS CALL | 4,670 | 4,670 | 4,670 | | 4,670 |
| 0207268F | 130 | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM | 150,956 | 150,956 | 150,956 | | 150,956 |
| 0207277F | 131 | CSAF INNOVATION PROGRAM | | 4,000 | | | |
| | | Enhanced guardian angel kit | | [4,000] | | | |
| 0207325F | 132 | JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) | 13,035 | 13,035 | 13,035 | | 13,035 |
| 0207410F | 133 | AIR & SPACE OPERATIONS CENTER (AOC) | 118,834 | 118,834 | 78,434 | | 118,834 |
| | | Delay AOC, increment 10.2 | | | [-40,400] | | |
| 0207412F | 134 | MODULAR CONTROL SYSTEM | 60,590 | 60,590 | 60,590 | | 60,590 |
| 0207417F | 135 | AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) | 126,300 | 126,300 | 126,300 | | 126,300 |
| 0207418F | 136 | TACTICAL AIRBORNE CONTROL SYSTEMS | 1,530 | 1,530 | 1,530 | | 1,530 |
| 0207423F | 137 | ADVANCED COMMUNICATIONS SYSTEMS | 29,782 | 29,782 | 29,782 | | 29,782 |
| 0207424F | 138 | EVALUATION AND ANALYSIS PROGRAM | 794,036 | 794,036 | 794,036 | | 794,036 |
| 0207433F | 139 | ADVANCED PROGRAM TECHNOLOGY | | | | | |
| 0207438F | 140 | THEATER BATTLE MANAGEMENT (TBM) C4I | 19,437 | 19,437 | 19,437 | | 19,437 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0207445F | 141 | FIGHTER TACTICAL DATA LINK | 62,788 | 62,788 | 62,788 | | 62,788 |
| 0207446F | 142 | BOMBER TACTICAL DATA LINK | 11,702 | 11,702 | 11,702 | | 11,702 |
| 0207448F | 143 | C2ISR TACTICAL DATA LINK | 1,727 | 1,727 | 1,727 | | 1,727 |
| 0207449F | 144 | COMMAND AND CONTROL (C2) CONSTELLATION | 32,151 | 32,151 | 32,151 | | 32,151 |
| 0207581F | 145 | JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) | 97,641 | 97,641 | 195,641 | -16,000 | 81,641 |
| | | Funded in FY08 supplemental | | | | [-36,000] | |
| | | Improve maturity of MP-RTIP sensor suite for larger aircraft | | | [98,000] | [20,000] | |
| 0207590F | 146 | SEEK EAGLE | 21,645 | 21,645 | 21,645 | | 21,645 |
| 0207591F | 147 | ADVANCED PROGRAM EVALUATION | | | | | |
| 0207601F | 148 | USAF MODELING AND SIMULATION | 28,981 | 28,981 | 28,981 | | 28,981 |
| 0207605F | 149 | WARGAMING AND SIMULATION CENTERS | 3,870 | 3,870 | 3,870 | | 3,870 |
| 0207697F | 150 | DISTRIBUTED TRAINING AND EXERCISES | 7,137 | 7,137 | 7,137 | | 7,137 |
| 0208006F | 151 | MISSION PLANNING SYSTEMS | 97,560 | 97,560 | 97,560 | | 97,560 |
| 0208021F | 152 | INFORMATION WARFARE SUPPORT | 12,220 | 12,220 | 12,220 | | 12,220 |
| 0208161F | 153 | SPECIAL EVALUATION SYSTEM | 1,077,970 | 1,077,970 | 1,077,970 | | 1,077,970 |
| 0301310F | 154 | NATIONAL AIR INTELLIGENCE CENTER | [ ] | [ ] | [ ] | | [ ] |
| 0301314F | 155 | COBRA BALL | [ ] | [ ] | [ ] | | [ ] |
| | | Open source research centers | | [3,000] | | | |
| 0301315F | 156 | MISSILE AND SPACE TECHNICAL COLLECTION | [ ] | [ ] | [ ] | | [ ] |
| 0301324F | 157 | FOREST GREEN | [ ] | [ ] | [ ] | | [ ] |
| 0301386F | 158 | GDIP COLLECTION MANAGEMENT | [ ] | [ ] | [ ] | | [ ] |
| 0302015F | 159 | E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) | 4,069 | 4,069 | 4,069 | | 4,069 |
| 0303112F | 160 | AIR FORCE COMMUNICATIONS (AIRCOM) | | | | | |
| 0303131F | 161 | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) | 70,995 | 70,995 | 70,995 | | 70,995 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0303140F | 162 | INFORMATION SYSTEMS SECURITY PROGRAM | 187,933 | 192,933 | 187,933 | | 187,933 |
| | | Cybercraft | | [3,000] | | | |
| | | Dark screen | | [2,000] | | | |
| 0303141F | 163 | GLOBAL COMBAT SUPPORT SYSTEM | 4,320 | 4,320 | 4,320 | | 4,320 |
| 0303150F | 164 | GLOBAL COMMAND AND CONTROL SYSTEM | 3,218 | 2,218 | 3,218 | | 3,218 |
| | | Global Command and Control System Air Force | | [-1,000] | | | |
| 0303158F | 165 | JOINT COMMAND AND CONTROL PROGRAM (JC2) | 3,234 | 3,234 | 3,234 | | 3,234 |
| 0303601F | 166 | MILSATCOM TERMINALS | 337,098 | 337,098 | 337,098 | | 337,098 |
| 0304111F | 167 | SPECIAL ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0304260F | 168 | AIRBORNE SIGINT ENTERPRISE | 173,631 | 173,631 | 173,631 | | 173,631 |
| 0304311F | 169 | SELECTED ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0304348F | 170 | ADVANCED GEOSPATIAL INTELLIGENCE (AGI) | [ ] | [ ] | [ ] | | [ ] |
| 0305099F | 171 | COMMUNICATION, NAVIGATION, SURVEILLANCE | 6,275 | 6,275 | 6,275 | | 6,275 |
| 0305103F | 172 | CYBER SECURITY INITIATIVE | 2,083 | 2,083 | 2,083 | | 2,083 |
| 0305110F | 173 | SATELLITE CONTROL NETWORK (SPACE) | 16,758 | 16,758 | 16,758 | | 16,758 |
| 0305111F | 174 | WEATHER SERVICE | 47,347 | 47,347 | 53,347 | | 47,347 |
| | | Integrate all terrain, weather & risk assessment information into one display | | | [6,000] | | |
| 0305114F | 175 | AIR TRAFFIC CONTROL, APPROACH, AND LANDING | 6,867 | 6,867 | 6,867 | | 6,867 |
| 0305116F | 176 | AERIAL TARGETS | 34,777 | 34,777 | 34,777 | | 34,777 |
| 0305124F | 177 | SPECIAL APPLICATIONS PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0305127F | 178 | FOREIGN COUNTERINTELLIGENCE ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0305128F | 179 | SECURITY AND INVESTIGATIVE ACTIVITIES | 786 | 786 | 786 | | 786 |
| 0305142F | 180 | APPLIED TECHNOLOGY AND INTEGRATION | | | | | |
| 0305146F | 181 | DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES | 39 | 39 | 39 | | 39 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0305159F | 182 | DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE) | [ ] | [ ] | [ ] | [-1,052,000] | [ ] |
| | | FINDER | | | [25,000] | | |
| | | Phased Array | | | [27,000] | | |
| | | Program reduction | | | [-50,000] | | |
| | | Program reduction | | [-200,000] | [-406,000] | [-1,052,000] | |
| 0305160F | 183 | DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE) | | | | | |
| 0305164F | 184 | NAVSTAR GLOBAL POSITIONING SYSTEM (USER | 127,513 | 127,513 | 127,513 | | 127,513 |
| 0305165F | 185 | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) | 91,277 | 91,277 | 91,277 | | 91,277 |
| 0305172F | 186 | COMBINED ADVANCED APPLICATIONS | [ ] | [ ] | [ ] | | [ ] |
| 0305173F | 187 | SPACE AND MISSILE TEST AND EVALUATION CENTER | 1,985 | 1,985 | 1,985 | | 1,985 |
| 0305174F | 188 | SPACE WARFARE CENTER | 3,003 | 3,003 | 3,003 | | 3,003 |
| 0305182F | 189 | SPACELIFT RANGE SYSTEM (SPACE) | 12,376 | 12,376 | 12,376 | | 12,376 |
| 0305193F | 190 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) | 1,237 | 1,237 | 1,237 | | 1,237 |
| 0305206F | 191 | AIRBORNE RECONNAISSANCE SYSTEMS | 149,752 | 159,752 | 139,752 | -44,500 | 105,252 |
| | | Multiple UAS cooperative concentrated observation and engagement against a common ground objective | | [10,000] | | [5,500] | |
| | | Blackswift testbed | | | [-10,000] | [-50,000] | |
| 0305207F | 192 | MANNED RECONNAISSANCE SYSTEMS | 12,819 | 16,319 | 12,819 | 2,500 | 15,319 |
| | | RIVET JOINT ISR network integration | | [3,500] | | [2,500] | |
| 0305208F | 193 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 107,834 | 107,834 | 107,834 | | 107,834 |
| 0305219F | 194 | MQ-1 PREDATOR UAV | 24,773 | 24,773 | 34,773 | 6,000 | 30,773 |
| | | UAV sense and avoid | | | [10,000] | [6,000] | |
| 0305220F | 195 | GLOBAL HAWK UAV | 284,292 | 284,292 | 284,292 | | 284,292 |
| 0305221F | 196 | NETWORK-CENTRIC COLLABORATIVE TARGETING | 8,807 | 8,807 | 8,807 | | 8,807 |
| 0305265F | 197 | GPS III SPACE SEGMENT | 420,342 | 420,342 | 420,342 | | 420,342 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0305887F | 198 | ELECTRONIC COMBAT INTELLIGENCE SUPPORT | 5,438 | 5,438 | 5,438 | | 5,438 |
| 0305906F | 199 | NCMC - TW/AA SYSTEM | | | | | |
| 0305913F | 200 | NUDET DETECTION SYSTEM (SPACE) | 41,292 | 41,292 | 41,292 | | 41,292 |
| 0305924F | 201 | NATIONAL SECURITY SPACE OFFICE | 10,797 | 10,797 | 10,797 | | 10,797 |
| 0305940F | 202 | SPACE SITUATION AWARENESS OPERATIONS | 16,166 | 16,166 | 16,166 | | 16,166 |
| 0307141F | 203 | INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT | 15,726 | 15,726 | 15,726 | | 15,726 |
| 0308699F | 204 | SHARED EARLY WARNING (SEW) | 3,152 | 3,152 | 3,152 | | 3,152 |
| 0401115F | 205 | C-130 AIRLIFT SQUADRONS | 172,560 | 179,260 | 172,560 | 1,500 | 174,060 |
| | | Link 16 program for AFSOC MC-130Hs | | [5,200] | | | |
| | | Electromagnetic in-flight propeller balancing | | [1,500] | | [1,500] | |
| 0401119F | 206 | C-5 AIRLIFT SQUADRONS | 125,063 | 125,063 | 125,063 | | 125,063 |
| 0401130F | 207 | C-17 AIRCRAFT | 236,047 | 188,047 | 188,047 | | 236,047 |
| | | Reduce growth in performance improvement program | | | [-48,000] | | |
| | | Excess product investment requirements | | [-48,000] | | | |
| 0401132F | 208 | C-130J PROGRAM | 52,354 | 27,354 | 52,354 | -25,000 | 27,354 |
| | | International block upgrade | | [-25,000] | | [-25,000] | |
| 0401134F | 209 | LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) | 32,100 | 32,100 | 32,100 | | 32,100 |
| | | LAIRCM for AFSOC AC/MC-130 aircraft | | | | | |
| 0401218F | 210 | KC-135 AIRCRAFT | 7,133 | 7,133 | 7,133 | | 7,133 |
| 0401219F | 211 | KC-10 AIRCRAFT | | | | | |
| 0401221F | 212 | KC-135 TANKER REPLACEMENT | | | | | |
| 0401314F | 213 | OPERATIONAL SUPPORT AIRLIFT | | | | | |
| 0401839F | 214 | AIR MOBILITY TACTICAL DATA LINK | | | | | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0408011F | 215 | SPECIAL TACTICS / COMBAT CONTROL | 5,728 | 12,228 | 5,728 | 2,000 | 7,728 |
| | | Joint precision AirDrop systems - mission planner RFI | | [4,500] | | | |
| | | Tactical environmental clothing | | [2,000] | | [2,000] | |
| 0702207F | 216 | DEPOT MAINTENANCE (NON-IF) | 1,531 | 1,531 | 1,531 | | 1,531 |
| 0702806F | 217 | ACQUISITION AND COMMAND SUPPORT | 34,428 | 34,428 | 34,428 | | 34,428 |
| 0708011F | 218 | INDUSTRIAL PREPAREDNESS | | 3,000 | | | |
| | | Integrated structures for affordable transport aircraft | | [3,000] | | | |
| 0708012F | 219 | LOGISTICS SUPPORT ACTIVITIES | | | | | |
| 0708610F | 220 | LOGISTICS INFORMATION TECHNOLOGY (LOGIT) | 189,679 | 179,679 | 139,679 | -10,000 | 179,679 |
| | | Expeditionary combat support system unjustified growth | | [-10,000] | [-50,000] | [-10,000] | |
| 0708611F | 221 | SUPPORT SYSTEMS DEVELOPMENT | 8,145 | 17,045 | 8,145 | 4,000 | 12,145 |
| | | Clean cities national outreach prgm for power tech office | | [1,900] | | | |
| | | Eielson Air Force Base alternative energy source program | | [4,000] | | [3,000] | |
| | | Expeditionary 200 kW + alternative power generator | | [3,000] | | [1,000] | |
| 0804757F | 222 | JOINT NATIONAL TRAINING CENTER | 3,214 | 3,214 | 3,214 | | 3,214 |
| 0808716F | 223 | OTHER PERSONNEL ACTIVITIES | 116 | 116 | 116 | | 116 |
| 0901202F | 224 | JOINT PERSONNEL RECOVERY AGENCY | 5,768 | 5,768 | 5,768 | | 5,768 |
| 0901212F | 225 | SERVICE-WIDE SUPPORT | 3,016 | 3,016 | 3,016 | | 3,016 |
| 0901218F | 226 | CIVILIAN COMPENSATION PROGRAM | 8,123 | 8,123 | 8,123 | | 8,123 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0901220F | 227 | PERSONNEL ADMINISTRATION | 18,625 | 18,625 | 18,625 | | 18,625 |
| 0901538F | 228 | FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT | 31,782 | 31,782 | 16,782 | -15,000 | 16,782 |
| | | DEAMS | | | [-15,000] | [-15,000] | |
| | | **SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE** | **7,211,815** | **7,171,547** | **7,171,915** | **-94,500** | **7,117,315** |
| | 999 | CLASSIFIED PROGRAMS | 10,304,689 | 10,111,689 | 9,890,689 | -1,048,000 | 9,256,689 |
| | 999X | Classified requirement | | [100,000] | | 0 | |
| | | **Total, RDT&E Air Force** | **28,066,617** | **28,238,349** | **28,322,477** | **-1,777,109** | **26,289,508** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE** | | | | | |
| | | **BASIC RESEARCH** | | | | | |
| 0601000BR | 1 | DTRA BASIC RESEARCH INITIATIVE | 18,000 | 18,000 | 18,000 | | 18,000 |
| 0601101E | 2 | DEFENSE RESEARCH SCIENCES | 195,657 | 201,657 | 195,657 | | 195,657 |
| | | Combined injury consortium | | [5,000] | | | |
| | | DARPA computer future | | [1,000] | | | |
| 0601111D8Z | 3 | GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH | | 2,000 | | | |
| | | Integrated cryo-cooled high power density systems | | [2,000] | | | |
| 0601114D8Z | 4 | DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH | 2,833 | 12,833 | 10,833 | 10,000 | 12,833 |
| | | Program increase | | [10,000] | [8,000] | [10,000] | |
| 0601120D8Z | 5 | NATIONAL DEFENSE EDUCATION PROGRAM | 68,972 | 68,972 | 68,972 | | 68,972 |
| 0601384BP | 6 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 53,191 | 58,191 | 57,191 | 2,500 | 55,691 |
| | | In-vitro models for biodefense vaccines | | | [1,000] | [1,000] | |
| | | Superstructural particle evaluation | | | [3,000] | [1,500] | |
| | | Chemical/biological defense basic research initiative | | [5,000] | | | |
| | | **SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE** | **338,653** | **361,653** | **350,653** | **12,500** | **351,153** |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **APPLIED RESEARCH** | | | | | |
| 0602000D8Z | 7 | JOINT MUNITIONS TECHNOLOGY | 15,254 | 15,254 | 15,254 | | 15,254 |
| 0602227D8Z | 8 | MEDICAL FREE ELECTRON LASER | | | | | |
| 0602228D8Z | 9 | HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE | 15,156 | 22,156 | 15,156 | 7,000 | 22,156 |
| | | John H. Hopps defense research scholars program | | [2,000] | | [2,000] | |
| | | HBCU and minority serving institutions | | [5,000] | | [5,000] | |
| 0602234D8Z | 10 | LINCOLN LABORATORY RESEARCH PROGRAM | 31,340 | 31,340 | 34,140 | | 31,340 |
| | | Next generation OTHR risk reduction | | | [2,800] | | |
| 0602303E | 11 | INFORMATION & COMMUNICATIONS TECHNOLOGY | 254,009 | 254,009 | 254,009 | | 254,009 |
| 0602304E | 12 | COGNITIVE COMPUTING SYSTEMS | 145,262 | 145,262 | 145,262 | | 145,262 |
| 0602383E | 13 | BIOLOGICAL WARFARE DEFENSE | 66,291 | 51,291 | 66,291 | -15,000 | 51,291 |
| | | DARPA poor execution | | [-15,000] | | [-15,000] | |
| 0602384BP | 14 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 203,731 | 218,731 | 222,231 | 7,000 | 210,731 |
| | | Agent fate response tool | | | [2,000] | [2,000] | |
| | | Chem-Bio IR detector | | | [3,000] | [1,500] | |
| | | Multivalent Marburg/Ebola vaccine | | | [4,500] | [3,500] | |
| | | Rapid response chem-bio countermeasures | | | [4,000] | | |
| | | Therapeutics against botulism | | | [5,000] | | |
| | | Chemical/biological defense applied research initiative | | [15,000] | | | |
| 0602670D8Z | 15 | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH | 7,685 | 9,685 | 7,685 | | 7,685 |
| | | Center for automated language and cultural analysis | | [2,000] | | | |
| 0602702E | 16 | TACTICAL TECHNOLOGY | 371,481 | 341,481 | 366,981 | -30,000 | 341,481 |
| | | Laser guided bullet | | | [-4,500] | | |
| | | DARPA poor execution | | [-30,000] | | [-30,000] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0602715E | 17 | MATERIALS AND BIOLOGICAL TECHNOLOGY | 285,264 | 275,264 | 285,264 | -10,000 | 275,264 |
| | | DARPA poor execution | | [-10,000] | | [-10,000] | |
| 0602716BR | 18 | WMD DEFEAT TECHNOLOGY | | | | | |
| 0602716E | 19 | ELECTRONICS TECHNOLOGY | 211,457 | 196,457 | 213,957 | -13,200 | 198,257 |
| | | Three dimensional integrated circuit research | | | [2,500] | [1,800] | |
| | | DARPA poor execution | | [-15,000] | | [-15,000] | |
| 0602717BR | 20 | WMD DEFENSE TECHNOLOGIES | | | | | |
| 0602718BR | 21 | WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES | 211,078 | 221,078 | 217,078 | 2,000 | 213,078 |
| | | Blast mitigation and protection | | | [2,000] | | |
| | | National incident management system | | | [4,000] | [2,000] | |
| | | Post-detonation nuclear forensics | | [10,000] | | | |
| 0303153K | 22 | JOINT SPECTRUM CENTER | | | | | |
| 1160401BB | 23 | SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT | 23,104 | 31,454 | 25,104 | 2,000 | 25,104 |
| | | FOPEN radar technologies | | | [2,000] | [2,000] | |
| | | Craft tech demos to quantify and mitigate operator injury | | [4,850] | | | |
| | | Expendable airdrop delivery system | | [3,500] | | | |
| 1160407BB | 24 | SOF MEDICAL TECHNOLOGY DEVELOPMENT | 2,459 | 2,459 | 3,959 | | 2,459 |
| | | Portable TBI diagnosis systems | | | [1,500] | | |
| | | **SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE** | **1,843,571** | **1,815,921** | **1,872,371** | **-50,200** | **1,793,371** |
| | | **ADVANCED TECHNOLOGY DEVELOPMENT** | | | | | |
| 0603000D8Z | 25 | INSENSITIVE MUNITIONS - ADVANCED DEVELOPMENT | 15,970 | 15,970 | 15,970 | | 15,970 |
| 0603121D8Z | 26 | SO/LIC ADVANCED DEVELOPMENT | 32,832 | 32,832 | 32,832 | | 32,832 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603122D8Z | 27 | COMBATING TERRORISM TECHNOLOGY SUPPORT | 79,970 | 106,970 | 81,970 | 4,500 | 84,470 |
| | | TBI threshold research | | | [2,000] | | |
| | | Affordable robust mid-sized unmanned ground vehicle | | [1,500] | | | |
| | | Foliage penetration capability | | [5,000] | | | |
| | | Advanced sighting systems for machine guns | | [4,000] | | | |
| | | Airborne CT/CN threat protections system | | [4,000] | | | |
| | | Bio ops policy and public emergency response | | [4,000] | | [1,500] | |
| | | EDIT tech for counter-tunnel ops and cache detections | | [1,500] | | [1,000] | |
| | | Full scale impact and blast loading laboratory testing | | [4,000] | | [2,000] | |
| | | Vehicle design for survivability under blast loading | | [3,000] | | | |
| 0603160BR | 28 | COUNTERPROLIFERATION INITIATIVES - PROLIFERATION PREVENTION AND DEFEAT | 211,325 | 213,325 | 211,325 | 2,000 | 213,325 |
| | | Portable radionuclide detection and identification systems | | [2,000] | | [2,000] | |
| 0603175C | 29 | BALLISTIC MISSILE DEFENSE TECHNOLOGY | 118,718 | 113,718 | 118,718 | | 118,718 |
| | | Program decrease | | [-5,000] | | | |
| 0603225D8Z | 30 | JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT | 23,727 | 23,727 | 23,727 | | 23,727 |
| 0603286E | 31 | ADVANCED AEROSPACE SYSTEMS | 107,857 | 107,857 | 104,857 | | 107,857 |
| | | A160 | | | [-3,000] | | |
| 0603287E | 32 | SPACE PROGRAMS AND TECHNOLOGY | 287,009 | 277,009 | 237,009 | -50,000 | 237,009 |
| | | Blackswift testbed | | | [-40,000] | [-40,000] | |
| | | ISIS | | | [-10,000] | | |
| | | DARPA poor execution | | [-10,000] | | [-10,000] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603384BP | 33 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT | 337,927 | 307,927 | 345,127 | -48,000 | 289,927 |
| | | Engineered biological detectors | | | [2,700] | | |
| | | Improved CBR filters | | | [2,000] | [2,000] | |
| | | Raman chemical ID system | | | [2,500] | | |
| | | Chemical/biological defense (TMTI) | | [-50,000] | | [-50,000] | |
| | | Chem/bio defense advanced tech development initiative | | [20,000] | | | |
| 0603618D8Z | 34 | JOINT ELECTRONIC ADVANCED TECHNOLOGY | 9,320 | 19,320 | 9,320 | | 9,320 |
| | | Advanced energy storage technology initiative | | [10,000] | | | |
| 0603648D8Z | 35 | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS | 206,337 | 209,237 | 229,137 | 2,500 | 208,837 |
| | | C2 Gap Filler JCTD | | | [22,800] | | |
| | | Distributed network switching | | [2,900] | | [2,500] | |
| 0603662D8Z | 36 | NETWORKED COMMUNICATIONS CAPABILITIES | 39,923 | 39,923 | 39,923 | | 39,923 |
| 0603665D8Z | 37 | BIOMETRICS SCIENCE AND TECHNOLOGY | 10,579 | 10,579 | 10,579 | | 10,579 |
| 0603670D8Z | 38 | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT | 9,381 | 13,381 | 9,381 | | 9,381 |
| | | Modeling advanced development | | [4,000] | | | |
| 0603680D8Z | 39 | DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM | 11,981 | 11,981 | 21,981 | 8,000 | 19,981 |
| | | High performance defense manufacturing technology program | | | [10,000] | [8,000] | |
| 0603711D8Z | 40 | JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS | 8,449 | 9,749 | 8,449 | 500 | 8,949 |
| | | Connectory expansion for rapid ID of tech sources | | [1,300] | | [500] | |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603712S | 41 | GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS | 19,375 | 21,375 | 38,375 | 25,000 | 44,375 |
| | | Advanced energy storage technology initiative | | | | [10,000] | |
| | | Biofuels research program | | | [4,000] | [2,000] | |
| | | Emerging critical interconnection technology program | | [2,000] | [2,000] | [2,000] | |
| | | Mobile microgrid research | | | [3,000] | [3,000] | |
| | | Vehicle fuel cell & hydrogen logistics program | | | [10,000] | [8,000] | |
| 0603713S | 42 | DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY | 30,000 | 30,000 | 30,000 | | 30,000 |
| 0603716D8Z | 43 | STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM | 69,038 | 69,038 | 69,038 | | 69,038 |
| 0603720S | 44 | MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT | | 16,000 | 3,000 | 7,500 | 7,500 |
| | | Superlattice nanotechnology research | | | [3,000] | [2,000] | |
| | | 3-D electronics and power | | [3,000] | | [3,000] | |
| | | Feature size yield enhancement at DMEA ARMS foundry | | [5,000] | | [2,500] | |
| | | End to end semi fab alpha tool | | [5,000] | | | |
| 0603727D8Z | 45 | JOINT WARFIGHTING PROGRAM | 11,098 | 11,098 | 11,098 | | 11,098 |
| 0603739E | 46 | ADVANCED ELECTRONICS TECHNOLOGIES | 201,146 | 191,146 | 201,146 | -10,000 | 191,146 |
| | | DARPA poor execution | | [-10,000] | | [-10,000] | |
| 0603745D8Z | 47 | SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD) | 7,984 | 7,984 | 7,984 | | 7,984 |
| 0603750D8Z | 48 | ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS | | | | | |
| 0603755D8Z | 49 | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM | 208,079 | 208,079 | 208,079 | | 208,079 |
| 0603760E | 50 | COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS | 338,964 | 328,964 | 338,964 | -10,000 | 328,964 |
| | | DARPA poor execution | | [-10,000] | | [-10,000] | |
| 0603764E | 51 | LAND WARFARE TECHNOLOGY | | | | | |
| 0603765E | 52 | CLASSIFIED DARPA PROGRAMS | 196,697 | 196,697 | 196,697 | | 196,697 |

## Title II - RDT&E

(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603766E | 53 | NETWORK-CENTRIC WARFARE TECHNOLOGY | 156,733 | 156,733 | 156,733 | | 156,733 |
| 0603767E | 54 | SENSOR TECHNOLOGY | 226,470 | 226,470 | 226,470 | | 226,470 |
| 0603768E | 55 | GUIDANCE TECHNOLOGY | 110,572 | 110,572 | 110,572 | | 110,572 |
| 0603769SE | 56 | DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT | 13,538 | 13,538 | 13,538 | | 13,538 |
| 0603781D8Z | 57 | SOFTWARE ENGINEERING INSTITUTE | 31,244 | 31,244 | 31,244 | | 31,244 |
| 0603805S | 58 | DUAL USE TECHNOLOGY | | | | | |
| 0603826D8Z | 59 | QUICK REACTION SPECIAL PROJECTS | 113,924 | 115,924 | 115,924 | 2,000 | 115,924 |
| | | Special warfare domain awareness | | | [2,000] | [2,000] | |
| | | REDTIE | | [2,000] | | | |
| 0603828D8Z | 60 | JOINT EXPERIMENTATION | 114,947 | 114,947 | 116,447 | | 114,947 |
| | | WMD exercises | | | [1,500] | | |
| 0603832D8Z | 61 | JOINT WARGAMING SIMULATION MANAGEMENT OFFICE | 38,147 | 38,947 | 38,147 | 800 | 38,947 |
| | | Modeling and simulation standards development | | [800] | | [800] | |
| 0603941D8Z | 62 | TEST & EVALUATION SCIENCE & TECHNOLOGY | 94,672 | 94,672 | 94,672 | | 94,672 |
| 0603942D8Z | 63 | TECHNOLOGY TRANSFER | 2,170 | 2,170 | 2,170 | | 2,170 |
| 1160402BB | 64 | SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT | 28,930 | 51,930 | 28,930 | | 28,930 |
| | | Partnership for defense innovation Wi-Fi laboratory testing | | [3,000] | | | |
| | | SOCOM rapid exploitation of innovative technologies | | [20,000] | | | |
| 1160472BB | 65 | SOF INFORMATION AND BROADCAST SYSTEMS | 10,990 | 10,990 | 10,990 | | 10,990 |
| | | **SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE** | **3,536,023** | **3,562,023** | **3,550,523** | **-65,200** | **3,470,823** |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| | | **ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** | | | | | |
| 0603161D8Z | 66 | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P | 38,758 | 38,758 | 38,758 | | 38,758 |
| 0603228D8Z | 67 | PHYSICAL SECURITY EQUIPMENT | | | | | |
| 0603527D8Z | 68 | RETRACT LARCH | 22,945 | 22,945 | 22,945 | | 22,945 |
| 0603709D8Z | 69 | JOINT ROBOTICS PROGRAM | 11,847 | 11,847 | 11,847 | | 11,847 |
| 0603714D8Z | 70 | ADVANCED SENSOR APPLICATIONS PROGRAM | | | 20,000 | 20,000 | 20,000 |
| | | ASAP | | | [20,000] | [20,000] | |
| 0603851D8Z | 71 | ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM | 31,600 | 31,600 | 31,600 | | 31,600 |
| 0603881C | 72 | BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT | 1,019,073 | 964,073 | 1,012,073 | -7,000 | 1,012,073 |
| | | THAAD long lead (Transfer to new MDA procurement line) | | | [-65,000] | | |
| | | Upper-tier follow-on to Arrow | | | [30,000] | [30,000] | |
| | | Transfer to Procurement, Defense-wide Line 96 | | [-65,000] | | [-65,000] | |
| | | Short range missile defense | | [10,000] | [28,000] | [28,000] | |
| 0603882C | 73 | BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT | 2,076,662 | 1,894,662 | 2,076,662 | -96,500 | 1,980,162 |
| | | European site reduction | | [-182,000] | | [-96,500] | |
| 0603883C | 74 | BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT | 421,229 | 378,629 | 375,429 | -29,500 | 391,729 |
| | | Program decrease | | [-42,600] | [-45,800] | [-29,500] | |
| 0603884BP | 75 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 51,291 | 51,291 | 55,291 | | 51,291 |
| | | Real-time viral agent detectors | | | [4,000] | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603884C | 76 | BALLISTIC MISSILE DEFENSE SENSORS | 1,076,983 | 978,083 | 1,017,183 | -65,800 | 1,011,183 |
| | | European AN/TPY-2 radar | | | | [-38,800] | |
| | | Mobile sensor network concept | | | [5,000] | [4,000] | |
| | | Premature funds | | | [-64,800] | [-10,000] | |
| | | Site activation and security | | [-50,000] | | | |
| | | European midcourse radar | | [-48,900] | | [-21,000] | |
| 0603886C | 77 | BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR | 386,817 | 286,817 | 341,817 | -45,000 | 341,817 |
| | | Premature funds | | | [-45,000] | [-45,000] | |
| | | Kinetic energy interceptor (KEI) | | [-100,000] | | | |
| 0603888C | 78 | BALLISTIC MISSILE DEFENSE TEST & TARGETS | 665,445 | 690,445 | 665,445 | 20,000 | 685,445 |
| | | Target development | | [25,000] | | [20,000] | |
| 0603890C | 79 | BALLISTIC MISSILE DEFENSE SYSTEMS CORE | 432,262 | 412,262 | 402,262 | -30,000 | 402,262 |
| | | BMD systems core | | | [-30,000] | | |
| | | Program decrease | | [-20,000] | | [-30,000] | |
| 0603891C | 80 | SPECIAL PROGRAMS - MDA | 288,315 | 138,315 | 188,315 | -125,000 | 163,315 |
| | | MDA special programs | | | [-100,000] | | |
| | | Program decrease | | [-150,000] | | [-125,000] | |
| 0603892C | 81 | AEGIS BMD | 1,157,783 | 1,121,783 | 1,180,783 | 20,000 | 1,177,783 |
| | | Aegis BMD/SM-3 enhancements | | | [80,000] | [50,000] | |
| | | SM-3 long lead (Transfer to MDA procurement line 1A) | | | [-57,000] | | |
| | | Transfer to Procurement, Defense-wide Line 95 | | [-56,000] | | [-50,000] | |
| | | Ballistic missile defense signal processors | | [20,000] | | [20,000] | |
| 0603893C | 82 | SPACE TRACKING & SURVEILLANCE SYSTEM | 242,441 | 217,441 | 192,441 | -35,000 | 207,441 |
| | | Premature funds | | | [-50,000] | [-35,000] | |
| | | Program decrease | | [-25,000] | | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0603894C | 83 | MULTIPLE KILL VEHICLE | 354,455 | 254,455 | 304,455 | -50,000 | 304,455 |
| | | Excess funds | | | [-50,000] | | |
| | | Program decrease | | [-100,000] | | [-50,000] | |
| 0603895C | 84 | BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS | 29,771 | 19,771 | 19,771 | -10,000 | 19,771 |
| | | Space test bed | | | [-10,000] | [-10,000] | |
| 0603896C | 85 | BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS | 289,277 | 289,277 | 289,277 | | 289,277 |
| 0603897C | 86 | BALLISTIC MISSILE DEFENSE HERCULES | 55,955 | 55,955 | 55,955 | | 55,955 |
| 0603898C | 87 | BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT | 69,982 | 69,982 | 69,982 | | 69,982 |
| 0603904C | 88 | MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) | 96,404 | 96,404 | 96,404 | | 96,404 |
| 0603905C | 89 | BALLISTIC MISSILE DEFENSE DISTRIBUTED MULTI ECHELON TRAINING SYSTEM (DMETS) | | | | | |
| 0603906C | 90 | REGARDING TRENCH | 2,978 | 2,978 | 2,978 | | 2,978 |
| 0603907C | 91 | SEA BASED X-BAND RADAR (SBX) | | | | | |
| | 91X | Missile Defense Agency undistributed reduction | | -22,000 | -268,700 | | |
| 0603920D8Z | 92 | HUMANITARIAN DEMINING | 14,373 | 14,373 | 14,373 | | 14,373 |
| 0603923D8Z | 93 | COALITION WARFARE | 14,030 | 14,030 | 14,030 | | 14,030 |
| 0604016D8Z | 94 | DEPARTMENT OF DEFENSE CORROSION PROGRAM | 5,102 | 9,102 | 11,602 | 5,500 | 10,602 |
| | | Asset lifecycle program | | | [3,500] | | |
| | | Corrosion control, prevention and prediction research | | | [3,000] | [3,000] | |
| | | Managing and extending DOD asset lifecycles | | [4,000] | | [2,500] | |
| 0604648D8Z | 95 | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS | 14,962 | 14,962 | 14,962 | | 14,962 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604670D8Z | 96 | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING | 5,991 | 7,991 | 8,491 | | 5,991 |
| | | COMPOEX | | | [2,500] | | |
| | | Program increase | | [2,000] | | | |
| 0604787D8Z | 97 | JOINT SYSTEMS INTEGRATION COMMAND (JSIC) | 19,643 | 19,643 | 19,643 | | 19,643 |
| 0604828D8Z | 98 | JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM | 16,906 | 16,906 | 16,906 | | 16,906 |
| 0605017D8Z | 99 | REDUCTION OF TOTAL OWNERSHIP COST | 24,765 | 24,765 | 24,765 | | 24,765 |
| 0303191D8Z | 100 | JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM | 3,524 | 3,524 | 3,524 | | 3,524 |
| 0604400D8Z | 100X | UAS AIRSPACE INTEGRATION | | | 15,000 | | |
| | | UAV modeling and simulation | | | [15,000] | | |
| | | **SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE** | **8,941,569** | **8,131,069** | **8,346,269** | **-428,300** | **8,513,269** |
| | | **SYSTEM DEVELOPMENT & DEMONSTRATION** | | | | | |
| 0604051D8Z | 101 | DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) | 30,363 | 30,363 | 30,363 | | 30,363 |
| 0604161D8Z | 102 | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD | 4,355 | 4,355 | 4,355 | | 4,355 |
| 0604165D8Z | 103 | PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT | 117,572 | 124,572 | 147,572 | 3,000 | 120,572 |
| | | Biconic vehicle manufacture | | | [-15,000] | | |
| | | Hypersonic boost glide vehicle | | | [45,000] | | |
| | | Army advanced hypersonic weapon | | [7,000] | | [3,000] | |
| 0604384BP | 104 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 299,373 | 299,373 | 299,373 | | 299,373 |
| 0604709D8Z | 105 | JOINT ROBOTICS PROGRAM | 5,725 | 5,725 | 5,725 | | 5,725 |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604764K | 106 | ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) | 13,770 | 13,770 | 13,770 | | 13,770 |
| 0604771D8Z | 107 | JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) | 20,600 | 20,600 | 20,600 | | 20,600 |
| 0605000BR | 108 | WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES | 15,946 | 15,946 | 15,946 | | 15,946 |
| 0605013BL | 109 | INFORMATION TECHNOLOGY DEVELOPMENT | 11,611 | 11,611 | 11,611 | | 11,611 |
| 0605018BTA | 110 | DEFENSE INTEGRATED MILITARY HUMAN RESOURCES | 37,400 | 37,400 | 37,400 | | 37,400 |
| 0605020BTA | 111 | BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES | 148,958 | 148,958 | 148,958 | | 148,958 |
| 0605021SE | 112 | HOMELAND PERSONNEL SECURITY INITIATIVE | 400 | 400 | 400 | | 400 |
| 0605140D8Z | 113 | TRUSTED FOUNDRY | 42,360 | 42,360 | 42,360 | | 42,360 |
| 0605648D8Z | 114 | DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM | 5,883 | 5,883 | 5,883 | | 5,883 |
| 0303129K | 115 | DEFENSE MESSAGE SYSTEM | | | | | |
| 0303141K | 116 | GLOBAL COMBAT SUPPORT SYSTEM | 18,604 | 18,604 | 18,604 | | 18,604 |
| 0303158K | 117 | JOINT COMMAND AND CONTROL PROGRAM (JC2) | 147,339 | 147,339 | 57,339 | -77,100 | 70,239 |
| | | NECC | | | [-90,000] | [-77,100] | |
| | | **SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE** | **920,259** | **927,259** | **860,259** | **-74,100** | **846,159** |
| | | **RDT&E MANAGEMENT SUPPORT** | | | | | |
| 0603757D8Z | 118 | TRAINING TRANSFORMATION (T2) | 38,729 | 40,729 | 38,729 | 2,000 | 40,729 |
| | | Indiana complex operations partnership | | [2,000] | | [2,000] | |
| 0604774D8Z | 119 | DEFENSE READINESS REPORTING SYSTEM (DRRS) | 11,385 | 11,385 | 11,385 | | 11,385 |
| 0604875D8Z | 120 | JOINT SYSTEMS ARCHITECTURE DEVELOPMENT | 14,310 | 14,310 | 14,310 | | 14,310 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0604940D8Z | 121 | CENTRAL TEST AND EVALUATION INVESTMENT | 133,852 | 151,852 | 142,352 | 11,000 | 144,852 |
| | | SAM hardware simulators | | [6,000] | [5,000] | [5,000] | |
| | | Range network enterprise technologies | | | [3,500] | [3,500] | |
| | | Joint gulf range complex upgrade | | [8,000] | | [1,500] | |
| | | Gulf range mobile instrumentation capability (GR-MIC) | | [4,000] | | [1,000] | |
| 0604943D8Z | 122 | THERMAL VICAR | 9,658 | 9,658 | 9,658 | | 9,658 |
| 0605100D8Z | 123 | JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) | 8,834 | 8,834 | 8,834 | | 8,834 |
| 0605104D8Z | 124 | TECHNICAL STUDIES, SUPPORT AND ANALYSIS | 34,520 | 36,020 | 34,520 | 1,500 | 36,020 |
| | | Center for technology and national security policy | | [1,500] | | [1,500] | |
| 0605110D8Z | 125 | USD(A&T)--CRITICAL TECHNOLOGY SUPPORT | 4,007 | 4,007 | 4,007 | | 4,007 |
| 0605117D8Z | 126 | FOREIGN MATERIAL ACQUISITION AND EXPLOITATION | 62,816 | 67,816 | 62,816 | | 62,816 |
| | | Foreign material acquisition training devices | | [5,000] | | | |
| 0605126J | 127 | JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION | 55,282 | 55,282 | 55,282 | | 55,282 |
| 0605128D8Z | 128 | CLASSIFIED PROGRAM USD(P) | | | | | |
| 0605130D8Z | 129 | FOREIGN COMPARATIVE TESTING | 34,910 | 34,910 | 34,910 | | 34,910 |
| 0605161D8Z | 130 | NUCLEAR MATTERS-PHYSICAL SECURITY | 4,475 | 4,475 | 4,475 | | 4,475 |
| 0605170D8Z | 131 | SUPPORT TO NETWORKS AND INFORMATION INTEGRATION | 14,723 | 14,723 | 14,723 | | 14,723 |
| 0605200D8Z | 132 | GENERAL SUPPORT TO USD (INTELLIGENCE) | 4,379 | 4,379 | 4,379 | | 4,379 |
| 0605384BP | 133 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 100,082 | 100,082 | 100,082 | | 100,082 |
| 0605502BR | 134 | SMALL BUSINESS INNOVATION RESEARCH | | | | | |
| 0605502C | 135 | SMALL BUSINESS INNOVATIVE RESEARCH - MDA | | | | | |
| 0605502D8Z | 136 | SMALL BUSINESS INNOVATIVE RESEARCH | | | | | |
| 0605502E | 137 | SMALL BUSINESS INNOVATIVE RESEARCH | | | | | |
| 0605502S | 138 | SMALL BUSINESS INNOVATIVE RESEARCH | | | | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0605790D8Z | 139 | SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION | 2,165 | 2,165 | 5,165 | | 2,165 |
| | | Anti-tamper software systems | | | [3,000] | | |
| 0605798D8Z | 140 | DEFENSE TECHNOLOGY ANALYSIS | 11,040 | 11,040 | 11,040 | | 11,040 |
| 0605798S | 141 | DEFENSE TECHNOLOGY ANALYSIS | | | | | |
| 0605799D8Z | 142 | FORCE TRANSFORMATION DIRECTORATE | 20,701 | 32,101 | 5,701 | 1,100 | 21,801 |
| | | Program reduction | | | [-15,000] | | |
| | | Science and technology for strategic communications | | [8,000] | | | |
| | | Defense command integration center | | [3,400] | | [1,100] | |
| 0605801KA | 143 | DEFENSE TECHNICAL INFORMATION CENTER (DTIC) | 52,696 | 52,696 | 52,696 | | 52,696 |
| 0605803SE | 144 | R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION | 25,435 | 25,435 | 25,435 | | 25,435 |
| 0605804D8Z | 145 | DEVELOPMENT TEST AND EVALUATION | 20,396 | 24,396 | 20,396 | 4,000 | 24,396 |
| | | Renewable fuel systems for defense applications | | [4,000] | | [4,000] | |
| 0605897E | 146 | DARPA AGENCY RELOCATION | 28,000 | 28,000 | 28,000 | | 28,000 |
| 0605898E | 147 | MANAGEMENT HQ - R&D | 52,700 | 52,700 | 52,700 | | 52,700 |
| 0606100D8Z | 148 | BUDGET AND PROGRAM ASSESSMENTS | 5,878 | 5,878 | 5,878 | | 5,878 |
| 0301555G | 149 | CLASSIFIED PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0301556G | 150 | SPECIAL PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0303166D8Z | 151 | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES | 30,039 | 30,039 | 30,039 | | 30,039 |
| 0303169D8Z | 152 | INFORMATION TECHNOLOGY RAPID ACQUISITION | 5,254 | 12,254 | 5,254 | | 5,254 |
| | | Information technology clearinghouse | | [7,000] | | | |
| 0305103E | 153 | CYBER SECURITY INITIATIVE | 50,000 | 50,000 | 25,000 | | 50,000 |
| | | Program reduction | | | [-25,000] | | |
| 0305193D8Z | 154 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) | 17,625 | 17,625 | 17,625 | | 17,625 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0305193G | 155 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) | [ ] | [ ] | [ ] | | [ ] |
| 0305400D8Z | 156 | WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT | 831 | 831 | 831 | | 831 |
| 0901585C | 157 | PENTAGON RESERVATION | 19,734 | 19,734 | 19,734 | | 19,734 |
| 0901598C | 158 | MANAGEMENT HQ - MDA | 86,453 | 81,453 | 86,453 | -5,000 | 81,453 |
| | | *Management support* | | [-5,000] | | [-5,000] | |
| 0901598D8V | 159 | IT SOFTWARE DEV INITIATIVES | 599 | 599 | 599 | | 599 |
| | | **SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE** | **961,508** | **1,005,408** | **933,008** | **14,600** | **976,108** |
| | | **OPERATIONAL SYSTEMS DEVELOPMENT** | | | | | |
| 0604130V | 160 | DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS) | 11,533 | 11,533 | 11,533 | | 11,533 |
| 0605127T | 161 | PARTNERSHIP FOR PEACE (PFP) INFORMATION | 2,496 | 2,496 | 2,496 | | 2,496 |
| 0607384BP | 162 | CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) | 10,274 | 10,274 | 10,274 | | 10,274 |
| 0607828D8Z | 163 | JOINT INTEGRATION AND INTEROPERABILITY | 49,371 | 49,371 | 49,371 | | 49,371 |
| 0204571J | 164 | JOINT STAFF ANALYTICAL SUPPORT | 8,030 | 8,030 | 8,030 | | 8,030 |
| 0208043J | 165 | CLASSIFIED PROGRAMS | 1,728 | 1,728 | 1,728 | | 1,728 |
| 0208045K | 166 | C4I INTEROPERABILITY | 76,226 | 76,226 | 76,226 | | 76,226 |
| 0301011G | 167 | CRYPTOLOGIC ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| | | IED industrial exploitation (IDEX) program | | [7,000] | | | |
| 0301144K | 168 | JOINT/ALLIED COALITION INFORMATION SHARING | 19,073 | 19,073 | 19,073 | | 19,073 |
| 0301301L | 169 | GENERAL DEFENSE INTELLIGENCE PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| | | Portable device for latent fingerprint identification | | [1,800] | | | |
| 03011318BB | 170 | HUMINT (CONTROLLED) | [ ] | [ ] | [ ] | | [ ] |
| 0301371G | 171 | CYBER SECURITY INITIATIVE - CCP | [ ] | [ ] | [ ] | | [ ] |
| 0301372L | 172 | CYBER SECURITY INITIATIVE - GDIP | [ ] | [ ] | [ ] | | [ ] |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0301555BB | 173 | CLASSIFIED PROGRAMS | [ ] | [ ] | [ ] | | [ ] |
| 0301555BZ | 174 | CLASSIFIED PROGRAMS | [ ] | [ ] | [ ] | | [ ] |
| 0301556BB | 175 | SPECIAL PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0301556BZ | 176 | SPECIAL PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0302016K | 177 | NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT | 615 | 615 | 615 | | 615 |
| 0302019K | 178 | DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION | 16,054 | 16,054 | 16,054 | | 16,054 |
| 0303126K | 179 | LONG-HAUL COMMUNICATIONS - DCS | 8,508 | 8,508 | 8,508 | | 8,508 |
| 0303131K | 180 | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) | 9,685 | 9,685 | 9,685 | | 9,685 |
| 0303135G | 181 | PUBLIC KEY INFRASTRUCTURE (PKI) | 15,577 | 15,577 | 15,577 | | 15,577 |
| 0303136G | 182 | KEY MANAGEMENT INFRASTRUCTURE (KMI) | 49,578 | 49,578 | 49,578 | | 49,578 |
| 0303140D8Z | 183 | INFORMATION SYSTEMS SECURITY PROGRAM | 13,459 | 13,459 | 13,459 | | 13,459 |
| 0303140G | 184 | INFORMATION SYSTEMS SECURITY PROGRAM | 394,074 | 394,074 | 395,074 | 1,000 | 395,074 |
| | | Software assurance education | | | [1,000] | [1,000] | |
| 0303140K | 185 | INFORMATION SYSTEMS SECURITY PROGRAM | | | | | |
| 0303148K | 186 | DISA MISSION SUPPORT OPERATIONS | 2,181 | 2,181 | 2,181 | | 2,181 |
| 0303149J | 187 | C4I FOR THE WARRIOR | 3,662 | 3,662 | 3,662 | | 3,662 |
| 0303149K | 188 | C4I FOR THE WARRIOR | | | | | |
| 0303150K | 189 | GLOBAL COMMAND AND CONTROL SYSTEM | 36,374 | 36,374 | 34,374 | | 36,374 |
| | | SORTS | | | [-2,000] | | |
| 0303153K | 190 | JOINT SPECTRUM CENTER | 19,319 | 19,319 | 19,319 | | 19,319 |
| 0303170K | 191 | NET-CENTRIC ENTERPRISE SERVICES (NCES) | 429 | 429 | 429 | | 429 |
| 0303610K | 192 | TELEPORT PROGRAM | 2,060 | 2,060 | 2,060 | | 2,060 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0304210BB | 193 | SPECIAL APPLICATIONS FOR CONTINGENCIES | 16,225 | 27,225 | 16,225 | 5,000 | 21,225 |
| | | Unmanned aerial systems test facility upgrade | | [8,000] | | [3,000] | |
| | | Expeditionary persistent power | | [3,000] | | [2,000] | |
| 0304345BQ | 194 | NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP) | [ ] | [ ] | [ ] | | [ ] |
| 0305102BQ | 195 | DEFENSE GEOSPATIAL-INTELLIGENCE PROGRAM | [ ] | [ ] | [ ] | | [ ] |
| 0305103D8Z | 196 | CYBER SECURITY INITIATIVE | 1,000 | 1,000 | 1,000 | | 1,000 |
| 0305103G | 197 | CYBER SECURITY INITIATIVE | [ ] | [ ] | [ ] | | [ ] |
| 0305103K | 198 | CYBER SECURITY INITIATIVE | 12,800 | 12,800 | 12,800 | | 12,800 |
| 0305125D8Z | 199 | CRITICAL INFRASTRUCTURE PROTECTION (CIP) | 12,700 | 12,700 | 12,700 | | 12,700 |
| 0305127BZ | 200 | FOREIGN COUNTERINTELLIGENCE ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0305146BZ | 201 | DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES | 2,947 | 2,947 | 2,947 | | 2,947 |
| 0305183L | 202 | DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0305186D8Z | 203 | POLICY R&D PROGRAMS | 8,237 | 8,237 | 8,237 | | 8,237 |
| 0305193G | 204 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) | [ ] | [ ] | [ ] | | [ ] |
| 0305193L | 205 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) | [ ] | [ ] | [ ] | | [ ] |
| 0305199D8Z | 206 | NET CENTRICITY | 12,716 | 12,716 | 12,716 | | 12,716 |
| 0305202G | 207 | DRAGON U-2 | [ ] | [ ] | [ ] | | [ ] |
| 0305206G | 208 | AIRBORNE RECONNAISANCE SYSTEMS | [ ] | [ ] | [ ] | | [ ] |
| 0305207G | 209 | MANNED RECONNAISANCE SYSTEMS | [ ] | [ ] | [ ] | | [ ] |
| 0305208BB | 210 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 3,165 | 3,165 | 3,165 | | 3,165 |
| 0305208BQ | 211 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | [ ] | [ ] | [ ] | | [ ] |
| 0305208G | 212 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | [ ] | [ ] | [ ] | | [ ] |
| 0305208K | 213 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 3,227 | 3,227 | 3,227 | | 3,227 |
| 0305208L | 214 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | [ ] | [ ] | [ ] | | [ ] |
| 0305219BB | 215 | MQ-1 PREDATOR A UAV | 13,679 | 13,679 | 13,679 | | 13,679 |
| 0305229G | 216 | REAL-TIME ARCHITECTURE DEVELOPMENT (RT10) | [ ] | [ ] | [ ] | | [ ] |

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| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 0305866L | 217 | DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0305880L | 218 | COMBATANT COMMAND INTELLIGENCE OPERATIONS | [ ] | [ ] | [ ] | | [ ] |
| 0305883L | 219 | HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT | [ ] | [ ] | [ ] | | [ ] |
| 0305884L | 220 | INTELLIGENCE PLANNING AND REVIEW ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| 0305885G | 221 | TACTICAL CRYPTOLOGIC ACTIVITIES | [ ] | [ ] | [ ] | | [ ] |
| | | Final e-Curfew | | | [25,000] | | |
| 0305889G | 222 | COUNTERDRUG INTELLIGENCE SUPPORT | [ ] | [ ] | [ ] | | [ ] |
| 0307141G | 223 | INFORMATION OPERATIONS TECHNOLOGY INTEGRATION | [ ] | [ ] | [ ] | | [ ] |
| 0307207G | 224 | AERIAL COMMON SENSOR | [ ] | [ ] | [ ] | | [ ] |
| 0708011S | 225 | INDUSTRIAL PREPAREDNESS | 20,480 | 20,480 | 50,480 | 24,000 | 44,480 |
| | | Industrial base innovation fund | | | [30,000] | [24,000] | |
| 0708012S | 226 | LOGISTICS SUPPORT ACTIVITIES | 2,846 | 2,846 | 2,846 | | 2,846 |
| 0902298J | 227 | MANAGEMENT HEADQUARTERS (JCS) | 3,401 | 3,401 | 3,401 | | 3,401 |
| 1001018D8Z | 228 | NATO JOINT STARS | 27,756 | 27,756 | 27,756 | | 27,756 |
| 1130435BB | 229 | STORM | | | | | |
| 1160279BB | 230 | SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG | | | | | |
| 1160403BB | 231 | SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT | 43,977 | 73,977 | 43,977 | | 43,977 |
| | | Gunship lite prototype test bed | | [30,000] | | | |
| 1160404BB | 232 | SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT | 13,263 | 17,263 | 13,263 | | 13,263 |
| | | Covert communications for special operations forces | | [4,000] | | | |
| 1160405BB | 233 | SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT | 39,125 | 43,325 | 39,125 | 4,200 | 43,325 |
| | | Advanced long endurance unattended ground sensors | | [4,200] | | [4,200] | |
| 1160408BB | 234 | SOF OPERATIONAL ENHANCEMENTS | 48,137 | 52,037 | 48,137 | | 48,137 |
| | | Meteorological and oceanographic collection sensors | | [3,900] | | | |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 1160421BB | 235 | SPECIAL OPERATIONS CV-22 DEVELOPMENT | 38,229 | 38,229 | 38,229 | | 38,229 |
| 1160425BB | 236 | SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS | | | | | |
| 1160426BB | 237 | OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT | 7,090 | 7,090 | 7,090 | | 7,090 |
| 1160427BB | 238 | MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) | 4,052 | 4,052 | 4,052 | | 4,052 |
| 1160428BB | 239 | UNMANNED VEHICLES (UV) | 1,527 | 1,527 | 1,527 | | 1,527 |
| 1160429BB | 240 | MC130J SOF TANKER RECAPITALIZATION | 4,659 | 4,659 | 4,659 | | 4,659 |
| 1160477BB | 241 | SOF WEAPONS SYSTEMS | 2,759 | 2,759 | 2,759 | | 2,759 |
| 1160478BB | 242 | SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS | 3,190 | 3,190 | 3,190 | | 3,190 |
| 1160479BB | 243 | SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS | 3,495 | 3,495 | 3,495 | | 3,495 |
| 1160482BB | 244 | SOF ROTARY WING AVIATION | 3,822 | 3,822 | 3,822 | | 3,822 |
| 1160483BB | 245 | SOF UNDERWATER SYSTEMS | 3,142 | 3,142 | 3,142 | | 3,142 |
| 1160484BB | 246 | SOF SURFACE CRAFT | 5,206 | 5,206 | 5,206 | | 5,206 |
| 1160488BB | 247 | SOF PSYOP | 15,554 | 15,554 | 15,554 | | 15,554 |

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(Dollars in Thousands)

| Program Element | Line | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|---|
| 1160489BB | 248 | SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES | 14,686 | 14,686 | 14,686 | | 14,686 |
| 1160490BB | 249 | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE | 8,729 | 8,729 | 8,729 | | 8,729 |
| | | **SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE** | **1,152,127** | **1,205,227** | **1,181,127** | **34,200** | **1,186,327** |
| | 999 | CLASSIFIED PROGRAMS | 3,805,519 | 3,814,319 | 3,830,519 | 0 | 3,805,519 |
| | | **Total, RDT&E Defense-Wide** | **21,499,229** | **20,822,879** | **20,924,729** | **-556,500** | **20,942,729** |
| | | **OPERATIONAL TEST & EVALUATION, DEFENSE** | | | | | |
| 0605118OTE | 1 | OPERATIONAL TEST AND EVALUATION | 53,196 | 53,196 | 53,196 | | 53,196 |
| 0605131OTE | 2 | LIVE FIRE TEST AND EVALUATION | 11,572 | 11,572 | 11,572 | | 11,572 |
| 0605814OTE | 3 | OPERATIONAL TEST ACTIVITIES AND ANALYSES | 124,004 | 124,004 | 124,004 | | 124,004 |
| | | **Total, Operational Test & Evaluation, Defense** | **188,772** | **188,772** | **188,772** | **0** | **188,772** |
| | | **TOTAL RDT&E** | **79,615,941** | **79,700,433** | **79,733,380** | **-1,905,489** | **77,710,452** |

Research Council's 2007 report entitled ''Strategy for an Army Center for Network Science, Technology, and Experimentation'' concluded that, ''based on Army needs, the NSTEC [Network Science, Technology, and Experimentation Center] should be a hybrid operation consisting of two or three centralized facilities having interconnectivity to a variety of distributed supporting elements.'' The current Army proposed plan and budget is not consistent with this recommended hybrid approach.

The Army is directed to ensure that the network science and technology research center be established so as to leverage the benefits of a distributed and networked research community. Clearly, some funding should be retained to support in-house research efforts, but the majority of funding should continue to go to a networked group of investigators selected on the basis of technical merit of proposed research.

The Army is further directed to ensure that none of the $10.0 million authorized in PE 61104A for the establishment of a network science and technology research center shall be available for the purpose of infrastructure and facilities development. The fact that basic research funding is a precious and scarce resource places a great emphasis on ensuring its use for designated research purposes. Such funds should not be utilized for infrastructure and facilities development, save for the most exceptional circumstances.

ITEMS OF SPECIAL INTEREST

*Executive helicopter program (VH–71A)*

The budget request included $1,047.8 million in PE 64273N for continued development of the executive helicopter, VH–71A. The VH–71A program is intended to provide the replacement helicopter for transportation of the President and Vice President of the United States, heads of state, and other dignitaries. The House report (H. Rept. 110–652) observed that the reported cost increases in the program were sufficient to exceed the 25 percent unit cost increase that would invoke the certification requirements levied by section 2433 (e)(2)(A) of title 10, United States Code, commonly referred to as a ''Nunn-McCurdy Breach.'' The House report directed the Secretary of Defense to submit an analysis of potential advantages and disadvantages of conducting a re-competition of the program when the Secretary submits that certification.

The Senate report (S. Rept. 110–335) directed the Secretary of the Navy to submit a VH–71A report to the congressional defense committees outlining VH–71A program:

(1) performance requirements;

(2) revised cost estimates;

(3) causes for cost growth;

(4) detailed breakout of cost growth related to under-estimated requirements; and

(5) actions being implemented to reduce and control development and production costs.

The Senate report would also prohibit the Secretary from obligating fiscal year 2009 funds for VH–71A Executive Helicopter Development (PE 64273N) for Increment Two efforts until: (1) the Defense Department completes VH–71A unit cost reporting requirements as prescribed by section 2433 of title 10, United States Code; and (2) the Secretary of the Navy submits the VH–71A report described above to the congressional defense committees.

Additionally, the Senate report directed the Secretary to identify alternatives for extending the service life of Increment One aircraft and increasing their utility in the effort to provide greater return on this investment.

The agreement directs the Secretary to submit the reports requested in both the House and Senate reports, removes the prohibition on obligating any fiscal year 2009 funding, and directs the Secretary not to restructure the existing VH–71 contract until the completion of the Nunn-McCurdy certification process.

*Missile defense force structure and Joint Capabilities Mix studies*

We note that the Joint Integrated Air and Missile Defense Organization, a component of the Joint Staff, has conducted a number of studies over several years concerning the operational requirements of combatant commanders for upper tier ballistic missile defense. These Joint Capabilities Mix (JCM) studies have consistently concluded that U.S. combatant commanders need about twice as many Standard Missile–3 (SM–3) and Terminal High Altitude Area Defense (THAAD) interceptors as the number planned by the Missile Defense Agency (MDA), just to meet their minimum inventory requirements to defend against existing levels of short- and medium- range ballistic missiles.

We are deeply disappointed that the Department of Defense has not planned or budgeted for even this minimum requirement, and believe that achieving at least this minimum inventory should be the highest priority for MDA. We expect the Department of Defense to budget accordingly starting with the budget submission for fiscal year 2010.

We are concerned that there is no adequate requirements process in place for MDA to determine the force structure and inventory levels to meet the needs of the combatant commanders. This is a fundamental shortcoming of the Department of Defense's approach to missile defense, and one that needs to be resolved. We expect the Department of Defense to establish an adequate requirements process for missile defense force structure and inventory that ensures that the operational requirements of the regional combatant commanders are fully taken into account in MDA's budget and planning process.

*Missile defense tests and targets*

We are discouraged to note that the Missile Defense Agency (MDA) Test and Targets program has had another disappointing year. MDA failed to conduct a single intercept flight test of the Ground-based Midcourse Defense (GMD) system during fiscal year 2008, and canceled a planned and budgeted GMD flight test, designated FTG–04. Instead, it conducted a sensor flight test, FTX–03. Over the last several years, MDA has not managed to conduct an average of even one GMD intercept flight test per year, despite the fact that Congress has authorized and appropriated over $200.0 million per year to conduct two flight tests each year.

In addition, a test of the GMD system was aborted in May 2007 when the target failed to reach the necessary altitude, and a flight test of the Terminal High Altitude Area Defense (THAAD) system was aborted on September 17, 2008, when the target missile failed shortly after launch.

We are disappointed to note that MDA chose to cancel FTG–04 without first consulting with any of the key stakeholders, including the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD/AT&L), the Director of Operational Test and Evaluation (DOT&E), or the Commander of United States Strategic Command.

We direct MDA to consult with these organizations, or their designees, prior to any future decision to cancel a flight test, and to report in writing to the congressional defense committees within 1 week of a decision to cancel such a test, indicating the following information: (1) the reasons for the cancellation; (2) the implications and risks for the testing and development program that will result from cancelling the test; (3) a plan describing how the original objectives of the flight test will still be met, notwithstanding the cancellation; (4) the views and recommendations of the organizations consulted; and (5) any modifications in the allocation of budget and testing resources as a result of the cancellation of the flight test.

*Upper tier follow-on to Arrow*

The United States is engaged in a cooperative program with Israel to provide an upper-tier follow-on to the Arrow Weapon System for Israel. There are two systems being pursued under this cooperative program: a land-based version of the existing Standard Missile 3 (SM–3) using an AN/TPY–2 forward-based X-band radar, and the development of a new Arrow–3 interceptor. The SM–3 interceptor and the AN/TPY–2 radar, which is derived from the radar for the Terminal High Altitude Area Defense (THAAD) system, have already been developed and demonstrated. The Arrow–3 has not yet been developed, and its design has changed several times.

After a number of changes to Israeli requirements and the planned performance of the Arrow–3 missile, the Missile Defense Agency (MDA) has chosen to pursue development of the Arrow–3 as the primary approach to developing an upper tier missile defense capability for Israel. However, this would be a technically challenging undertaking, involving a number of critical and complex technologies that Israel has never produced previously. Consequently, it is not certain that Israel can succeed in the development of all the Arrow–3 technologies in time to meet Israel's required fielding schedule.

We are concerned that MDA has chosen a technically risky path forward, and is not providing sufficient risk mitigation through the land-based SM–3 option. MDA has indicated it intends to pursue an Arrow–3 development strategy based on knowledge points, with the stated intention of being able to curtail or stop the program if it does not meet its knowledge points on schedule.

However, MDA has not demonstrated an ability to reduce funding for other programs that have not met their knowledge points on schedule. This suggests that an Arrow–3 development program could continue to be the primary path even if it does not meet its knowledge points or its schedule, thus precluding the option of having the proven SM–3 and AN/TPY–2 technology serve as a suitable upper tier option on schedule.

Therefore, we direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to review MDA's proposed approach and submit to the congressional defense committees, no later than April 15, 2009, a report providing a plan for risk mitigation for the U.S.-Israel upper tier program of cooperation that provides a cost-effective path to providing an upper tier missile defense capability for Israel.

*Wide area airborne surveillance*

The Senate report (110–335) accompanying S. 3001 urged the Department of Defense to rapidly define and acquire next generation wide area airborne surveillance (WAAS) capabilities to augment existing and planned full motion video (FMV) platform deployments, and possibly to help limit the number of additional orbits of FMV aircraft needed in the future.

We are encouraged that the Defense Department at senior levels is focused on the WAAS requirement and the range of potential solutions. However, a number of concerns persist.

While significant funds have been allocated for development of the WAAS collection system, very little money is available for the processing, exploitation, and dissemination of the vast amount of imagery that the WAAS system will produce. This imbalance will prevent effective fielding of a WAAS capability in the timeframe required.

There is confusion as to whether the WAAS system is intended to complement or replace existing and planned deployments of narrow-field-of-view FMV assets. This confusion creates concern and opposition from deployed forces. If it is possible for a WAAS system to substitute for FMV assets, the required performance level (in terms of resolution, frame rate, look angles, and the like) cannot be fielded at least for a period of years. While it is important for the Department to evaluate now what levels of performance might be achievable in subsequent increments of a WAAS program, the near-term focus must be on fielding capabilities that complement existing assets and operate with them in a systems-of-systems network.

In this regard, we are concerned that insufficient attention and resources are being devoted to rapidly fielding a command and control capability that will permit, on a large-scale, integrated operations involving WAAS platforms, FMV assets, and signals intelligence systems across services, national agencies, and various echelons of command. We support the recent initiative by the Air Force WAAS program office to utilize the Network-Centric Collaborative Targeting system, now reaching Initial Operational Capability, as the basis for this important command and control capability.

We direct that, within 90 days of the date on which there is a down select by the WAAS prime integrator, the Deputy Secretary of Defense submit a report to the congressional defense and intelligence committees that characterizes WAAS collection and exploitation requirements, the program increments and funding to meet the requirements, the operational concept for WAAS increments, and the means by which WAAS, FMV systems, and other sensors will be operated together to support the find, fix, and finish targeting process.

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

*Authorization of appropriations (sec. 201)*

The House bill contained a provision (sec. 201) that would authorize appropriations for fiscal year 2009 for the use of the Department of Defense for research, development, test and evaluation.

The Senate bill contained a similar provision (sec. 201).

The agreement includes a provision that would authorize appropriations for fiscal year 2009 for the use of the Department of Defense for research, development, test and evaluation.

*Authorization for defense science and technology (sec. 202)*

The House bill contained a provision (sec. 202) that would authorize appropriations for fiscal year 2009 for the use of the Department of Defense for science and technology activities.

The Senate bill contained a similar provision (sec. 202).

The agreement includes a provision that would authorize appropriations for fiscal year 2009 for the use of the Department of Defense for science and technology activities.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

*Additional determinations to be made as part of Future Combat Systems milestone review (sec. 211)*

The House bill contained a provision (sec. 211) that would amend section 214 of the John Warner National Defense Authorization Act for 2007 (Public Law 109–364) by adding additional determinations to be made by the Secretary of Defense during the Future Combat Systems (FCS) program review.

The Senate bill contained no similar provision.

The agreement includes the House provision.

We intend that the additional determinations required during the FCS program review should be applied with respect to threshold FCS system of system technologies, not surrogates.

*Analysis of Future Combat Systems communications network and software (sec. 212)*

The House bill contained a provision (sec. 212) that would require the Assistant Secretary of Defense, Networks and Information Integration (ASD NII), to conduct an independent study and report to the congressional defense committees by July 1, 2009, on possible vulnerabilities of the Future Combat Systems (FCS) communications network. The purpose of this study is to inform the review of the FCS program mandated by section 214 of the John Warner National Defense Authorization Act for 2007 (Public Law 109–364).

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would provide the Department with additional time to complete the analysis and require the ASD NII to assess, in coordination with the Director of Operational Test and Evaluation, the synchronization of the funding, schedule, and technology maturity of the Warfighter Information Network-Tactical and Joint Tactical Radio System in programs in relation to the FCS program.

*Future Combat Systems manned ground vehicle selected acquisition reports (sec. 213)*

The House bill contained a provision (sec. 213) that would require the Secretary of the Army to submit to the congressional defense committees selected acquisition reports as defined in section 2432(c) of title 10, United States Code, on each of the eight Future Combat Systems (FCS) manned ground vehicle variants. The reports are required by February 15 of each year from 2009 to 2015.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment that would include any additional manned ground vehicle variants designated in FCS Acquisition Reports after the date of enactment.

*Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior unmanned aerial systems (sec. 214)*

The House bill contained a provision (sec. 214) that would require the Secretary of Defense to ensure that the Department of Defense program and budget exhibits for the Army's Sky Warrior unmanned aerial system break out that program into separate program elements and line items.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Restriction on obligation of funds for the Warfighter Information Network-Tactical program (sec. 215)*

The House bill contained a provision (sec. 215) that would restrict obligation of 80 percent of research and development funds authorized for appropriation for the Warfighter Information Network-Tactical, Increment 3 program until 15 days after receipt by the congressional defense committees of certification from the Under Secretary of Defense for Acquisition, Technology and Logistics that the program has an approved acquisition program baseline, a new independent cost estimate, and the Director, Defense Research and Engineering has completed a technology readiness assessment.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that reduces the amount of funding restricted pending the certification from 80 percent to 50 percent and makes other clarifications.

*Limitation on source of funds for certain Joint Cargo Aircraft expenditures (sec. 216)*

The House bill contained a provision (sec. 216) that would require the Secretary of the Army to fund certain expenditures for the Joint Cargo Aircraft (JCA) through procurement or research, development, test and evaluation accounts, rather than from other appropriations accounts.

The Senate bill contained no similar provision.

The agreement included the House provision with an amendment that would modify the provision to place the same requirement on the Secretary of the Air Force.

The report (H. Rept. 110–652) accompanying the House bill noted that, at the time of the report, the Air Force was reporting a unit cost for JCA of $60.7 million, and was reporting a unit cost for C–130J aircraft of $56.7 million. After further discussion with the Air Force acquisition officials and clarification of terminology, we believe that a fairer, apples-to-apples comparison of such costs would raise the comparable average procurement unit cost for a C–130J to $84.2 million, in terms of fiscal year 2007 dollars.

*Requirement for plan on overhead nonimaging infrared systems (sec. 217)*

The Senate bill contained a provision (sec. 211) that would direct the Secretary of the Air Force to develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging systems. The plan would also include an explanation of how such systems would be tested, including any flight or on-orbit testing as well as how and when the technologies would transition to an acquisition program. In addition, the provision would prohibit appropriation of more than 50 percent of the funds authorized to be appropriated for the third generation infrared surveillance program until the plan is submitted to the congressional defense committees.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would direct the Secretary of Defense and the Director of National Intelligence to conduct the plan. In addition the amendment would add a description of the research, development and demonstration activities, as an additional element to the plan.

*Advanced energy storage technology and manufacturing (sec. 218)*

The Senate bill contained a provision (sec. 212) that would require the Department of Defense to develop a technology and manufacturing roadmap for battery technologies.

The House bill contained no similar provision.

The agreement includes a provision that would expand the scope of the roadmapping exercise to include all relevant energy storage technologies, such as, but not limited to, batteries, fuel cells and capacitors. The provision would further add a requirement for the Department to provide a detailed report of the investment levels in energy storage technologies.

The roadmap development should be primarily lead by the Director of Defense Research and Engineering, the Deputy Under Secretary of Defense for Industrial Policy, and Service Acquisition Executives, so that the roadmap accurately reflects technology development, industrial base, program requirements, and cost drivers. It is further expected that Service acquisition program offices with significant energy storage technology requirements, the Joint Defense Manufacturing Technology Panel, the Defense Logistics Agency, and appropriate organizations within the Department of Energy will all participate in the roadmap development. The roadmap should not focus solely on science and technology activities and existing investments.

It is expected that a thorough understanding of resource allocation and current investment in advanced energy storage technologies will help clarify the investment shortfalls and capability gaps that should be emphasized in the technology and manufacturing roadmap.

*Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions (sec. 219)*

The Senate bill contained a provision (sec. 213) that would authorize the Secretary of Defense to permit laboratory directors to utilize up to 3 percent of laboratory funds for research and development, technology transition, and workforce development activities.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would terminate the authority after 4 years.

The utilization of this authority and its impact on the mission performance and technical capabilities of the laboratories will be closely monitored by the congressional defense committees. All efforts to supply the needed authorities and resources to the defense laboratories to enable them to effectively and efficiently perform their designated missions are supported and encouraged.

*Requirements for certain airborne intelligence collection systems (sec. 220)*

The Senate bill contained a provision (sec. 215) that would require that each airborne collection system within the Department of Defense that is connected to the Distributed Common Ground/Surface System to have the ability to operate with the Network-Centric Collaborative Targeting System, unless the Chairman of the Joint Requirements Oversight Council waives the requirement on a case-by-case basis.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Limitation on obligation of funds for enhanced AN/TPQ–36 Radar System pending submission of report (sec. 221)*

The House bill contained a provision (sec. 236) that would limit the amount of funds provided to the program until the Secretary of the Army provides the congressional defense committees with a plan to transition the Counter-Rockets, Artillery, and Mortars (C-RAM) program to a program of record.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE C—MISSILE DEFENSE PROGRAMS

*Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the Ballistic Missile Defense System (sec. 231)*

The Senate bill contained a provision (sec. 234) that would require the annual report of the Director of Operational Test and Evaluation on the testing of the Ballistic Missile Defense System (BMDS) to include a characterization of the operational effectiveness, suitability, and survivability of the BMDS and its elements that have been fielded or tested before the end of the preceding fiscal year.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Independent study of boost-phase missile defense (sec. 232)*

The House bill contained a provision (sec. 221) that would require an independent study of boost-phase missile defense programs, specifically the Airborne Laser and the Kinetic Energy Interceptor. The study would assess a variety of relevant factors and compare the results to non-boost-phase missile defense systems. The provision would require the independent study to be submitted to the congressional defense committees.

The Senate bill contained a similar provision (sec. 235).

The agreement includes the House provision with an amendment that would combine elements of the Senate provision with the House provision.

*Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe (sec. 233)*

The House bill contained a provision (sec. 222) that would limit the availability of fiscal year 2009 and future funds for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system until the following conditions have been met: (1) the Governments of Poland and the Czech Republic have each signed and ratified the necessary agreements allowing for such deployment; and (2) 45 days have elapsed after Congress receives the independent assessment required in section 226 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). The provision would also limit the availability of funds for the acquisition and deployment of operational interceptor missiles for the planned European deployment until the Secretary of Defense certifies, after receiving the views of the Director of Operational Test and Evaluation, that the interceptor has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish its mission.

The Senate bill contained a similar provision (sec. 232), with the differences being that it would: (1) limit the effect of the general limitation to the availability of fiscal year 2009 funds; (2) clarify that each host nation would need to give final approval to any missile defense agreements concerning the deployment of missile defense components on its territory; and (3) authorize the initial long lead procurement funds for the proposed European interceptors, since the long-lead components are 100 percent common to the three-stage variant of the interceptor.

The agreement includes a combined provision that would limit the availability of fiscal year 2009 and future funds for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system until the following conditions have been met: (1) in the case of the proposed midcourse radar element, the host nation has signed and ratified the agreements needed to allow for the deployment of such radar in the host nation; (2) in the case of the proposed long-range missile defense interceptor element, the condition in paragraph (1) has been met, and the host nation has signed and ratified the agreements needed to allow for the deployment of such interceptor element in the host nation; and (3) 45 days have elapsed after Congress has received the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). The provision would also limit the availability of fiscal year 2009 funding for acquisition (other than initial long-lead funding) or deployment of the proposed interceptor until the Secretary provides the certification required in both bills.

*Review of the ballistic missile defense policy and strategy of the United States (sec. 234)*

The Senate bill contained a provision (sec. 231) that would require the Secretary of Defense to conduct a review of the ballistic missile defense policy and strategy of the United States. The provision would require the Secretary to submit a report to Congress not later than January 31, 2010, setting forth the results of the review.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would add several elements to be required in the review.

*Airborne Laser System (sec. 235)*

The Senate bill contained a provision (sec. 233) that would require the Director of Operational Test and Evaluation (DOT&E) to assess and report on the operational effectiveness, suitability, and survivability of the Airborne Laser (ABL) System. The provision would also limit the availability of funds for procurement of a second or subsequent ABL aircraft until the Secretary of Defense, after receiving the DOT&E assessment, submits a certification that the ABL system has demonstrated a high probability of being operationally effective, suitable, survivable, and affordable.

The House bill contained a provision (sec. 221) that would, among other things, prohibit the use of funds to acquire a second ABL aircraft until 60 days after Congress receives an independent study on boost-phase missile defense programs required by the provision.

The agreement includes the Senate provision with an amendment that would incorporate the House funding prohibition into the Senate provision.

*Activation and deployment of AN/TPY–2 forward-based X-band radar (sec. 236)*

The Senate bill contained a provision (sec. 237) that would authorize the use of up to $89.0 million in funds for defense-wide research, development, test, and evaluation for the activation and deployment of an AN/TPY–2 X-band radar to a classified location. It would also require the Secretary of Defense to submit a report to Congress on such deployment before the funds would be available for the deployment.

The House bill contained no similar provision.

The agreement includes the Senate provision.

SUBTITLE D—REPORTS

*Biennial reports on joint and service concept development and experimentation. (sec. 241)*

The Senate bill contained a provision (sec. 252) that would reduce the reporting requirement on Department of Defense concept development and experimentation activities and include reporting on related activities of the military services.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would clarify the reporting requirements.

The joint and service level for concept development and experimentation activities can support efforts at innovation and transformation in doctrine, training, materiel acquisition and other areas of Departmental

activity. As the executive agent for joint warfighting experimentation, the Commander of United States Joint Forces Command has a unique ability and responsibility to use the results of the Department's various concept development and experimentation activities to advocate for the transformation of investment strategies, defense acquisition policies, requirements generation, doctrine development, and force structure to enhance joint warfighting capabilities.

*Report on the participation of the historically black colleges and universities and minority serving institutions in research and educational programs and activities of the Department of Defense (sec. 242)*

The House bill contained a provision (sec. 232) that would require an assessment of the Historically Black Colleges and Universities (HBCU/MI) and Minority Serving Institutions program.

The Senate bill contained no similar provision.

The agreement includes a provision that would require an independent assessment of the participation of HBCU/MI, Hispanic Serving Institutions, Tribal Colleges and Universities, and other minority postsecondary institutions in Department of Defense research, training, and educational activities.

At a time when the Department and the nation are facing a shortage of personnel in growing areas of science and engineering, this community of educational institutions and the population they serve can make a valuable contribution to the missions of the Department of Defense.

*Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons (sec. 243)*

The Senate bill contained a provision (sec. 255) that would require the Department of Defense to report on responses to the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

SUBTITLE E—OTHER MATTERS

*Modification of systems subject to survivability testing oversight by the Director of Operational Test and Evaluation (sec. 251)*

The House bill contained a provision (sec. 231) that would clarify the responsibilities of the Secretary of Defense and the Director of Operational Test and Evaluation with respect to oversight and reporting on survivability testing for personnel protective equipment and other defense systems.

The Senate bill contained a similar provision (sec. 251).

The agreement includes the House provision with an amendment that would allow the Secretary of Defense to authorize the Director of Operational Test and Evaluation to perform statutorily mandated monitoring and reporting on a broader range of defense systems. The amendment makes additional clarifying amendments to sections 2366 and 139 of title 10, United States Code. This provision will enable the Secretary and Director to have appropriate levels of oversight of systems that require survivability and lethality testing, including certain items of personnel protective equipment and non lethal weapons. It is expected that the acquisition and testing community should continue to work together to develop and adequately test systems to validate their operational effectiveness, suitability and survivability, but still deliver new capabilities in a rapid and efficient fashion.

*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. 252)*

The House bill contained a provision (sec. 233) that would amend section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to add additional reporting requirements to the annual report required by that section. The provision would also require the Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office to report within 12 months after the date of enactment of this Act on the development of information technology infrastructure guidelines and standards for use by the Departments of Defense and Veterans Affairs to enable fully interoperable electronic personal health information.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would eliminate the requirement for reporting to the appropriate congressional committees on the specific guidelines and standards developed or adopted under this provision.

The Department of Defense and Department of Veterans Affairs should, to the extent practicable, pursue guidelines and standards that are consistent with other similar ongoing federal efforts and with relevant guidance and directives for the development of information technology (IT) systems in the Department of Defense and Department of Veterans Affairs.

Within the Department of Defense, the medical IT community should work closely with Assistant Secretary of Defense for Networks and Information Integration and the Business Transformation Agency, both of which have valuable experience in evaluating and selecting standards for large-scale enterprise systems.

*Assessment of technology transition programs and repeal of reporting requirement (sec. 253)*

The House bill contained a provision (sec. 234) that would require the Department of Defense to assess the feasibility of consolidating various technology transition accounts into a unified effort. The House provision would also repeal the requirement for the Technology Transition Initiative (TTI).

The Senate bill contained a provision (sec. 253) which would repeal the recurring reporting requirement relating to the TTI program.

The agreement includes a provision which requires the Under Secretary of Defense for Acquisition, Technology and Logistics (USD (AT&L)) to assess the feasibility of consolidating technology transition accounts into one account to be managed at the Department-level. The agreement also requires the USD (AT&L) to submit a report to Congress on the aforementioned assessment and include recommendations concerning the streamlining and improvement of technology transition activities throughout the Department. Finally, the agreement repeals the Department's annual TTI reporting requirement.

Efficient technology transition is a mainstay of the Department's ability to deliver military advantage to the operational force. Continued employment of the current regime of initiatives and programs may not be the most effective approach to transitioning promising technologies to the force. The USD (AT&L) is expected to characterize the limitations of the existing transition activities and provide recommendations to improve the process of transitioning technologies. The overall goals of the various Department of Defense technology transition programs are laudable, but there is a need to better understand the Department's requirements for additional authorities or for the repeal of unnecessary authorities that could improve technology transition.

*Trusted defense systems (sec. 254)*

The House bill contained a provision (sec. 235) that would require the Department of Defense to perform an assessment, develop a strategy, issue interim policy guidance, and provide a report to Congress related to assuring trust in the supply chain for certain defense systems.

The Senate bill contained a related provision (sec. 256) that required an assessment of the capabilities of the Department to assess trust in semiconductor technologies.

The agreement includes a provision that requires the Secretary of Defense to assess the trust in, and vulnerabilities within the supply chain of key electronic components of major defense acquisition programs; to assess methods for verifying trust of DoD semiconductors; to produce a strategy for managing supply chain risk and trust verification for semiconductors; to establish policies necessary to support these activities; and to report to Congress on the assessment and policies.

There is growing concern that major manufacturing for many mission-critical semiconductors have moved offshore, primarily to Asia. The inherent risks associated with procuring electronic components that have been designed, fabricated, tested, or packaged in unsecure facilities abroad demand a well planned and structured response.

Therefore, the Secretary is instructed to coordinate the various current efforts designed to study and protect mission-critical electronic components and create an integrated strategy for managing supply chain risk and ensuring trust of semiconductors used in applications across all services. Only by engaging in consultation with industry, academia and other agencies will the Department be able to fashion the cross-cutting strategy needed to address a challenge that confronts the most complicated and important acquisition programs and threatens every part of the operational force.

*Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft (sec. 255)*

The House bill contained a provision (sec. 237) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to develop an assessment of a joint approach to developing future vertical lift aircraft and rotorcraft, and to submit a report on that assessment.

The Senate bill contained no similar provision.

The agreement includes the House provision, with the understanding that the current program for modernizing the Marine Corps' heavy lift rotorcraft fleet shall not be subsumed within any joint program office that might emerge from this assessment.

*Executive agent for printed circuit board technology (sec. 256)*

The Senate bill contained a provision (sec. 254) that would require the establishment of an executive agent to oversee Department of Defense activities related to printed circuit board technologies.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that requires the Secretary of Defense to designate an executive agent for printed circuit board and interconnect technologies. The provision specifies roles and responsibilities that the

Secretary of Defense will charge to the executive agent.

The Secretary may include further duties, especially as they may pertain to ensuring that the Department maintains and grows its capability for establishing trust in interconnect technologies. While it is critical that the executive agent designated by the Secretary develop a well-planned roadmap which details current and future technologies needed and the logistics network necessary to provide them, the executive agent should also draw together the specific timeline that must be realized and funding that must be obtained to successfully implement the roadmap going forward.

Finally, the provision directs the Secretary of Defense to ensure that the executive agent is properly resourced to implement the task and is supported throughout the military departments.

*Review of conventional prompt global strike technology applications and concepts (sec. 257)*

The House bill contained a provision (sec. 238) that would limit the use of funds for conventional prompt global strike (PGS) in fiscal year 2009 to only those activities expressly delineated in the expenditure plan for fiscal years 2008 and 2009, which was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) or activities otherwise expressly authorized by Congress. The expenditure plan was transmitted to the congressional defense committees on March 24, 2008. The provision would also require the Secretary of Defense to submit a report on PGS concepts with the fiscal year 2010 budget request.

The Senate bill contained a similar provision (sec. 1054) that would direct the Secretary of Defense, in consultation with the Secretary of State, to conduct a review of the prompt global strike technologies that will be demonstrated beginning in fiscal year 2010. The report would set forth the cost of the demonstration, identify any legal, treaty, or policy related issues that might be associated with the concept demonstrated or the demonstration itself, and whether and to what extent there is a possibility that the concept or the demonstration itself could be confused with a nuclear weapons system. In addition, the report would set forth a description of the types of targets against which the concept demonstrated might be used. The report would be submitted to the congressional defense committees no later than 30 days after the date on which the budget is submitted.

The agreement includes the Senate provision with an amendment that would limit the use of funds for conventional PGS in fiscal year 2009. The amendment would also direct the Secretary of Defense to submit a report to the congressional defense committees that describes the technologies planned to be developed during fiscal year 2009 and how those technologies relate to PGS options and concepts. The due date for this report would be April 1, 2009.

In addition, the amendment would modify the review and assessment to be conducted by the Secretary of Defense in consultation with the Secretary of State, to include recommendations that would mitigate such risk in the assessment as to whether a PGS concept could be misconstrued as a nuclear weapon or delivery system. The amendment would further modify the assessment to include an assessment of the intelligence needed to support the use of any PGS concept. A report on this review and assessment would be due no later than September 1, 2009.

We note that the Department of Defense has expressed interesting in examining biconic technology as part of an alternative re-entry system/warhead engineering and delivery vehicle options/development but included no plan to manufacture a biconic vehicle in the expenditure plan for fiscal years 2008 and 2009. As a result no funds are available in fiscal year 2009 to manufacture such a vehicle.

We note that the Department is approaching a PGS concept definition milestone in the fiscal year 2010 timeframe. We encourage the Department to weigh carefully all aspects of PGS concept alternatives, including the technical, cost, operational, and policy considerations associated with each option.

We note that the National Research Council of the National Academy of Sciences has recently completed a report titled ''U.S. Prompt Global Strike: Issues for 2008 and Beyond.'' This report was prepared at the request of Congress. The Department should review this and other PGS related reports as part of the process to determine which PGS concept alternatives to pursue.

We direct the Secretary to submit a copy of the report to the Committee on Foreign Affairs of the House of the Representatives and the Committee on Foreign Relations of the Senate.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Assured funding for certain information security and information assurance programs of the Department of Defense*

The Senate bill contained a provision (sec.214) that would provide a source of funding for a new technology development activity for information security.

The House bill contained no similar provision.

The agreement does not include the provision.

*Study on space-based interceptor element of ballistic missile defense system*

The Senate bill contained a provision (sec. 236) that would require an independent entity to conduct an assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

The House bill contained no similar provision.

The agreement does not include the Senate provision.

*Visiting National Institutes of Health senior neuroscience fellowship program*

The House bill contained a provision (sec. 239) that would establish a visiting National Institutes of Health neuroscience fellowship within the Department of Defense.

The Senate bill contained no similar provision.

The agreement does not include the provision.

Neuroscience can play an important role in improving capabilities in combat casualty care, addressing traumatic brain injuries and post traumatic stress disorders, decision making, and human-machine interfaces, among other areas. The Department of Defense is directed to continue to support research in this area, including expanding collaboration with the National Institutes of Health on research, personnel exchanges, technology transition, and other activities.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

*Operation and maintenance funding (sec. 301)*

The House bill contained a provision (sec. 301) that would authorize fiscal year 2009 funding levels for all operation and maintenance accounts.

The Senate bill contained a similar provision (sec. 301).

The agreement includes this provision.

SUBTITLE B—ENVIRONMENTAL PROVISIONS

*Authorization for Department of Defense participation in conservation banking programs (sec. 311)*

The House bill contained a provision (sec. 311) that would authorize the Department of Defense to participate in conservation mitigation bank programs.

The Senate bill contained a similar provision (sec. 2811).

The agreement includes the House provision.

*Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington (sec. 312)*

The House bill contained a provision (sec. 312) that would authorize the Department of Defense to reimburse the Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

The Senate bill contained a similar provision (sec. 312).

The agreement includes the House provision.

*Expand cooperative agreement authority for management of natural resources to include off-installation mitigation (sec. 313)*

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|
| Operation and Maintenance, Army | 31,243,092 | 31,788,395 | 31,282,460 | 8,610 | 31,251,702 |
| Operation and Maintenance, Navy | 34,922,398 | 34,870,098 | 34,811,598 | -72,088 | 34,850,310 |
| Operation and Maintenance, Marine Corps | 5,597,254 | 5,680,054 | 5,607,354 | 7,000 | 5,604,254 |
| Operation and Maintenance, Air Force | 35,902,487 | 35,060,427 | 35,244,587 | -448,000 | 35,454,487 |
| Operation and Maintenance, Defense-wide | 26,091,864 | 25,806,657 | 25,926,564 | -143,000 | 25,948,864 |
| Operation and Maintenance, Army Reserve | 2,642,341 | 2,689,941 | 2,642,641 | | 2,642,341 |
| Operation and Maintenance, Navy Reserve | 1,311,085 | 1,311,085 | 1,311,085 | | 1,311,085 |
| Operation and Maintenance, Marine Corps Reserve | 213,131 | 213,131 | 213,131 | | 213,131 |
| Operation and Maintenance, Air Force Reserve | 3,142,892 | 3,202,892 | 3,142,892 | 7,800 | 3,150,692 |
| Operation and Maintenance, Army National Guard | 5,875,546 | 5,900,346 | 5,909,846 | 18,000 | 5,893,546 |
| Operation and Maintenance, Air National Guard | 5,879,576 | 5,929,576 | 5,883,926 | 2,750 | 5,882,326 |
| US Court of Appeals for the Armed Forces, Defense | 13,254 | 13,254 | 13,254 | | 13,254 |
| Overseas Humanitarian, Disaster And Civic Aid | 83,273 | 83,273 | 83,273 | | 83,273 |
| Cooperative Threat Reduction | 414,135 | 445,135 | 434,135 | 20,000 | 434,135 |
| Environmental Restoration, Army | 447,776 | 447,776 | 447,776 | | 447,776 |
| Environmental Restoration, Navy | 290,819 | 290,819 | 290,819 | | 290,819 |
| Environmental Restoration, Air Force | 496,277 | 496,277 | 496,277 | | 496,277 |
| Environmental Restoration, Defense | 13,175 | 13,175 | 13,175 | | 13,175 |
| Environmental Restoration Formerly Used Sites | 257,796 | 257,796 | 257,796 | | 257,796 |
| Overseas Contingency Operations Transfer Fund | 9,101 | 9,101 | 9,101 | | 9,101 |
| **TOTAL TITLE III -- BY APPROPRIATION** | **154,847,272** | **154,509,208** | **154,021,690** | **-598,928** | **154,248,344** |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **Operation and Maintenance, Army** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **LAND FORCES** | | | | | |
| 010 | MANEUVER UNITS | 1,259,183 | 1,259,183 | 1,259,183 | | 1,259,183 |
| 020 | MODULAR SUPPORT BRIGADES | 107,517 | 107,517 | 107,517 | | 107,517 |
| 030 | ECHELONS ABOVE BRIGADE | 606,827 | 608,827 | 606,827 | 2,000 | 608,827 |
| | Army force generation synchronization tool | | [2,000] | | [2,000] | |
| 040 | THEATER LEVEL ASSETS | 963,864 | 963,864 | 963,864 | | 963,864 |
| 050 | LAND FORCES OPERATIONS SUPPORT | 1,244,612 | 1,246,612 | 1,244,612 | | 1,244,612 |
| | Cognitive Air Defense Trainer System (CAD-TS) | | [1,000] | | | |
| | M-Gator | | [1,000] | | | |
| 060 | AVIATION ASSETS | 1,013,851 | 1,013,851 | 1,016,851 | 3,000 | 1,016,851 |
| | Unmanned aircraft systems concept development | | | [3,000] | [3,000] | |
| | **LAND FORCES READINESS** | | | | | |
| 070 | FORCE READINESS OPERATIONS SUPPORT | 1,821,481 | 1,835,781 | 1,821,481 | | 1,821,481 |
| | Army NETCOM unjustified growth | | [-10,000] | | | |
| | Army Asymmetric Warfare Office-IED Defeat Division-EOD | | [24,300] | | | |
| 080 | LAND FORCES SYSTEMS READINESS | 624,053 | 627,553 | 626,053 | 2,000 | 626,053 |
| | Shipping containers | | | [2,000] | [2,000] | |
| | CASEVAC Medical Equipment Set (MES) conversion kits (Ground & Air) | | | | | |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 090 | LAND FORCES DEPOT MAINTENANCE | 737,303 | 1,000,446 | 737,303 | 4,000 | 741,303 |
| | M24 Sniper weapons system upgrade | | [5,400] | | [4,000] | |
| | Depot maintenance increase | | [257,743] | | | |
| | **LAND FORCES READINESS SUPPORT** | | | | | |
| 100 | BASE OPERATIONS SUPPORT | 7,309,710 | 7,309,710 | 7,331,310 | | 7,309,710 |
| | Life cycle logistics contracting | | | [21,600] | | |
| 110 | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATI | 2,093,829 | 2,093,829 | 2,101,597 | | 2,093,829 |
| | Barracks repairs | | | [7,768] | | |
| 120 | MANAGEMENT AND OPERATIONAL HQ | 301,149 | 320,149 | 301,149 | | 301,149 |
| | Integrated training area management | | [9,000] | | | |
| | Training support centers-fabricate training aids and devices | | [10,000] | | | |
| 130 | COMBATANT COMMANDERS CORE OPERATIONS | 262,556 | 262,556 | 262,556 | | 262,556 |
| 140 | ADDITIONAL ACTIVITIES | 274,654 | 274,654 | 274,654 | | 274,654 |
| 150 | COMMANDERS EMERGENCY RESPONSE PROGRAM | | | | | |
| 160 | RESET | | | | | |
| 170 | COMBATANT COMMANDERS ANCILLARY MISSIONS | 282,990 | 282,990 | 282,990 | | 282,990 |
| | **TOTAL, BA 01: OPERATING FORCES** | **18,903,579** | **17,948,339** | **18,937,947** | **11,000** | **18,914,579** |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **BUDGET ACTIVITY 02: MOBILIZATION** | | | | | |
| | **MOBILITY OPERATIONS** | | | | | |
| 180 | STRATEGIC MOBILITY | 204,559 | 204,559 | 204,559 | | 204,559 |
| 190 | ARMY PREPOSITIONING STOCKS | 122,273 | 122,273 | 122,273 | | 122,273 |
| 200 | INDUSTRIAL PREPAREDNESS | | 2,500 | | 2,000 | 2,000 |
| | Army Manufacturing Technical Assistance Production Program (MTAPP) | | | | [2,000] | |
| | **TOTAL, BA 02: MOBILIZATION** | **326,832** | **329,332** | **326,832** | | **328,832** |
| | **BUDGET ACTIVITY 03: TRAINING AND RECRUITING** | | | | | |
| | **ACCESSION TRAINING** | | | | | |
| 210 | OFFICER ACQUISITION | 121,985 | 121,985 | 121,985 | | 121,985 |
| 220 | RECRUIT TRAINING | 90,999 | 90,999 | 90,999 | | 90,999 |
| 230 | ONE STATION UNIT TRAINING | 66,512 | 66,512 | 66,512 | | 66,512 |
| 240 | SENIOR RESERVE OFFICERS TRAINING CORPS | 441,264 | 441,264 | 441,264 | | 441,264 |
| | **BASIC SKILL/ ADVANCE TRAINING** | | | | | |
| 250 | SPECIALIZED SKILL TRAINING | 825,237 | 892,237 | 825,237 | | 825,237 |
| | Critical skill training TRADOC-TFNC | | [48,000] | | | |
| | Military Training Support Allotment (MTSA) additional school travel | | [19,000] | | | |
| 260 | FLIGHT TRAINING | 781,761 | 781,761 | 781,761 | | 781,761 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 270 | PROFESSIONAL DEVELOPMENT EDUCATION | 130,208 | 132,208 | 130,208 | 2,000 | 132,208 |
| | Leadership for leaders at Fort Leavenworth | | [2,000] | | [2,000] | |
| 280 | TRAINING SUPPORT | 852,545 | 857,155 | 852,545 | 610 | 853,155 |
| | United States Army Sergeants Major Academy lecture center audio visual equipment replacement | | [610] | | [610] | |
| | Operational/Technical training validation test bed | | [4,000] | | | |
| | **RECRUITING/OTHER TRAINING** | | | | | |
| 290 | RECRUITING AND ADVERTISING | 645,968 | 645,968 | 645,968 | | 645,968 |
| 300 | EXAMINING | 148,274 | 148,274 | 148,274 | | 148,274 |
| 310 | OFF-DUTY AND VOLUNTARY EDUCATION | 244,844 | 245,194 | 244,844 | | 244,844 |
| | Arabic strategic language program North Georgia College and SU | | [350] | | | |
| 320 | CIVILIAN EDUCATION AND TRAINING | 223,957 | 223,957 | 223,957 | | 223,957 |
| 330 | JUNIOR ROTC | 149,329 | 149,329 | 149,329 | | 149,329 |
| | **TOTAL, BA 03: TRAINING AND RECRUITING** | **4,722,883** | **5,126,175** | **5,049,715** | **2,610** | **4,725,493** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SECURITY PROGRAMS** | | | | | |
| 340 | SECURITY PROGRAMS | 876,020 | 876,020 | 876,020 | | 876,020 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **LOGISTICS OPERATIONS** | | | | | |
| 350 | SERVICEWIDE TRANSPORTATION | 552,629 | 602,629 | 602,629 | | 552,629 |
| | Redistribution of Equipment | | | [50,000] | | |
| | Army directed redistribution of equipment to fill unit shortfalls | | 50,000 | | | |
| 360 | CENTRAL SUPPLY ACTIVITIES | 630,145 | 687,145 | 630,145 | | 630,145 |
| | Support missile stockpile reliability inspections and parts obsolescence issues | | [57,000] | | | |
| 370 | LOGISTIC SUPPORT ACTIVITIES | 510,326 | 515,326 | 510,326 | 3,000 | 513,326 |
| | Condition based maintenance information management | | [5,000] | | [3,000] | |
| 380 | AMMUNITION MANAGEMENT | 450,394 | 510,394 | 475,394 | | 450,394 |
| | Ammunition inspections and warehousing | | | [25,000] | | |
| | Ammunition readiness and management | | [60,000] | | | |
| | **SERVICEWIDE SUPPORT** | | | | | |
| 390 | ADMINISTRATION | 768,681 | 758,681 | 768,681 | -10,000 | 758,681 |
| | Information Technology Agency Unjustified Growth | | [-10,000] | | [-10,000] | |
| 400 | SERVICEWIDE COMMUNICATIONS | 1,154,085 | 1,156,985 | 1,154,085 | | 1,154,085 |
| | Army Knowledge Online helpdesk | | [2,900] | | | |
| | Army NETCOM unjustified growth | | [-5,000] | | | |
| | Fort Bliss data center COOP | | [5,000] | | | |
| 410 | MANPOWER MANAGEMENT | 276,925 | 276,925 | 276,925 | | 276,925 |
| 420 | OTHER PERSONNEL SUPPORT | 195,129 | 195,129 | 195,129 | | 195,129 |
| 430 | OTHER SERVICE SUPPORT | 1,152,968 | 1,152,968 | 1,152,968 | | 1,152,968 |
| 440 | ARMY CLAIMS ACTIVITIES | 233,680 | 233,680 | 233,680 | | 233,680 |
| 450 | REAL ESTATE MANAGEMENT | 58,345 | 58,345 | 58,345 | | 58,345 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **SUPPORT OF OTHER NATIONS** | | | | | |
| 460 | SUPPORT OF NATO OPERATIONS | 408,788 | 408,788 | 408,788 | | 408,788 |
| 470 | MISC. SUPPORT OF OTHER NATIONS | 21,683 | 21,683 | 21,683 | | 21,683 |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **7,289,798** | **7,454,698** | **7,364,798** | **-7,000** | **7,282,798** |
| | **UNDISTRIBUTED** | | | | | |
| 998 | Computing services | | | -50,000 | | |
| 998 | Logistics Modernization Program | | | -20,000 | | |
| | **Total Operation and Maintenance, Army** | **31,243,092** | **31,788,395** | **31,282,460** | **8,610** | **31,251,702** |
| | **Operation and Maintenance, Navy** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **AIR OPERATIONS** | | | | | |
| 010 | MISSION AND OTHER FLIGHT OPERATIONS | 3,873,884 | 3,873,884 | 3,873,884 | | 3,873,884 |
| 020 | FLEET AIR TRAINING | 969,661 | 969,661 | 969,661 | | 969,661 |
| 030 | AVIATION TECHNICAL DATA & ENGINEERING SERVICES | 53,272 | 53,272 | 53,272 | | 53,272 |
| 040 | AIR OPERATIONS AND SAFETY SUPPORT | 120,305 | 120,305 | 120,305 | | 120,305 |
| 050 | AIR SYSTEMS SUPPORT | 494,832 | 494,832 | 494,832 | | 494,832 |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 060 | AIRCRAFT DEPOT MAINTENANCE | 1,127,774 | 1,190,774 | 1,190,774 | | 1,127,774 |
| | Airframe depot maintenance | | [63,000] | [63,000] | | |
| 070 | AIRCRAFT DEPOT OPERATIONS SUPPORT | 142,618 | 142,618 | 142,618 | | 142,618 |
| | **SHIP OPERATIONS** | | | | | |
| 080 | MISSION AND OTHER SHIP OPERATIONS | 3,536,837 | 3,536,837 | 3,539,837 | | 3,536,837 |
| | Damage control management | | | [3,000] | | |
| 090 | SHIP OPERATIONS SUPPORT & TRAINING | 689,893 | 689,893 | 689,893 | | 689,893 |
| 100 | SHIP DEPOT MAINTENANCE | 4,139,996 | 4,139,996 | 4,139,996 | | 4,139,996 |
| 110 | SHIP DEPOT OPERATIONS SUPPORT | 1,167,411 | 1,287,411 | 1,167,411 | | 1,167,411 |
| | Ship Depot Maintenance | | [120,000] | | | |
| | **COMBAT OPERATIONS/SUPPORT** | | | | | |
| 120 | COMBAT COMMUNICATIONS | 633,376 | 633,376 | 633,376 | | 633,376 |
| 130 | ELECTRONIC WARFARE | 85,349 | 85,349 | 85,349 | | 85,349 |
| 140 | SPACE SYSTEMS AND SURVEILLANCE | 160,175 | 160,175 | 160,175 | | 160,175 |
| 150 | WARFARE TACTICS | 397,763 | 397,763 | 397,763 | | 397,763 |
| 160 | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY | 315,803 | 315,803 | 315,803 | | 315,803 |
| 170 | COMBAT SUPPORT FORCES | 783,689 | 783,689 | 783,689 | | 783,689 |
| 180 | EQUIPMENT MAINTENANCE | 186,860 | 186,860 | 186,860 | | 186,860 |
| 190 | DEPOT OPERATIONS SUPPORT | 3,256 | 3,256 | 3,256 | | 3,256 |
| 200 | COMBATANT COMMANDERS CORE OPERATIONS | 152,167 | 152,167 | 152,167 | | 152,167 |
| 210 | COMBATANT COMMANDERS DIRECT MISSION SUPPORT | 261,105 | 261,105 | 261,105 | | 261,105 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **WEAPONS SUPPORT** | | | | | |
| 220 | CRUISE MISSILE | 131,692 | 131,692 | 131,692 | | 131,692 |
| 230 | FLEET BALLISTIC MISSILE | 1,046,422 | 1,046,422 | 1,046,422 | | 1,046,422 |
| 240 | IN-SERVICE WEAPONS SYSTEMS SUPPORT | 64,298 | 64,298 | 64,298 | | 64,298 |
| 250 | WEAPONS MAINTENANCE | 478,103 | 483,103 | 487,103 | 9,000 | 487,103 |
| | MK 45 gun depot overhauls | | | [9,000] | [9,000] | |
| | Mark 75 maintenance facility support and upgrade | | [2,000] | | | |
| | NULKA support | | [2,000] | | | |
| 260 | OTHER WEAPON SYSTEMS SUPPORT | 321,921 | 321,921 | 321,921 | | 321,921 |
| | **BASE SUPPORT** | | | | | |
| 270 | ENTERPRISE INFORMATION | 893,448 | 883,448 | 893,448 | -10,000 | 883,448 |
| | Base-level information infrastructure (OCONUS) unjustified | | [-10,000] | | [-10,000] | |
| 280 | SUSTAINMENT, RESTORATION AND MODERNIZATION | 1,734,146 | 1,734,146 | 1,734,146 | | 1,734,146 |
| 290 | BASE OPERATING SUPPORT | 4,158,483 | 4,158,483 | 4,158,483 | | 4,158,483 |
| | **TOTAL, BA 01: OPERATING FORCES** | **28,124,539** | **28,302,539** | **28,199,539** | **-1,000** | **28,123,539** |
| | **BUDGET ACTIVITY 02: MOBILIZATION** | | | | | |
| | **READY RESERVE AND PREPOSITIONING FORCES** | | | | | |
| 300 | SHIP PREPOSITIONING AND SURGE | 394,729 | 394,729 | 394,729 | | 394,729 |
| | **ACTIVATIONS/INACTIVATIONS** | | | | | |
| 310 | AIRCRAFT ACTIVATIONS/INACTIVATIONS | 7,276 | 7,276 | 7,276 | | 7,276 |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 320 | SHIP ACTIVATIONS/INACTIVATIONS | 110,268 | 110,268 | 110,268 | | 110,268 |
| | **MOBILIZATION PREPAREDNESS** | | | | | |
| 330 | FLEET HOSPITAL PROGRAM | 27,650 | 27,650 | 27,650 | | 27,650 |
| 340 | INDUSTRIAL READINESS | 2,419 | 2,419 | 2,419 | | 2,419 |
| 350 | COAST GUARD SUPPORT | 25,473 | 25,473 | 25,473 | | 25,473 |
| | **TOTAL, BA 02: MOBILIZATION** | **567,815** | **567,815** | **567,815** | | **567,815** |
| | **BUDGET ACTIVITY 03: TRAINING AND RECRUITING** | | | | | |
| | **ACCESSION TRAINING** | | | | | |
| 360 | OFFICER ACQUISITION | 142,175 | 142,175 | 142,175 | | 142,175 |
| 370 | RECRUIT TRAINING | 11,136 | 11,136 | 11,136 | | 11,136 |
| 380 | RESERVE OFFICERS TRAINING CORPS | 116,985 | 116,985 | 116,985 | | 116,985 |
| | **BASIC SKILLS AND ADVANCED TRAINING** | | | | | |
| 390 | SPECIALIZED SKILL TRAINING | 540,855 | 540,855 | 540,855 | | 540,855 |
| 400 | FLIGHT TRAINING | 518,077 | 518,077 | 518,077 | | 518,077 |
| 410 | PROFESSIONAL DEVELOPMENT EDUCATION | 170,486 | 170,486 | 170,486 | | 170,486 |
| 420 | TRAINING SUPPORT | 155,533 | 155,533 | 155,533 | | 155,533 |
| | **RECRUITING, AND OTHER TRAINING AND EDUCATION** | | | | | |
| 430 | RECRUITING AND ADVERTISING | 272,498 | 272,498 | 272,498 | | 272,498 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 440 | OFF-DUTY AND VOLUNTARY EDUCATION | 163,077 | 163,377 | 163,077 | 300 | 163,377 |
| | Naval Sea Cadet training | | [300] | | [300] | |
| 450 | CIVILIAN EDUCATION AND TRAINING | 95,959 | 95,959 | 95,959 | | 95,959 |
| 460 | JUNIOR ROTC | 50,494 | 50,494 | 50,494 | | 50,494 |
| | **TOTAL, BA 03: TRAINING AND RECRUITING** | **2,237,275** | **2,237,575** | **2,237,275** | **300** | **2,237,575** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE SUPPORT** | | | | | |
| 470 | ADMINISTRATION | 735,822 | 730,222 | 735,822 | -5,588 | 730,234 |
| | Unjustified Growth for Secretary of the Navy Organizational Restructuring | | [-3,200] | | [-3,188] | |
| | Navy Enterprise Office | | [-2,400] | | [-2,400] | |
| 480 | EXTERNAL RELATIONS | 4,213 | 4,213 | 4,213 | | 4,213 |
| 490 | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT | 109,968 | 109,968 | 109,968 | | 109,968 |
| 500 | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 163,568 | 163,568 | 163,568 | | 163,568 |
| 510 | OTHER PERSONNEL SUPPORT | 278,085 | 278,085 | 278,085 | | 278,085 |
| 520 | SERVICEWIDE COMMUNICATIONS | 381,511 | 381,511 | 381,511 | | 381,511 |
| 530 | MEDICAL ACTIVITIES | | | | | |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **LOGISTICS OPERATIONS AND TECHNICAL SUPPORT** | | | | | |
| 540 | SERVICEWIDE TRANSPORTATION | 257,008 | 257,008 | 257,008 | | 257,008 |
| 550 | ENVIRONMENTAL PROGRAMS | | | | | |
| 560 | PLANNING, ENGINEERING AND DESIGN | 240,991 | 240,991 | 240,991 | | 240,991 |
| 570 | ACQUISITION AND PROGRAM MANAGEMENT | 595,050 | 595,050 | 595,050 | | 595,050 |
| 580 | HULL, MECHANICAL AND ELECTRICAL SUPPORT | 60,723 | 60,723 | 60,723 | | 60,723 |
| 590 | COMBAT/WEAPONS SYSTEMS | 17,378 | 17,378 | 17,378 | | 17,378 |
| 600 | SPACE AND ELECTRONIC WARFARE SYSTEMS | 79,615 | 79,615 | 79,615 | | 79,615 |
| | **INVESTIGATIONS AND SECURITY PROGRAMS** | | | | | |
| 620 | NAVAL INVESTIGATIVE SERVICE | 504,649 | 504,649 | 504,649 | | 504,649 |
| | **SUPPORT OF OTHER NATIONS** | | | | | |
| 680 | INTERNATIONAL HEADQUARTERS AND AGENCIES | 6,570 | 6,570 | 6,570 | | 6,570 |
| | **CANCELLED ACCOUNTS** | | | | | |
| 690 | CANCELLED ACCOUNT ADJUSTMENTS | | | | | |
| 700 | JUDGMENT FUND | | | | | |
| | **OTHER PROGRAMS** | | | | | |
| 999 | OTHER PROGRAMS | 557,618 | 557,618 | 557,618 | | 557,618 |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **3,992,769** | **3,987,169** | **3,992,769** | **-5,588** | **3,987,181** |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | UNDISTRIBUTED | | | | | |
| 998 | Unobligated Balances | | | -70,000 | | |
| 998 | Computing services | | | -50,000 | | |
| 998 | Overstatement of civilian pay | | | -65,800 | [-65,800] | -65,800 |
| 998 | Unobligated balances estimate | | -115,000 | | | |
| 998 | Overstatement of civilian pay | | -110,000 | | | |
| | **Total Operation and Maintenance, Navy** | **34,922,398** | **34,870,098** | **34,811,598** | **-72,088** | **34,850,310** |
| | **Operation and Maintenance, Marine Corps** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **EXPEDITIONARY FORCES** | | | | | |
| 010 | OPERATIONAL FORCES | 759,814 | 808,714 | 762,314 | 7,000 | 766,814 |
| | Marine Corps shelters | | | [2,500] | [2,000] | |
| | Clothing and Flame Resistant Organizational Gear (FROG) | | [44,900] | | [2,000] | |
| | Cold Weather Layering System (CWLS) | | [4,000] | | [3,000] | |
| 020 | FIELD LOGISTICS | 611,660 | 633,360 | 619,260 | | 611,660 |
| | Mobile corrosion protection | | | [7,600] | | |
| | Mobile Corrosion Prevention and Abatement Program | | [7,600] | | | |
| | Consolidated Storage Program | | [14,100] | | | |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 030 | DEPOT MAINTENANCE | 86,422 | 88,422 | 86,422 | | 86,422 |
| | BV206 Maintenance | | [2,000] | | | |
| | **USMC PREPOSITIONING** | | | | | |
| 040 | MARITIME PREPOSITIONING | 73,725 | 73,725 | 73,725 | | 73,725 |
| 050 | NORWAY PREPOSITIONING | 5,217 | 5,217 | 5,217 | | 5,217 |
| | **BASE SUPPORT** | | | | | |
| 060 | SUSTAINMENT, RESTORATION, & MODERNIZATION | 803,530 | 803,530 | 803,530 | | 803,530 |
| 070 | BASE OPERATING SUPPORT | 1,940,671 | 1,940,671 | 1,940,671 | | 1,940,671 |
| | **TOTAL, BA 01: OPERATING FORCES** | **4,281,039** | **4,353,639** | **4,291,139** | **7,000** | **4,288,039** |
| | **BUDGET ACTIVITY 03: TRAINING AND RECRUITING** | | | | | |
| | **ACCESSION TRAINING** | | | | | |
| 080 | RECRUIT TRAINING | 15,361 | 15,361 | 15,361 | | 15,361 |
| 090 | OFFICER ACQUISITION | 411 | 411 | 411 | | 411 |
| | **BASIC SKILLS AND ADVANCED TRAINING** | | | | | |
| 100 | SPECIALIZED SKILL TRAINING | 56,106 | 56,106 | 56,106 | | 56,106 |
| 110 | FLIGHT TRAINING | 361 | 361 | 361 | | 361 |
| 120 | PROFESSIONAL DEVELOPMENT EDUCATION | 22,882 | 22,882 | 22,882 | | 22,882 |
| 130 | TRAINING SUPPORT | 312,339 | 312,339 | 312,339 | | 312,339 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **RECRUITING AND OTHER TRAINING EDUCATION** | | | | | |
| 140 | RECRUITING AND ADVERTISING | 238,900 | 238,900 | 238,900 | | 238,900 |
| 150 | OFF-DUTY AND VOLUNTARY EDUCATION | 64,080 | 64,080 | 64,080 | | 64,080 |
| 160 | JUNIOR ROTC | 17,740 | 17,740 | 17,740 | | 17,740 |
| | **BASE SUPPORT** | | | | | |
| 170 | SUSTAINMENT, RESTORATION AND MODERNIZATION | 55,737 | 55,737 | 55,737 | | 55,737 |
| 180 | BASE OPERATING SUPPORT | 155,530 | 155,530 | 155,530 | | 155,530 |
| | **TOTAL, BA 03: TRAINING AND RECRUITING** | **939,447** | **939,447** | **939,447** | | **939,447** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE SUPPORT** | | | | | |
| 190 | SPECIAL SUPPORT | 282,043 | 282,043 | 282,043 | | 282,043 |
| 200 | SERVICEWIDE TRANSPORTATION | 30,662 | 30,662 | 30,662 | | 30,662 |
| 210 | ADMINISTRATION | 45,545 | 49,445 | 45,545 | | 45,545 |
| | Heroes and Healthy Families | | [1,000] | | | |
| | Total Force Structure Management System (TFSMS) | | [2,900] | | | |
| | **BASE SUPPORT** | | | | | |
| 220 | SUSTAINMENT, RESTORATION, AND MODERNIZATION | 3,169 | 9,469 | 3,169 | | 3,169 |
| | Critical Infrastructure Protection (CIP) | | [6,300] | | | |
| 230 | BASE OPERATING SUPPORT | 15,349 | 15,349 | 15,349 | | 15,349 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITII** | **376,768** | **386,968** | **376,768** | | **376,768** |
| | **Total Operation and Maintenance, Marine Corps** | **5,597,254** | **5,680,054** | **5,607,354** | **7,000** | **5,604,254** |
| | **Operation and Maintenance, Air Force** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **AIR OPERATIONS** | | | | | |
| 010 | PRIMARY COMBAT FORCES | 4,158,181 | 4,160,181 | 4,206,081 | 48,900 | 4,207,081 |
| | B-52 flying hours | | | [47,900] | [47,900] | |
| | MBU-20A/P oxygen masks with lights | | [2,000] | | [1,000] | |
| 020 | PRIMARY COMBAT WEAPONS | 290,744 | 290,744 | 290,744 | | 290,744 |
| 030 | COMBAT ENHANCEMENT FORCES | 680,109 | 650,109 | 680,109 | | 680,109 |
| | Contract Logistics Support | | [-20,000] | | | |
| | Network defense | | [-10,000] | | | |
| 040 | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) | 1,545,613 | 1,545,613 | 1,545,613 | | 1,545,613 |
| 050 | COMBAT COMMUNICATIONS | 1,711,951 | 1,709,951 | 1,711,951 | | 1,711,951 |
| | Other costs | | [-2,000] | | | |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 060 | DEPOT MAINTENANCE | 2,751,194 | 2,302,194 | 2,303,194 | -373,000 | 2,378,194 |
| | F-15 excess to requirement | | | [-497,000] | [-422,000] | |
| | B-2 excess to requirment | | | [-2,000] | [-2,000] | |
| | B-52 depot maintenance | | | [48,000] | [48,000] | |
| | Engine trailer life extension | | | [3,000] | [3,000] | |
| | B-2 depot maintenance | | [-2,000] | | | |
| | F-15 maintenance support | | [-447,000] | | | |
| 070 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATI( | 1,142,947 | 1,142,947 | 1,142,947 | | 1,142,947 |
| 080 | BASE SUPPORT | 2,434,047 | 2,429,047 | 2,436,147 | 2,000 | 2,436,047 |
| | Land mobile radios | | | [2,100] | [2,000] | |
| | Base communications | | [-5,000] | | | |
| | **COMBAT RELATED OPERATIONS** | | | | | |
| 090 | GLOBAL C3I AND EARLY WARNING | 1,167,875 | 1,160,875 | 1,170,675 | 2,800 | 1,170,675 |
| | National Security Space Institute | | | [2,800] | [2,800] | |
| | Contract Logistics Support | | [-7,000] | | | |
| 100 | NAVIGATION/WEATHER SUPPORT | 277,681 | 277,681 | 277,681 | | 277,681 |
| 110 | OTHER COMBAT OPS SPT PROGRAMS | 674,169 | 705,169 | 674,169 | | 674,169 |
| | Weapon System Evaluation Program (WSEP) | | [-3,000] | | | |
| | Air sovereignty alert system | | [34,000] | | | |
| 120 | JCS EXERCISES | | | | | |
| 130 | MANAGEMENT/OPERATIONAL HQ | 215,775 | 215,775 | 215,775 | | 215,775 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 140 | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES | 546,822 | 526,822 | 536,822 | | 546,822 |
| | Threat finance | | | [-10,000] | | |
| | Other contracts | | [-20,000] | | | |
| | **SPACE OPERATIONS** | | | | | |
| 150 | LAUNCH FACILITIES | 340,385 | 338,385 | 340,385 | | 340,385 |
| | Other contracts | | [-2,000] | | | |
| 160 | LAUNCH VEHICLES | 33,390 | 33,390 | 33,390 | | 33,390 |
| 170 | SPACE CONTROL SYSTEMS | 228,617 | 228,617 | 228,617 | | 228,617 |
| 180 | SATELLITE SYSTEMS | 91,067 | 91,067 | 91,067 | | 91,067 |
| 190 | OTHER SPACE OPERATIONS | 326,784 | 324,784 | 326,784 | | 326,784 |
| | Management professional services | | [-2,000] | | | |
| 200 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 191,764 | 191,764 | 191,764 | | 191,764 |
| 210 | BASE SUPPORT | 675,821 | 675,821 | 675,821 | | 675,821 |
| | **COCOM** | | | | | |
| 220 | COMBATANT COMMANDERS DIRECT MISSION SUPPORT | 626,787 | 626,787 | 626,787 | | 626,787 |
| 230 | COMBATANT COMMANDERS CORE OPERATIONS | 195,714 | 195,714 | 195,714 | | 195,714 |
| | **TOTAL, BA 01: OPERATING FORCES** | **20,307,437** | **19,823,437** | **19,902,237** | **-319,300** | **19,988,137** |
| | **BUDGET ACTIVITY 02: MOBILIZATION** | | | | | |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **MOBILITY OPERATIONS** | | | | | |
| 240 | AIRLIFT OPERATIONS | 3,228,790 | 3,208,790 | 3,228,790 | | 3,228,790 |
| | Other contracts | | [-20,000] | | | |
| 250 | AIRLIFT OPERATIONS C3I | 91,392 | 89,392 | 91,392 | | 91,392 |
| | Management professional services | | [-2,000] | | | |
| 260 | MOBILIZATION PREPAREDNESS | 181,713 | 181,713 | 181,713 | | 181,713 |
| 270 | PAYMENTS TO TRANSPORTATION BUSINESS AREA | 308,895 | 308,895 | 308,895 | | 308,895 |
| 280 | DEPOT MAINTENANCE | 378,429 | 378,429 | 378,429 | | 378,429 |
| 290 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 242,505 | 242,505 | 242,505 | | 242,505 |
| 300 | BASE SUPPORT | 622,960 | 622,960 | 622,960 | | 622,960 |
| | **TOTAL, BA 02: MOBILIZATION** | **5,054,684** | **5,032,684** | **5,054,684** | | **5,054,684** |
| | **BUDGET ACTIVITY 03: TRAINING AND RECRUITING** | | | | | |
| | **ACCESSION TRAINING** | | | | | |
| 310 | OFFICER ACQUISITION | 88,547 | 88,547 | 88,547 | | 88,547 |
| 320 | RECRUIT TRAINING | 16,557 | 16,557 | 16,557 | | 16,557 |
| 330 | RESERVE OFFICERS TRAINING CORPS (ROTC) | 108,730 | 108,730 | 108,730 | | 108,730 |
| 340 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 79,052 | 79,052 | 79,052 | | 79,052 |
| 350 | BASE SUPPORT | 95,807 | 95,807 | 95,807 | | 95,807 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **BASIC SKILLS AND ADVANCED TRAINING** | | | | | |
| 360 | SPECIALIZED SKILL TRAINING | 420,590 | 423,590 | 420,590 | 2,000 | 422,590 |
| | Engineering training and knowledge preservation system | | [3,000] | | [2,000] | |
| 370 | FLIGHT TRAINING | 948,787 | 948,787 | 948,787 | | 948,787 |
| 380 | PROFESSIONAL DEVELOPMENT EDUCATION | 178,749 | 178,749 | 178,749 | | 178,749 |
| 390 | TRAINING SUPPORT | 114,435 | 114,435 | 114,435 | | 114,435 |
| 400 | DEPOT MAINTENANCE | 14,711 | 14,711 | 14,711 | | 14,711 |
| 410 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 223,960 | 223,960 | 223,960 | | 223,960 |
| 420 | BASE SUPPORT | 648,618 | 648,618 | 648,618 | | 648,618 |
| | **RECRUITING, AND OTHER TRAINING AND EDUCATION** | | | | | |
| 430 | RECRUITING AND ADVERTISING | 196,140 | 196,140 | 196,140 | | 196,140 |
| 440 | EXAMINING | 5,242 | 5,242 | 5,242 | | 5,242 |
| 450 | OFF-DUTY AND VOLUNTARY EDUCATION | 206,608 | 206,608 | 206,608 | | 206,608 |
| 460 | CIVILIAN EDUCATION AND TRAINING | 161,089 | 161,089 | 161,089 | | 161,089 |
| 470 | JUNIOR ROTC | 74,558 | 74,558 | 74,558 | | 74,558 |
| | **TOTAL, BA 03: TRAINING AND RECRUITING** | **3,582,180** | **3,585,180** | **3,582,180** | **2,000** | **3,584,180** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **LOGISTICS OPERATIONS** | | | | | |
| 480 | LOGISTICS OPERATIONS | 917,794 | 917,794 | 918,794 | 1,000 | 918,794 |
| | Advanced ultrasonic inspections | | | [1,000] | [1,000] | |
| 490 | TECHNICAL SUPPORT ACTIVITIES | 666,546 | 666,546 | 666,546 | | 666,546 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 500 | SERVICEWIDE TRANSPORTATION | 295,355 | 295,355 | 295,355 | | 295,355 |
| 510 | DEPOT MAINTENANCE | 68,869 | 68,869 | 68,869 | | 68,869 |
| 520 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 313,182 | 313,182 | 313,182 | | 313,182 |
| 530 | BASE SUPPORT | 1,192,616 | 1,192,616 | 1,192,616 | | 1,192,616 |
| | **SERVICEWIDE ACTIVITIES** | | | | | |
| 540 | ADMINISTRATION | 226,665 | 226,665 | 226,665 | | 226,665 |
| 550 | SERVICEWIDE COMMUNICATIONS | 576,493 | 576,493 | 576,493 | | 576,493 |
| 560 | PERSONNEL PROGRAMS | 231,919 | 232,159 | 231,919 | | 231,919 |
| | Wage modification for employees in Azores | | [240] | | | |
| 570 | ARMS CONTROL | 38,669 | 38,669 | 38,669 | | 38,669 |
| 580 | OTHER SERVICEWIDE ACTIVITIES | 851,904 | 851,904 | 851,904 | | 851,904 |
| 590 | OTHER PERSONNEL SUPPORT | 23,851 | 23,851 | 23,851 | | 23,851 |
| 600 | CIVIL AIR PATROL | 24,445 | 25,145 | 24,445 | | 24,445 |
| | Secure site at Ely NV radar site (Edwards AFB) | | [700] | | | |
| 610 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 51,377 | 51,377 | 51,377 | | 51,377 |
| 620 | BASE SUPPORT | 358,164 | 358,164 | 358,164 | | 358,164 |
| | **SECURITY PROGRAMS** | | | | | |
| | **SUPPORT TO OTHER NATIONS** | | | | | |
| 640 | INTERNATIONAL SUPPORT | 35,113 | 35,113 | 35,113 | | 35,113 |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITII** | **6,958,186** | **3,618,772** | **3,617,592** | **1,000** | **6,959,186** |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | UNDISTRIBUTED | | | | | |
| 998 | Unobligated Balances | | | -72,000 | | |
| 998 | Computing services | | | -50,000 | | |
| 998 | Overstatement of civilian pay | | | -131,700 | [-131,700] | -131,700 |
| 998 | Unobligated balances estimate | | -120,000 | | | |
| 998 | Overstatement of civilian pay | | -220,000 | | | |
| | **Total Operation and Maintenance, Air Force** | **35,902,487** | **35,060,427** | **35,244,587** | **-448,000** | **35,454,487** |
| | **Operation and Maintenance, Defense-wide** | | | | | |
| | **BUDGET ACTIVITY 1: OPERATING FORCES** | | | | | |
| | **DEFENSEWIDE ACTIVITIES** | | | | | |
| 010 | JOINT CHIEFS OF STAFF | 406,141 | 406,141 | 406,141 | | 406,141 |
| 020 | SPECIAL OPERATIONS COMMAND | 3,652,060 | 3,652,060 | 3,652,060 | | 3,652,060 |
| | **TOTAL, BUDGET ACTIVITY 1:** | **4,058,201** | **4,058,201** | **4,058,201** | | **4,058,201** |
| | **BUDGET ACTIVITY 3: TRAINING AND RECRUITING** | | | | | |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **DEFENSEWIDE ACTIVITIES** | | | | | |
| 030 | DEFENSE ACQUISITION UNIVERSITY | 120,726 | 120,726 | 120,726 | | 120,726 |
| | **RECRUITING AND OTHER TRAINING EDUCATION** | | | | | |
| 040 | NATIONAL DEFENSE UNIVERSITY | 79,960 | 79,960 | 79,960 | | 79,960 |
| | **TOTAL, BUDGET ACTIVITY 3:** | **200,686** | **200,686** | **200,686** | | **200,686** |
| | **BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES** | | | | | |
| | **DEFENSEWIDE ACTIVITIES** | | | | | |
| 050 | AMERICAN FORCES INFORMATION SERVICE | | | | | |
| 060 | CIVIL MILITARY PROGRAMS | 107,987 | 113,987 | 113,187 | 5,000 | 112,987 |
| | Starbase | | [1,000] | [5,200] | | |
| | National Guard Youth Challenge | | [5,000] | | [5,000] | |
| 090 | DEFENSE BUSINESS TRANSFORMATION AGENCY | 156,652 | 156,652 | 156,652 | | 156,652 |
| 100 | DEFENSE CONTRACT AUDIT AGENCY | 418,006 | 418,006 | 418,006 | | 418,006 |
| 110 | DEFENSE FINANCE AND ACCOUNTING SERVICE | | | | | |
| 120 | DEFENSE INFORMATION SYSTEMS AGENCY | 1,227,626 | 1,205,626 | 1,182,626 | -25,000 | 1,202,626 |
| | SORTS | | [-22,000] | [-20,000] | | |
| | NECC | | | [-25,000] | [-25,000] | |
| 140 | DEFENSE LEGAL SERVICES | 31,905 | 31,905 | 31,905 | | 31,905 |
| 150 | DEFENSE LOGISTICS AGENCY | 345,838 | 350,838 | 345,838 | 5,000 | 350,838 |
| | Commercial Technologies for Maintenance Activities | | [5,000] | | [5,000] | |
| 160 | DEFENSE MEDIA ACTIVITY | 213,808 | 213,808 | 213,808 | | 213,808 |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 170 | DEFENSE POW/MIA OFFICE | 16,731 | 16,731 | 30,431 | | 16,731 |
| | Expand research in North Korea | | | | | |
| 180 | DEFENSE TECHNOLOGY SECURITY AGENCY | 33,468 | 33,468 | 33,468 | | 33,468 |
| 190 | DEFENSE THREAT REDUCTION AGENCY | 355,331 | 355,331 | 355,331 | | 355,331 |
| 200 | DEPARTMENT OF DEFENSE EDUCATION AGENCY | 2,007,089 | 2,007,089 | 2,007,089 | | 2,007,089 |
| 210 | DOD HUMAN RESOURCES ACTIVITY | 557,029 | 557,029 | 557,029 | | 557,029 |
| | FAMILY ADVOCACY PROGRAM (includes transfer from Defense Dependents Education) | | | | | |
| 220 | DEFENSE CONTRACT MANAGEMENT AGENCY | 1,066,462 | 1,077,005 | 1,066,462 | | 1,066,462 |
| | Restoration of staffing | | [10,543] | | | |
| 230 | DEFENSE SECURITY COOPERATION AGENCY | 880,024 | 580,024 | 780,024 | -200,000 | 680,024 |
| | Global training and equip program | | [-200,000] | [-100,000] | [-150,000] | |
| | Security and stabilization assistance | | [-100,000] | | [-50,000] | |
| 240 | DEFENSE SECURITY SERVICE | 452,531 | 472,531 | 452,531 | | 452,531 |
| | Industrial security program | | [20,000] | | | |
| 260 | OFFICE OF ECONOMIC ADJUSTMENT | 50,654 | 110,654 | 50,654 | | 50,654 |
| | DOD impact aid | | [50,000] | | | |
| | World War II Museum | | [10,000] | | | |
| 270 | OFFICE OF THE SECRETARY OF DEFENSE | 1,709,174 | 1,750,174 | 1,745,374 | 15,000 | 1,724,174 |
| | Defense Readiness Reporting System | | | [16,200] | | |
| | Office of Corrosion Policy and Oversight | | [20,000] | | | |
| | Readiness and Environmental Protection Initiative (REPI) | | [21,000] | [20,000] | [15,000] | |
| 280 | WASHINGTON HEADQUARTERS SERVICE | 519,508 | 519,508 | 519,508 | | 519,508 |
| | **OTHER PROGRAMS** | | | | | |
| 999 | OTHER PROGRAMS | 11,683,154 | 11,683,154 | 11,683,154 | | 11,683,154 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **TOTAL, BUDGET ACTIVITY 4:** | **21,832,977** | **21,653,520** | **21,743,077** | **-200,000** | **9,949,823** |
| | **UNDISTRIBUTED** | | | | | |
| 998 | Impact aid | | | 30,000 | [50,000] | 50,000 |
| 998 | Impact aid for children with disabilites | | | 5,000 | [5,000] | 5,000 |
| 998 | Special assistance to local eduction agencies | | | 10,000 | | |
| 998 | Unobligated Balances | | | -70,400 | | |
| 998 | Computing services | | | -50,000 | | |
| 998 | Unobligated balances estimate | | -124,000 | | | |
| 998 | Interdisciplinary critical language and area studies | | 3,500 | | [2,000] | 2,000 |
| 998 | Family support programs | | 15,000 | | | |
| 998 | Emergency and extraordinary expenses | | -250 | | | |
| | **Total Operation and Maintenance, Defense-Wide** | **26,091,864** | **25,806,657** | **25,926,564** | **-143,000** | **25,948,864** |
| | **Operation and Maintenance, Army Reserve** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **LAND FORCES** | | | | | |
| 010 | MANEUVER UNITS | 1,567 | 1,567 | 1,567 | | 1,567 |
| 020 | MODULAR SUPPORT BRIGADES | 16,419 | 16,419 | 16,419 | | 16,419 |
| 030 | ECHELONS ABOVE BRIGADE | 484,460 | 484,460 | 484,460 | | 484,460 |
| 040 | THEATER LEVEL ASSETS | 173,583 | 173,583 | 173,583 | | 173,583 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 050 | LAND FORCES OPERATIONS SUPPORT | 508,322 | 513,122 | 508,322 | | 508,322 |
| | Mobile Corrosion Prevention and Abatement Program | | [4,800] | | | |
| 060 | AVIATION ASSETS | 61,030 | 61,030 | 61,030 | | 61,030 |
| | **LAND FORCES READINESS** | | | | | |
| 070 | FORCE READINESS OPERATIONS SUPPORT | 254,901 | 266,901 | 254,901 | | 254,901 |
| | Increase in full time Reservists | | [12,000] | | | |
| 080 | LAND FORCES SYSTEMS READINESS | 87,541 | 87,541 | 92,341 | | 87,541 |
| | Mobile corrosion protection | | | [4,800] | | |
| 090 | LAND FORCES DEPOT MAINTENANCE | 108,191 | 108,191 | 108,191 | | 108,191 |
| | **LAND FORCES READINESS SUPPORT** | | | | | |
| 100 | BASE OPERATIONS SUPPORT | 548,086 | 548,086 | 548,086 | | 548,086 |
| 110 | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATI | 255,912 | 255,912 | 255,912 | | 255,912 |
| 120 | ADDITIONAL ACTIVITIES | 13,531 | 13,531 | 13,531 | | 13,531 |
| | **TOTAL, BA 01: OPERATING FORCES** | **2,513,543** | **2,530,343** | **2,518,343** | | **2,513,543** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE SUPPORT** | | | | | |
| 130 | ADMINISTRATION | 70,806 | 70,806 | 70,806 | | 70,806 |
| 140 | SERVICEWIDE COMMUNICATIONS | 6,189 | 6,189 | 6,189 | | 6,189 |
| 150 | MANPOWER MANAGEMENT | 8,491 | 8,491 | 8,491 | | 8,491 |
| 160 | RECRUITING AND ADVERTISING | 43,312 | 43,312 | 43,312 | | 43,312 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **128,798** | **128,798** | **128,798** | | **128,798** |
| | **UNDISTRIBUTED** | | | | | |
| 998 | Military technician cost avoidance | | | -4,500 | | |
| 998 | First term dental readiness | | 22,300 | | | |
| 998 | Demobilization dental treatment | | 8,500 | | | |
| | **Total Operation and Maintenance, Army Reserve** | **2,642,341** | **2,689,941** | **2,642,641** | | **2,642,341** |
| | **Operation and Maintenance, Navy Reserve** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **AIR OPERATIONS** | | | | | |
| 010 | MISSION AND OTHER FLIGHT OPERATIONS | 604,501 | 604,501 | 604,501 | | 604,501 |
| 020 | INTERMEDIATE MAINTENANCE | 16,083 | 16,083 | 16,083 | | 16,083 |
| 030 | AIR OPERATIONS AND SAFETY SUPPORT | 3,156 | 3,156 | 3,156 | | 3,156 |
| 040 | AIRCRAFT DEPOT MAINTENANCE | 144,515 | 144,515 | 144,515 | | 144,515 |
| 050 | AIRCRAFT DEPOT OPERATIONS SUPPORT | 427 | 427 | 427 | | 427 |
| | **SHIP OPERATIONS** | | | | | |
| 060 | MISSION AND OTHER SHIP OPERATIONS | 55,920 | 55,920 | 55,920 | | 55,920 |
| 070 | SHIP OPERATIONS SUPPORT & TRAINING | 595 | 595 | 595 | | 595 |
| 080 | SHIP DEPOT MAINTENANCE | 62,629 | 62,629 | 62,629 | | 62,629 |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **COMBAT OPERATIONS SUPPORT** | | | | | |
| 090 | COMBAT COMMUNICATIONS | 14,834 | 14,834 | 14,834 | | 14,834 |
| 100 | COMBAT SUPPORT FORCES | 122,567 | 122,567 | 122,567 | | 122,567 |
| | **WEAPONS SUPPORT** | | | | | |
| 110 | WEAPONS MAINTENANCE | 5,385 | 5,385 | 5,385 | | 5,385 |
| | **BASE SUPPORT** | | | | | |
| 120 | ENTERPRISE INFORMATION | 92,327 | 92,327 | 92,327 | | 92,327 |
| 130 | SUSTAINMENT, RESTORATION AND MODERNIZATION | 61,680 | 61,680 | 61,680 | | 61,680 |
| 140 | BASE OPERATING SUPPORT | 111,296 | 111,296 | 111,296 | | 111,296 |
| | **TOTAL, BA 01: OPERATING FORCES** | **1,295,915** | **1,295,915** | **1,295,915** | | **1,295,915** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE SUPPORT** | | | | | |
| 150 | ADMINISTRATION | 3,341 | 3,341 | 3,341 | | 3,341 |
| 160 | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 9,002 | 9,002 | 9,002 | | 9,002 |
| 170 | SERVICEWIDE COMMUNICATIONS | 2,396 | 2,396 | 2,396 | | 2,396 |
| 180 | COMBAT/WEAPONS SYSTEMS | | | | | |
| 190 | OTHER SERVICEWIDE SUPPORT | 431 | 431 | 431 | | 431 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **CANCELLED ACCOUNTS** | | | | | |
| 200 | CANCELLED ACCOUNT ADJUSTMENTS | | | | | |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **15,170** | **15,170** | **15,170** | | **15,170** |
| | **Total Operation and Maintenance, Navy Reserve** | **1,311,085** | **1,311,085** | **1,311,085** | | **1,311,085** |
| | **Operation and Maintenance, Marine Corps Reserve** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **EXPEDITIONARY FORCES** | | | | | |
| 010 | OPERATING FORCES | 54,848 | 54,848 | 54,848 | | 54,848 |
| 020 | DEPOT MAINTENANCE | 11,640 | 11,640 | 11,640 | | 11,640 |
| 030 | TRAINING SUPPORT | 29,296 | 29,296 | 29,296 | | 29,296 |
| | **BASE SUPPORT** | | | | | |
| 040 | SUSTAINMENT, RESTORATION AND MODERNIZATION | 16,174 | 16,174 | 16,174 | | 16,174 |
| 050 | BASE OPERATING SUPPORT | 68,065 | 68,065 | 68,065 | | 68,065 |
| | **TOTAL, BA 01: OPERATING FORCES** | **180,023** | **180,023** | **180,023** | | **180,023** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **SERVICEWIDE ACTIVITIES** | | | | | |
| 060 | SPECIAL SUPPORT | 7,616 | 7,616 | 7,616 | | 7,616 |
| 070 | SERVICEWIDE TRANSPORTATION | 815 | 815 | 815 | | 815 |
| 080 | ADMINISTRATION | 11,316 | 11,316 | 11,316 | | 11,316 |
| 090 | RECRUITING AND ADVERTISING | 8,712 | 8,712 | 8,712 | | 8,712 |
| | **BASE SUPPORT** | | | | | |
| 100 | BASE OPERATING SUPPORT | 4,649 | 4,649 | 4,649 | | 4,649 |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **33,108** | **33,108** | **33,108** | | **33,108** |
| | **UNDISTRIBUTED** | | | | | |
| | **Total Operation and Maintenance, Marine Corps Reserve** | **213,131** | **213,131** | **213,131** | | **213,131** |
| | **Operation and Maintenance, Air Force Reserve** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **AIR OPERATIONS** | | | | | |
| 010 | PRIMARY COMBAT FORCES | 2,150,860 | 2,150,860 | 2,150,860 | | 2,150,860 |
| 020 | MISSION SUPPORT OPERATIONS | 115,971 | 115,971 | 115,971 | | 115,971 |
| 030 | DEPOT MAINTENANCE | 379,452 | 439,452 | 379,452 | 7,800 | 387,252 |
| | Air Force Reserve DPEM | | [60,000] | | [7,800] | |
| 040 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATI( | 92,969 | 92,969 | 92,969 | | 92,969 |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 050 | BASE SUPPORT | 277,350 | 277,350 | 277,350 | | 277,350 |
| | **TOTAL, BA 01: OPERATING FORCES** | **3,016,602** | **3,076,602** | **3,016,602** | **7,800** | **3,024,402** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE ACTIVITIES** | | | | | |
| 060 | ADMINISTRATION | 71,059 | 71,059 | 71,059 | | 71,059 |
| 070 | RECRUITING AND ADVERTISING | 25,392 | 25,392 | 25,392 | | 25,392 |
| 080 | MILITARY MANPOWER AND PERS MGMT (ARPC) | 22,513 | 22,513 | 22,513 | | 22,513 |
| 090 | OTHER PERS SUPPORT (DISABILITY COMP) | 6,625 | 6,625 | 6,625 | | 6,625 |
| 100 | AUDIOVISUAL | 701 | 701 | 701 | | 701 |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **126,290** | **126,290** | **126,290** | | **126,290** |
| | **Total Operation and Maintenance, Air Force Reserve** | **3,142,892** | **3,202,892** | **3,142,892** | **7,800** | **3,150,692** |
| | **Operation and Maintenance, Army National Guard** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **LAND FORCES** | | | | | |
| 010 | MANEUVER UNITS | 905,866 | 905,866 | 917,366 | 5,000 | 910,866 |
| | Aircraft humidity protection | | | [5,000] | | |
| | Expandable light air mobility shelters | | | [6,500] | [5,000] | |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 020 | MODULAR SUPPORT BRIGADES | 159,765 | 159,765 | 159,765 | | 159,765 |
| 030 | ECHELONS ABOVE BRIGADE | 553,548 | 553,548 | 553,548 | | 553,548 |
| 040 | THEATER LEVEL ASSETS | 267,183 | 267,183 | 267,183 | | 267,183 |
| 050 | LAND FORCES OPERATIONS SUPPORT | 41,141 | 41,141 | 41,141 | | 41,141 |
| 060 | AVIATION ASSETS | 852,986 | 852,986 | 852,986 | | 852,986 |
| | **LAND FORCES READINESS** | | | | | |
| 070 | FORCE READINESS OPERATIONS SUPPORT | 316,359 | 335,359 | 330,359 | 9,000 | 325,359 |
| | Extended Cold Weather Clothing System | | | [1,000] | [1,000] | |
| | Rapid data management system | | | [9,500] | [5,000] | |
| | Weapons skills trainer | | | [3,500] | [3,000] | |
| | Increase in full time National Guard | | [19,000] | | | |
| 080 | LAND FORCES SYSTEMS READINESS | 120,210 | 125,010 | 129,010 | 3,000 | 123,210 |
| | Emergency satellite communications | | | [4,000] | [3,000] | |
| | Mobile corrosion protection | | | [4,800] | | |
| | Mobile Corrosion Prevention and Abatement Program | | [4,800] | | | |
| 090 | LAND FORCES DEPOT MAINTENANCE | 367,551 | 367,551 | 367,551 | | 367,551 |
| | **LAND FORCES READINESS SUPPORT** | | | | | |
| 100 | BASE OPERATIONS SUPPORT | 756,579 | 756,579 | 756,579 | | 756,579 |
| 110 | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATI | 500,933 | 500,933 | 500,933 | | 500,933 |
| 120 | MANAGEMENT AND OPERATIONAL HQ | 504,977 | 504,977 | 504,977 | | 504,977 |
| 130 | ADDITIONAL ACTIVITIES | 87,089 | 87,089 | 87,089 | | 87,089 |
| | **TOTAL, BA 01: OPERATING FORCES** | **5,434,187** | **5,457,987** | **5,468,487** | **17,000** | **5,451,187** |

# Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE SUPPORT** | | | | | |
| 140 | ADMINISTRATION | 124,769 | 124,769 | 124,769 | | 124,769 |
| 150 | SERVICEWIDE COMMUNICATIONS | 50,668 | 50,668 | 50,668 | | 50,668 |
| 160 | MANPOWER MANAGEMENT | 7,679 | 7,679 | 7,679 | | 7,679 |
| 170 | RECRUITING AND ADVERTISING | 258,243 | 259,243 | 258,243 | 1,000 | 259,243 |
| | Delaware Valley Continuing Education Initiative | | [1,000] | | [1,000] | |
| | **UNDISTRIBUTED** | | | | | |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **441,359** | **442,359** | **441,359** | | **442,359** |
| | **Total Operation and Maintenance, Army National Guard** | **5,875,546** | **5,900,346** | **5,909,846** | **18,000** | **5,893,546** |
| | **Operation and Maintenance, Air National Guard** | | | | | |
| | **BUDGET ACTIVITY 01: OPERATING FORCES** | | | | | |
| | **AIR OPERATIONS** | | | | | |
| 010 | AIRCRAFT OPERATIONS | 3,580,927 | 3,580,927 | 3,585,277 | 2,750 | 3,583,677 |
| | Controlled humidity protection | | | [3,600] | [2,000] | |
| | Crypto-linguist intelligence officer initiative | | | [750] | [750] | |
| 020 | MISSION SUPPORT OPERATIONS | 670,554 | 670,554 | 670,554 | | 670,554 |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| 030 | DEPOT MAINTENANCE | 691,199 | 741,199 | 691,199 | | 691,199 |
| | Depot Provided Equipment Maintenance | | [50,000] | | | |
| 040 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATIC | 300,101 | 300,101 | 300,101 | | 300,101 |
| 050 | BASE SUPPORT | 594,733 | 594,733 | 594,733 | | 594,733 |
| | **TOTAL, BA 01: OPERATING FORCES** | **5,837,514** | **5,887,514** | **5,841,864** | **2,750** | **5,840,264** |
| | **BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES** | | | | | |
| | **SERVICEWIDE ACTIVITIES** | | | | | |
| 060 | ADMINISTRATION | 31,234 | 31,234 | 31,234 | | 31,234 |
| 070 | RECRUITING AND ADVERTISING | 10,828 | 10,828 | 10,828 | | 10,828 |
| | **TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITI** | **42,062** | **42,062** | **42,062** | | **42,062** |
| | **Total Operation and Maintenance, Air National Guard** | **5,879,576** | **5,929,576** | **5,883,926** | **2,750** | **5,882,326** |

## Title III - Operation and Maintenance

(Dollars in Thousands)

| Line Number | Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|---|
| | **MISCELLANEOUS APPROPRIATIONS** | | | | | |
| 010 | US COURT OF APPEALS FOR THE ARMED FORCES, DEFENS | 13,254 | 13,254 | 13,254 | | 13,254 |
| 010 | OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID | 83,273 | 83,273 | 83,273 | | 83,273 |
| 010 | COOPERATIVE THREAT REDUCTION | 414,135 | 445,135 | 434,135 | [20,000] | 434,135 |
| 020 | ENVIRONMENTAL RESTORATION, ARMY | 447,776 | 447,776 | 447,776 | | 447,776 |
| 030 | ENVIRONMENTAL RESTORATION, NAVY | 290,819 | 290,819 | 290,819 | | 290,819 |
| 040 | ENVIRONMENTAL RESTORATION, AIR FORCE | 496,277 | 496,277 | 496,277 | | 496,277 |
| 050 | ENVIRONMENTAL RESTORATION, DEFENSE | 13,175 | 13,175 | 13,175 | | 13,175 |
| 060 | ENVIRONMENTAL RESTORATION FORMERLY USED SITES | 257,796 | 257,796 | 257,796 | | 257,796 |
| 070 | OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND | 9,101 | 9,101 | 9,101 | | 9,101 |
| 080 | IRAQ FREEDOM FUND | | | | | |
| 090 | SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS | | | | | |
| 100 | EMERGENCY RESPONSE FUND | | | | | |
| 110 | EMERGENCY RESPONSE FUND, DEFENSE | | | | | |
| | **TOTAL, MISCELLANEOUS APPROPRIATIONS** | **2,025,606** | **2,056,606** | **2,045,606** | **20,000** | **2,045,606** |
| | **TOTAL TITLE III -- OPERATION AND MAINTENANCE** | **154,847,272** | **154,509,208** | **154,021,690** | **-598,928** | **154,248,344** |

The House bill contained a provision (sec. 313) that would expand the authority of the Department of Defense to enter cooperative agreements for the management of natural resources to cover off-installation mitigation efforts.

The Senate bill contained a similar provision (sec. 311).

The agreement includes the House provision.

*Expedited use of appropriate technology related to unexploded ordnance detection (sec. 314)*

The House bill contained a provision (sec. 314) that would require research on, deployment of, and training with unexploded ordnance (UXO) detection instrument technologies.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the expedited operational use of appropriate UXO detection technologies developed inside or outside the Department of Defense and further require the Secretary of Defense to report on activities related to the development and deployment of UXO detection technologies.

*Closed loop re-refining of used motor vehicle lubricating oil (sec. 315)*

The House bill contained a provision (sec. 315) that would require a report on Department of Defense policies concerning the sale and disposal of used motor vehicle lubricating oil.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense, rather than the Comptroller General to submit the report; extend the deadline for the report to one year; delete the requirement to implement closed loop policies; and make certain clarifying changes.

*Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam (sec. 316)*

The Senate bill contained a provision (sec. 313) that would direct the Department of Defense to establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake (Boiga irregularis) population from military facilities in Guam and prevent their spread to other areas.

The House bill contained no similar provision.

The agreement includes the Senate provision.

We are concerned about the adverse effects of the brown tree snake on native species on Guam and the ecological and economic risks posed by its inadvertent introduction to other areas in the Pacific region and the United States. We recommend that the Department of Defense place appropriate emphasis on brown tree snake interdiction and population reduction for the dual purposes of preventing inadvertent introduction outside of Guam and supporting programs to protect and restore native species on Guam. We further recommend that the Department execute this program in cooperation with the Government of Guam and consistent with its Integrated Natural Resources Management Plans.

SUBTITLE C—WORKPLACE AND DEPOT ISSUES

*Comprehensive analysis and development of single government-wide definition of inherently governmental function and criteria for critical functions (sec. 321)*

The House bill contained a provision (sec. 322) that would require the Office of Management and Budget, in consultation with appropriate representatives of federal agencies, to conduct a comprehensive analysis of existing definitions of inherently governmental functions and other functions that should be performed by government employees, and to clarify those definitions as determined appropriate.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Study on future depot capability (sec. 322)*

The House bill contained a provision (sec. 323) that would require the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives an independent, quantitative assessment of the organic capability that will be required to provide depot-level maintenance in the post-reset environment. The provision would require that the Comptroller General review the report and provide findings within 90 days of submission.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the independent assessment to review budget displays and the current visibility of reported depot workload to Congress.

We were made aware by a recent reprogramming action, FY 08–37 PA, that certain depot maintenance is not being reported in the military departments' depot budget lines. In addition, the military departments' inflexibility in budgeting between depot and operations budget lines may cause them to make less than optimal budgeting and maintenance workload decisions. The additional study requirement on the adequacy of maintenance workload visibility in reports and budget displays to Congress addresses these concerns.

*Government Accountability Office review of high-performing organizations (sec. 323)*

The House bill contained a provision (sec. 324) that would restrict the authority of the Department of Defense to establish high-performing organizations through business process reengineering.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Government Accountability Office to review the Department's use of high-performing organizations.

*Consolidation of Air Force and Air National Guard aircraft maintenance (sec. 324)*

The House bill contained a provision (sec. 326) that would prohibit the Secretary of the Air Force from consolidating Air National Guard with active-duty Air Force maintenance activities and facilities without first consulting with, and obtaining the consent of, the National Guard Bureau. It would require the Secretary of the Air Force to report to the Committees on Armed Services of the Senate and the House of Representatives on the assumptions and criteria used to evaluate the feasibility of consolidation.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of the Air Force to submit reports to the Committees on Armed Services of the Senate and the House of Representatives prior to the consolidation of any active and Air National Guard aircraft repair facilities and personnel. Additionally, the agreement would require that an assessment by the Chief of the National Guard Bureau accompany the Secretary of the Air Force's reports and that the Secretary of Defense certify that any consolidation is in the national interest and would not adversely affect Air National Guard missions.

*Report on Air Force civilian personnel consolidation plan (sec. 325)*

The House bill contained a provision (sec. 327) that would prohibit the consolidation of certain civilian personnel functions.

The Senate bill contained no similar provision.

The agreement contains the House provision with an amendment that would require the Secretary of the Air Force to submit a report on the Air Force civilian personnel consolidation plan. In implementing the plan, we urge the Secretary to ensure that the Air Force retains the capability to manage appropriate personnel management and advisory functions at the large civilian centers where operations missions are complex and may be dependent upon the productivity of locally-managed civilian personnel numbering in the thousands. These large civilian centers include Hill Air Force Base, Utah; Warner Robins Air Force Base, Georgia; Tinker Air Force Base, Oklahoma; and Wright Patterson Air Force Base, Ohio. These large civilian centers are critical to the national security.

*Report on reduction in number of firefighters on Air Force bases (sec. 326)*

The House bill contained a provision (sec. 328) that would require the Secretary of the Air Force to submit a report to Congress on the effects of a reduction in the number of firefighters on Air Force bases.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Minimum capital investment for certain depots (sec. 327)*

The Senate bill contained a provision (sec. 322) that would amend section 332 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) to require the Department of Defense to report the separate levels of capital investment for Navy and Marine Corps depots. The provision would also add the following Army arsenals to the list of covered depots: Watervliet Arsenal, New York; Rock Island Arsenal, Illinois; and Pine Bluff Arsenal, Arkansas.

The House bill contained no similar provision.

The agreement includes the Senate provision.

SUBTITLE D—ENERGY SECURITY

*Annual report on operational energy management and implementation of operational energy strategy (sec. 331)*

The House bill contained a provision (sec. 331) that would require the Secretary of Defense to submit an annual operational energy management report to the congressional defense committees on operational energy consumption and initiatives.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes (sec. 332)*

The House bill contained a provision (sec. 332) that would require the Secretary of Defense to develop a methodology for including the fully-burdened cost of fuel and energy efficiency in planning, capability requirements development, and acquisition processes. This section would require the Secretary, not later than 180 days after the date of enactment of this Act, to prepare an implementation plan and, within three years of enactment, certify to the Congress that the Department has complied with this section's requirements.

The Senate bill contained a similar provision that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to develop and report on an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for fuel consuming systems.

The agreement includes the House provision with an amendment that would require a progress report after two years of implementation and that the Secretary of Defense notify Congress on the Department's compliance with the requirements of this section.

*Study on solar and wind energy for use for expeditionary forces (sec. 333)*

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to submit a report, not later than March 1, 2009, on the feasibility of using solar energy to provide electricity at forward operating locations.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would add requirements to also study wind energy, the potential for experimenting with solar and wind energy during training, and change the due date of the report to not later than 120 days after enactment of the bill.

*Study on alternative and synthetic fuels (sec. 334)*

The House bill contained a provision (sec. 334) that would require the Secretary of Defense to conduct a study on alternatives to reduce the life cycle emissions of coal-to-liquid fuels.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary to study alternatives to reduce the life-cycle emissions of alternative and synthetic fuels (including coal-to-liquid fuels).

*Mitigation of power outage risks for Department of Defense facilities and activities (sec. 335)*

The Senate bill contained a provision (sec. 341) that would direct the Secretary of Defense to conduct a comprehensive energy technical and operational risk assessment for mission critical Department installations, facilities, and activities; to develop integrated prioritized plans to eliminate or mitigate risks; and to establish goals to mitigate or eliminate the greatest and most urgent risks. The provision would also require that the Secretary provide the defense committees an annual report on the Department's integrated prioritized plans and progress on efforts to mitigate or eliminate energy risks.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would add consideration of cost effectiveness to the development of risk mitigation plans.

SUBTITLE E—REPORTS

*Comptroller General report on readiness of armed forces (sec. 341)*

The House bill contained a provision (sec. 341) that would require the Comptroller General of the United States to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the readiness of the regular and reserve components of the armed forces.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Report on plan to enhance combat skills of Navy and Air Force personnel (sec. 342)*

The House bill contained a provision (sec. 342) that would require the Secretary of Defense to submit a report on the plans of the Secretary of the Navy and the Secretary of the Air Force to improve the combat skills of the members of the Navy and the Air Force, respectively.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve (sec. 343)*

The House bill contained a provision (sec. 343) that would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the use of Army Reserve and National Guard forces as an operational reserve.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations (sec. 344)*

The House bill contained a provision (sec. 344) that would require the Comptroller General of the United States to analyze and report to the Committees on Armed Services of the Senate and the House of Representatives on the preparation and operational use of the Army's reserve component forces.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense military munitions response program (sec. 345)*

The House bill contained a provision (sec. 345) that would require the Comptroller General to report to Congress on the adequacy of the funding, staffing, and organization of the military munitions response program of the Department of Defense.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE F—OTHER MATTERS

*Extension of enterprise transition plan reporting requirement (sec. 351)*

The House bill contained a provision (sec. 351) that would extend through 2013 the requirement in section 2222(i) of title 10, United States Code, for the Secretary of Defense to submit an annual report to the congressional defense committees on the progress of the Department of Defense in transforming and improving its business systems.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel (sec. 352)*

The House bill contained a provision (sec. 352) that would require the demilitarization of military equipment donated to museums and other entities under section 2572 of title 10, United States Code.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment to ensure that the Secretary concerned has flexibility to determine the level of demilitarization required.

*Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A–10 aircraft (sec. 353)*

The House bill contained a provision (sec. 353) that would repeal outdated language regarding fleet support and depot maintenance for A–10 aircraft.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Display of annual budget requirements for air sovereignty alert mission (sec. 354)*

The House bill contained a provision (sec. 354) that would require the Secretary of Defense to submit budget justification material that displays funds requested for all programs and activities of the air sovereignty alert mission of the Air Force.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Revision of certain Air Force regulations required (sec. 355)*

The House bill contained a provision (sec. 356) that would require the Secretary of the Air Force to bring the Air Freight Transportation Regulation Number 5, issued by the Air Mobility Command, into full compliance with Department of Defense transportation regulations requiring commercial best practices.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Transfer of C–12 aircraft to California Department of Forestry and Fire Protection (sec. 356)*

The House bill contained a provision (sec. 357) that would authorize the Secretary of the Army to convey to the California Department of Forestry and Fire Protection, all right, title, and interest of the Federal Government in three C–12 aircraft that the Secretary has determined are surplus to need.

The Senate bill contained no similar provision.

The agreement includes the House provision.

We understand from the Department of the Army and the Department of the Air Force that: (1) these three C–12 aircraft have no residual value to the Army; (2) they are not sufficiently capable that they would represent any value to the Air Force in meeting its emerging needs for manned reconnaissance aircraft; and (3) the Army would otherwise dispose of these aircraft as scrap.

*Limitation on treatment of retired B–52 aircraft for Air Combat Command Headquarters (sec. 357)*

The House bill contained a provision (sec. 360) that would prohibit the Commander of Air Combat Command from obligating more than 80 per cent of the operation and maintenance funds available for Air Combat Command Management Headquarters, Sub-Activity Group 012E until the Secretary of Defense certifies that the future years defense program includes funding for 76 B–52 aircraft.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would prohibit the Commander of Air Combat Command from utilizing more than four of the 18 retired B–52 aircraft, which were retired pursuant to section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) as maintenance ground training aircraft.

*Increase of domestic breeding of military working dogs used by the Department of Defense (sec. 358)*

The House bill contained a provision (sec. 361) that would establish require the Secretary of Defense to work toward the goal of procuring all military working dogs from domestic breeders.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to identify Department of Defense requirements for military working dogs and take steps to ensure that these requirements are met, including encouraging increased domestic breeding.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Time limitation on duration of public-private competitions*

The House bill contained a provision (sec. 321) that would place a time limit on the duration of public-private competitions for any function performed by Department of Defense employees.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Authority to consider depot-level maintenance and repair using contractor furnished equipment or leased facilities as core logistics*

The Senate bill contained a provision (sec. 321) that would authorize the military departments to count workload performed by government employees using contractor furnished equipment, or in facilities leased to the government, as sustaining a core logistics capability under section 2464 of title 10, United States Code, if that work is being performed pursuant to a public-private partnership as defined by section 2474 of title 10, United States Code.

The House bill contained no similar provision.

The agreement does not include the provision.

*Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance*

The House bill contained a provision (sec. 325) that would place a 3–year moratorium on public-private competitions within the Department of Defense.

The Senate bill contained no similar provision.

The agreement does not include the provision.

Over the last decade, the number of contractor employees performing services for the Department of Defense (DOD) has nearly doubled, while the number of DOD civilian employees has remained essentially unchanged. Shortages of qualified civilian personnel in key functional areas have raised questions about the Department's ability to manage its operations. At the same time, the Department's aggressive effort to privatize functions currently performed by civilian employees has led to turbulence and low morale in some segments of the Department's workforce. In addition, we are concerned that the savings generated from such competitions may not justify the turmoil generated at a time when the military services are stressed by ongoing operations in Iraq and Afghanistan, transformation initiatives, and actions being taken to implement the 2005 base closure and realignment. These problems may be further exacerbated when the process of conducting public-private competitions drags out over a period of years, while the threat of job loss continues to hang over the heads of impacted employees. We believe that these factors require a serious reconsideration of the Department's strategy regarding public-private competitions of functions performed by the Department's civilian employees.

*Exception to alternative fuel procurement requirement*

The House bill contained a provision (sec. 335) that would amend section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140) to specify that federal agencies are not prohibited from entering into contracts to purchase generally-available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source in certain circumstances.

The Senate bill contained no similar provision.

The agreement does not include the provision. Section 526 was not intended to preclude the Department of Defense from purchasing the fuel that it needs for the national defense from the generally-available fuel supply. We expect the Department to continue making such purchases.

*Study of consideration of greenhouse gas emissions*

The House bill contained a provision (sec. 336) that would require the Secretary of Defense to study processes and methods for the consideration of greenhouse gas emissions in the acquisition process and develop a timeline for the implementation of such processes and methods.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Increased authority to accept financial and other incentives related to energy savings and new authority related to energy systems*

The Senate bill contained a provision (sec. 342) that would authorize the Secretary of Defense to accept financial and other incentives in connection with the construction of an energy system using solar energy or other renewable forms of energy.

The House bill contained no similar provision.

The agreement does not include the provision.

*Recovery of improperly disposed of Department of Defense property*

The Senate bill contained a provision (sec. 343) that would enable the Department of Defense to recover military or Department of Defense property that has been disposed of in violation of applicable statutes and regulatory requirements.

The House bill contained no similar provision.

The agreement does not include the provision.

*Report on options for providing ship repair capabilities to support ships operating near Guam*

The House bill contained a provision (sec. 346) that would require the Secretary of the Navy to submit a report on the best option or options for providing voyage repair capabilities to support United States Navy ships operating at or near Guam.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Sense of Congress that air sovereignty alert mission should receive sufficient funding and resources*

The House bill contained a provision (sec. 355) that would express the sense of Congress that air sovereignty alert mission should receive sufficient funding and resources.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Availability of funds for Irregular Warfare Support program*

The House bill contained a provision (sec. 358) that would require as much as $75.0 million to be made available for the Irregular Warfare Support (IWS) program from funds made available for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in fiscal year 2009.

The Senate bill contained no similar provision.

The agreement does not include this provision. However, the agreement does include funding for the IWS program in title XV.

*Sense of Congress regarding procurement and use of munitions*

The House bill contained a provision (sec. 359) that would express the sense of Congress regarding the procurement of military munitions.

The Senate bill contained no similar provision.

The agreement does not include the provision.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

*End strengths for active forces (sec. 401)*

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2009: Army, 532,400; Navy, 326,323; Marine Corps, 194,000; and Air Force, 317,050. The House provision included increases of 7,000 and 5,000 for the Army and Marine Corps, respectively, to support those services' growth in ground forces.

The Senate bill contained a similar provision (sec. 401) that would authorize active-duty end strengths of 325,300 for the Navy and 316,771 for the Air Force, and identical end strengths for the Army and Marine Corps.

The agreement includes the House provision.

The Secretary of Defense has stated that he will support the Air Force's request to maintain its active-duty end strength well above the 316,000 level previously approved in connection with its recapitalization planning. While excessive and poorly managed manpower cuts aimed primarily at saving money must be avoided, the Department of Defense must demonstrate in the next budget cycle how it intends to balance these competing, readiness-related goals. We do not oppose the Air Force's efforts to maintain a higher end strength, and expect the Department and the Air Force to work with the Congress in finding appropriate funding sources in 2009.

End strength levels for the active forces for fiscal year 2009 are set forth in the following table:

| Service | FY 2008 authorized | FY 2009 | | Change from | |
|---|---|---|---|---|---|
| | | Request | Recommendation | FY 2009 request | FY 2008 authorized |
| Army | 525,400 | 532,400 | 532,400 | 0 | 7,000 |
| Navy | 329,098 | 325,300 | 326,323 | 1,023 | −2,775 |
| Marine Corps | 189,000 | 194,000 | 194,000 | 0 | 5,000 |
| Air Force | 329,563 | 316,600 | 317,050 | 450 | −12,513 |
| DOD Total | 1,373,061 | 1,368,300 | 1,369,773 | 1,473 | −3,288 |

*Revision in permanent active duty end strength minimum levels (sec. 402)*

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active-duty personnel as of September 30, 2009: Army, 532,400; Navy, 326,323; Marine Corps, 194,000; and Air Force 317,050.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would establish a minimum end strength of 325,300 active-duty personnel for the Navy.

Minimum end strength levels for active forces are set forth in the following table:

| Service | FY 2008 authorized | FY 2009 | Change from |
|---|---|---|---|
| | | Recommendation | FY 2008 |
| Army | 525,400 | 532,400 | 7,000 |
| Navy | 328,400 | 325,300 | −3,100 |
| Marine Corps | 189,000 | 194,000 | 5,000 |
| Air Force | 328,600 | 317,050 | −11,550 |
| DOD Total | 1,371,400 | 1,368,750 | −2,650 |

SUBTITLE B—RESERVE FORCES

*End strengths for Selected Reserve (sec. 411)*

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves as of September 30, 2009: the Army National Guard of the United States, 352,600; the Army Reserve, 205,000; the Navy Reserve, 66,700; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 67,400; and the Coast Guard Reserve, 10,000.

The Senate bill contained a similar provision (sec. 411) that would authorize an end strength of 106,756 for the Air National Guard of the United States and identical end strengths for the other services.

The agreement includes the Senate provision.

End strength levels for the Selected Reserve for fiscal year 2009 are set forth in the following table:

| Service | FY 2008 authorized | FY 2009 | | Change from | |
|---|---|---|---|---|---|
| | | Request | Conference recommendation | FY 2009 request | FY 2008 authorized |
| Army National Guard | 351,300 | 352,600 | 352,600 | 0 | 1,300 |
| Army Reserve | 205,000 | 205,000 | 205,000 | 0 | 0 |
| Navy Reserve | 67,800 | 66,700 | 66,700 | 0 | −1,100 |
| Marine Corps Reserve | 39,600 | 39,600 | 39,600 | 0 | 0 |
| Air National Guard | 106,700 | 106,700 | 106,756 | 56 | 56 |
| Air Force Reserve | 67,500 | 67,400 | 67,400 | 0 | −100 |
| DOD Total | 837,900 | 838,000 | 838,056 | 0 | 156 |
| Coast Guard Reserve | 10,000 | 10,000 | 10,000 | 0 | 0 |

*End strengths for reserves on active duty in support of the reserves (sec. 412)*

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in support of the reserve components as of September 30, 2009: the Army National Guard of the United States, 32,060; the Army Reserve, 17,070; the Navy Reserve, 11,099; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,337; and the Air Force Reserve, 2,733.

The Senate bill contained a similar provision (sec. 412) that would authorize end strengths of 29,950 for the Army National Guard of the United States; 16,170 for the Army Reserve; 14,360 for the Air National Guard of the United States; and identical end strengths for the other components.

The agreement includes the House provision with an amendment that would authorize end strengths of 16,170 for the Army Reserve and 14,360 for the Air National Guard of the United States.

End strength levels for reserves on active duty in support of the reserves are set forth in the following table:

| Service | FY 2008 authorized | FY 2009 | | Change from | |
|---|---|---|---|---|---|
| | | Request | Recommendation | FY 2009 request | FY 2008 authorized |
| Army National Guard | 29,204 | 29,950 | 32,060 | 2110 | 2,856 |
| Army Reserve | 15,870 | 16,170 | 16,170 | 0 | 300 |
| Navy Reserve | 11,579 | 11,099 | 11,099 | 0 | −480 |
| Marine Corps Reserve | 2,261 | 2,261 | 2,261 | 0 | 0 |
| Air National Guard | 13,936 | 14,337 | 14,360 | 23 | 424 |
| Air Force Reserve | 2,721 | 2,733 | 2,733 | 0 | 12 |
| DOD Total | 75,571 | 76,550 | 78,683 | 2133 | 3,112 |

*End strengths for military technicians (dual status) (sec. 413)*

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2009: the Army Reserve, 8,395; the Army National Guard of the United States, 27,210; the Air Force Reserve, 10,003; and the Air National Guard of the United States, 22,452.

The Senate bill contained a similar provision (sec. 413) that would authorize an end strength of 22,459 for the Air National Guard of the United States, and identical end strengths for the other components.

The agreement includes the House provision.

End strength levels for military technicians (dual status) are set forth in the following table:

| Service | FY 2008 authorized | FY 2009 | | Change from | |
|---|---|---|---|---|---|
| | | Request | Recommendation | FY 2009 request | FY 2008 authorized |
| Army Reserve | 8,249 | 8,395 | 8,395 | 0 | 146 |
| Army National Guard | 26,502 | 27,210 | 27,210 | 0 | 708 |
| Air Force Reserve | 9,909 | 10,003 | 10,003 | 0 | 94 |
| Air National Guard | 22,553 | 22,452 | 22,452 | 0 | −101 |

| Service | FY 2008 authorized | FY 2009 | | Change from | |
|---|---|---|---|---|---|
| | | Request | Recommendation | FY 2009 request | FY 2008 authorized |
| DOD Total | 67,213 | 68,060 | 68,060 | 0 | 847 |

*Fiscal year 2009 limitation on number of non-dual status technicians (sec. 414)*

The House bill contained a provision (sec. 414) that would establish the maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2009.

The Senate bill contained an identical provision (sec. 414).

The agreement includes this provision.

*Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)*

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2009 to provide operational support.

The Senate bill contained an identical provision (sec. 415).

The agreement includes this provision.

*Additional waiver authority of limitation on number of reserve component members authorized to be on active duty (sec. 416)*

The House bill contained a provision (sec. 416) that would amend section 123a of title 10, United States Code, to authorize the President to waive the limitations on the number of reserve component personnel who can be on active duty for operational support to provide assistance in responding to a major disaster or emergency.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

*Military personnel (sec. 421)*

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel.

The Senate bill contained a similar provision (sec. 421).

The agreement includes this provision.

The following are the changes from the budget request for the military personnel accounts:

[Changes in millions of dollars]

| | |
|---|---|
| Increase in military pay raise | 324.0 |
| Restore military to civilian conversions-Navy | 26.8 |
| Restore military to civilian conversions-Air Force | 38.8 |
| Restore military to civilian conversions-Undistributed | 35.5 |
| Increase Air National Guard end strength | 3.3 |
| Increase Army National Guard full-time support positions | 85.0 |
| Senior Leadership Diversity Commission | 0.3 |
| Permanent prohibition on charging meals at MTFs | 1.0 |
| Increase in maximum temporary lodging expenses | 37.0 |
| Second family housing allowance for dual military couples | 2.0 |
| Nurse candidate accession bonus and monthly stipend | 2.0 |
| New bonuses for psychologists and other mental health officers | 13.0 |
| Additional weight allowance for spouses | 13.0 |
| Continuation of bonuses for certain service members | 1.0 |
| Reduction of unobligated military personnel balances | −1,038.2 |
| Total | −455.5 |

LEGISLATIVE PROVISION NOT ADOPTED

*Increased end strengths for Reserves on active duty in support of the Army National Guard and Army Reserve and military technicians (dual status) of the Army National Guard*

The Senate bill contained a provision (sec. 416) that would authorize additional Active Guard and Reserve (AGR) end strength for the Army National Guard and Army Reserve, and additional end strength for Army National Guard military technicians (dual status).

The House bill contained no similar provision.

The agreement does not include the provision.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY GENERALLY

*Mandatory separation requirements for regular warrant officers for length of service (sec. 501)*

The House bill contained a provision (sec. 501) that would amend section 1305 of title 10, United States Code, to provide that regular warrant officers of the Navy, Marine Corps, and Coast Guard who have at least 30 years of total active service that could be credited to the officer shall be retired 60 days after the date the warrant officer completes that service. For regular Army warrant officers, the provision would specify that only years of active service as a warrant officer should be used in calculating 30 years of active service for mandatory retirement.

The Senate bill contained a similar provision (sec. 509).

The agreement includes the House provision.

*Requirements for issuance of posthumous commissions and warrants (sec. 502)*

The House bill contained a provision (sec. 502) that would amend sections 1521 and 1522 of title 10, United States Code, to replace the condition for a posthumous commission or warrant that the death be in the line of duty with a requirement for a certification by the secretary concerned that, at the time of death, the member was qualified for appointment to the next higher grade.

The Senate bill contained a similar provision (sec. 510).

The agreement includes the House provision with a technical amendment.

*Authorized number of general officers on active duty in the Army and Marine Corps, limited exclusion for joint duty requirements, and increase in number of officers serving in grades above major general and rear admiral (sec. 503)*

The House bill contained a provision (sec. 504) that would amend sections 525 and 526 of title 10, United States Code, to allow an increase of one general officer in the rank of lieutenant general for the Marine Corps.

The Senate bill contained a provision (sec. 501) that would increase from 16.3 percent to 16.4 percent the percentage of general and flag officers in a military service that may be appointed above the grade of major general or rear admiral, and exclude from the limitations of section 525 of title 10, United States Code, those reserve general or flag officers on active duty under orders specifying a period of active duty of not longer than three years.

The agreement includes the House provision with an amendment that would amend section 526 of title 10, United States Code, to increase the authorized number of Army general officers on active duty from 302 to 307, with the increased authorization reserved for Army general officers who serve in acquisition positions and increase the number of Marine Corps general officers on active duty from 80 to 81. The provision would increase from 12 to 65 the number of general and flag officer joint duty assignment positions that the Chairman of the Joint Chiefs of Staff can exclude from the limitations on general and flag officers on active duty, five of which are reserved for general or flag officers who serve in an acquisition position, including one assignment in the Defense Contract Management Agency. The provision would also amend section 525 of title 10, United States Code, to increase from 16.3 percent to 16.4 percent the percentage of general and flag officers in a military service that may be appointed above the grade of major general or rear admiral.

*Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps (sec. 504)*

The House bill contained a provision (sec. 551) that would amend section 5046 of title 10, United States Code, to require that the Staff Judge Advocate to the Commandant of the Marine Corps serve in the grade of major general.

The Senate bill contained a similar provision (sec. 507) that would also exclude an officer serving in this grade and position from the limitation on the authorized number of officers serving in grades above brigadier general in the Marine Corps.

The agreement includes the Senate provision with a technical amendment.

*Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons (sec. 505)*

The Senate bill contained a provision (sec. 506) that would amend section 1187 of title 10,

United States Code, to authorize reserve officers to serve as members of boards of inquiry convened to consider whether regular officers should be retained on active duty. This implements a recommendation of the Commission on the National Guard and Reserves regarding elimination of policies which unnecessarily distinguish reserve component personnel from their active duty counterparts and thereby impede full integration.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers (sec. 506)*

The Senate amendment contained a provision (sec. 502) that would amend section 526 of title 10, United States Code, to authorize the Secretary of Defense to designate up to 324 general and flag officer positions as joint duty assignments that would be excluded from the limitation on the number of general and flag officers in each service and would specify the minimum number of officers required to serve in these positions for each service. The provision would realign the number of general and flag officers authorized to serve on active duty in the Army from 302 to 222 officers; in the Navy from 216 to 159 officers; in the Air Force from 279 to 206 officers; and in the Marine Corps from 80 to 59 officers. The provision would also repeal section 721 of title 10, United States Code, which limits the number of general and flag officers authorized to serve in positions outside their own service. The provision would also establish goals for the number of general and flag officers in the Department of Defense (DOD) and the military services who serve in acquisition positions and who have significant contracting experience.

The House bill contained no similar provision.

The agreement includes the provision with an amendment that would delay implementation until 1 year after the Secretary of Defense submits to Congress a report on the proposed implementation of the provision. The amendment would also amend sections 525 and 526 of title 10, United States Code, to specify the distribution and authorized strength limits of commissioned officers on active duty in general officer and flag officer grades. Finally, the amendment would remove the goals for the number of general and flag officers who serve in acquisition positions as this is addressed elsewhere in this bill.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

*Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60 (sec. 511)*

The House bill contained a provision (sec. 511) that would amend section 10216(f) of title 10, United States Code, to extend to the Secretary of the Air Force the same authority previously granted to the Secretary of the Army to delay mandatory separation of dual status military technicians for years of service or other policy consideration until age 60.

The Senate bill contained a similar provision (sec. 532).

The agreement includes the Senate provision.

*Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty (sec. 512)*

The House bill contained a provision (sec. 512) that would amend section 12011 of title 10, United States Code, to increase the limit on the number of Marine Corps lieutenant colonels authorized to serve on full-time reserve component duty at the end of any fiscal year.

The Senate bill contained a similar provision (sec. 417).

The agreement includes the House provision with an amendment that would also increase the limit on Army and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.

*Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation (sec. 513)*

The House bill contained a provision (sec. 513) that would amend section 14317 of title 10, United States Code, to authorize the promotion of reserve component officers, including National Guard officers, who are recommended for promotion to fill a position vacancy under section 14315 of title 10, United States Code, and who are ordered to active duty in support of a contingency operation.

The Senate bill contained a similar provision (sec. 534).

The agreement includes the House provision.

*Increase in mandatory retirement age for certain Reserve officers (sec. 514)*

The House bill contained a provision (sec. 514) that would amend sections 12647 and 14702 of title 10, United States Code, to increase the mandatory retirement age from age 60 to age 62 for commissioned officers assigned to the Selective Service System, as National Guard property and fiscal officers, and Army National Guard officers assigned to a headquarters or headquarters detachment of a State.

The Senate bill contained a similar provision (sec. 533).

The agreement includes the House provision.

*Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service (sec. 515)*

The House bill contained a provision (sec. 515) that would authorize the Secretary of the Army and the Secretary of the Air Force to retain Reserve officers in the grade of lieutenant general beyond mandatory retirement for years of service until the officer becomes 66 years of age.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Authority to retain Reserve chaplains and officers in medical and related specialties until age 68 (sec. 516)*

The House bill contained a provision (sec. 516) that would amend section 14703(b) of title 10, United States Code, and section 324(a) of title 32, United States Code, to authorize reserve component chaplains and medical officers to be retained in an active status until the date on which the officer becomes 68 years of age.

The Senate bill contained a similar provision (sec. 535).

The agreement includes the House provision.

*Modification of authorities on dual duty status of National Guard officers (sec. 517)*

The Senate bill contained a provision (sec. 536) that would amend section 325 of title 32, United States Code, to authorize all National Guard officers, not just those in command of National Guard units, to retain their state status while serving on active duty when authorized by the President and with the consent of the Governor or the commanding general of the District of Columbia National Guard as applicable. The provision would also allow the consent or authorization to be given in advance for the purpose of establishing the succession of command of a unit.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve (sec. 518)*

The House bill contained a provision (sec. 517) that would require the Secretary of the Navy to conduct a study on the policies, procedures, and impact on personnel of the Marine Corps Reserve relating to transfers between the Selected Reserve and Individual Ready Reserve.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Report on collection of information on civilian skills of members of the reserve components of the armed forces (sec. 519)*

The Senate bill contained a provision (sec. 538) that would require the Secretary of Defense to submit a report by March 1, 2009, on the feasibility, uses, and cost effectiveness of collecting information about skills, qualifications, and professional certifications possessed by members of the reserve components.

The House bill contained no similar provision.

The agreement includes the Senate provision.

SUBTITLE C—JOINT QUALIFIED OFFICERS AND REQUIREMENTS

*Joint duty requirements for promotion to general or flag officer (sec. 521)*

The House bill contained a provision (sec. 521) that would amend section 619a of title 10, United States Code, to provide that with certain exceptions, an officer must be designated as a joint qualified officer, rather than a joint specialty officer, in accordance with section 661 of title 10, United States Code, before being eligible for promotion to general or flag officer.

The Senate bill contained a similar provision (sec. 503).

The agreement includes the House provision with a technical amendment.

*Technical, conforming, and clerical changes to joint specialty terminology (sec. 522)*

The House bill contained a provision (sec. 522) that would amend the terminology used in sections 661, 663, 665, and 667 of title 10, United States Code, to correspond with changes made in section 516 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), replacing references to ''joint specialty officer'' with ''joint qualified officer.''

The Senate bill contained a similar provision (sec. 505).

The agreement includes the House provision.

*Promotion policy objectives for joint qualified officers (sec. 523)*

The House bill contained a provision (sec. 523) that would amend section 662 of title 10, United States Code, to provide that officers in the grade of major or lieutenant commander and above who are designated as joint qualified officers are expected, as a group, to be promoted to the next higher

grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would retain the current requirement that officers who are serving or have served on the joint staff are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving or have served on the headquarters staff of their armed force.

*Length of joint duty assignments (sec. 524)*

The House bill contained a provision (sec. 524) that would amend section 664 of title 10, United States Code, to align prescribed joint duty assignment lengths with the joint qualification system implemented pursuant to section 516 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), to take into account multiple joint experiences in satisfying joint duty assignment requirements.

The Senate bill contained a similar provision (sec. 504).

The agreement includes the House provision.

*Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers (sec. 525)*

The House bill contained a provision (sec. 525) that would amend section 526 of title 10, United States Code, to allow the Chairman of the Joint Chiefs of Staff to exempt up to three reserve general and flag officers from counting against the general and flag officer limitations.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments (sec. 526)*

The Senate bill contained a provision (sec. 531) that would amend section 12004 of title 10, United States Code, to exclude from the limitations on the numbers of reserve general and flag officers in an active status those reserve general and flag officers serving in joint duty assignments. The number of reserve general and flag officers excluded could not exceed 20 percent of the number of authorized flag and general officers authorized for the service concerned.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to also exclude from the limitations on the numbers of reserve general and flag officers in an active status Marine Corps reserve officers serving in joint duty assignments.

*Reports on joint education courses available through the Department of Defense (sec. 527)*

The House bill contained a provision (sec. 526) that would amend section 10506(a)(3) of title 10, United States Code, to require that service of an officer as the adjutant general of the National Guard of a State be treated as joint duty experience for assignment or promotion to any position designated by law as open to a National Guard general officer. The provision would require the Chief of the National Guard Bureau to issue a report to the Chairman of the Joint Chiefs of Staff and Congress recommending 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. The provision would require that the Chairman of the Joint Chiefs of Staff submit three annual reports to Congress on the joint educational courses available through the Department. The provision would also require Commander, United States Northern Command, Commander, United States Pacific Command, and the Chief of the National Guard Bureau, with the approval of the Secretary of Defense, to jointly enter into a memorandum of understanding regarding operational relationships and individual roles and responsibilities during responses to domestic emergencies.

The Senate bill contained no similar provision.

The agreement requires the Chairman of the Joint Chiefs of Staff to report to Congress on the joint education courses available through the Department in 3 successive years starting in 2009.

The Department is requested to expedite review of the findings of the final report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, as required elsewhere in this bill.

SUBTITLE D—GENERAL SERVICE AUTHORITIES

*Increase in maximum period of reenlistment of regular members of the armed forces (sec. 531)*

The House bill contained a provision (sec. 531) that would amend section 505(d) of title 10, United States Code, and section 308(a) of title 37, United States Code, to increase from 6 to 8 years the maximum period of reenlistment of regular members of the armed forces.

The Senate bill contained a similar provision (sec. 521).

The agreement includes the House provision with a technical amendment.

*Paternity leave for members of the armed forces (sec. 532)*

The Senate bill contained a provision (sec. 583) that would amend section 701 of title 10, United States Code, to authorize up to 21 days of leave for a male service member whose spouse gives birth to a child. The leave would be in addition to any other leave to which the service member is entitled.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would mandate 10 days of paternity leave for service members, and would authorize the secretaries concerned to implement the benefit by service regulation.

*Pilot programs on career flexibility to enhance retention of members of the armed forces (sec. 533)*

The House bill contained a provision (sec. 532) that would authorize the secretaries of the military departments to conduct pilot programs to evaluate the need for more flexibility in career patterns of a limited number of active-duty officers and enlisted members. Under the pilot programs, selected service members would leave active duty for a period of up to 3 years, and then return to active duty in the same grade and years of service that they held at the time they were inactivated. Time spent while inactivated would not count toward retirement eligibility, computation of retired pay, or years of service.

The Senate bill contained a similar provision (sec. 585) that would provide that the authority to conduct pilot programs would commence January 1, 2009, and end December 31, 2014. The provision would also require the secretaries of the military departments to submit interim reports in 2010 and 2012. The Secretary of Defense would be required to submit a final report no later than March 1, 2015, evaluating all the pilot programs conducted under this authority.

The agreement includes the Senate provision with an amendment that would limit participation in the pilot programs to 20 enlisted personnel and 20 officers per year per service. The amendment would also establish that the pilot program authority would commence January 1, 2009, and that no member of the armed forces could be released from active duty under a pilot program after December 31, 2012. Finally, the amendment would require interim reports from the service secretaries to the congressional defense committees no later than June 1, 2011, and June 1, 2013, and a final report from the Secretary of Defense no later than March 1, 2016.

SUBTITLE E—EDUCATION AND TRAINING

*Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy (sec. 540)*

The House bill contained a provision (sec. 541) that would amend sections 6954 and 9342 of title 10, United States Code, to extend the authority of the Secretary of the Navy and the Secretary of the Air Force to increase the size of the Brigade of Midshipmen and the Cadet Wing at the United States Naval Academy and Air Force Academy respectively by up to 100 cadets per year to a maximum of 4,400 cadets.

The Senate bill contained a similar provision (sec. 551) that would provide that the authorized strength of the Brigade of Midshipmen at the United States Naval Academy is 4,400 midshipmen, or such lower number as may be prescribed by the Secretary of the Navy.

The agreement includes the Senate provision with an amendment that would provide that the maximum authorized strengths of the Military Academy, the Naval Academy, and the Air Force Academy are each 4,400 cadets or midshipmen.

*Promotion of foreign and cultural exchange activities at military service academies (sec. 541)*

The House bill contained a provision (sec. 542) that would amend chapters 403, 603, and 903 of title 10, United States Code, to allow the military service academies to support foreign and cultural exchange programs for up to two weeks a year to foster the development of foreign language skills, cross cultural interactions and understanding, and cultural immersion of cadets and midshipmen.

The Senate bill contained a similar provision (sec. 555).

The agreement includes the House provision.

*Increased authority to enroll defense industry employees in defense product development program (sec. 542)*

The House bill contained a provision (sec. 544) that would amend section 7049 of title 10, United States Code, to increase from 25 to 125 the number of defense industry employees who could receive instruction at the Naval Postgraduate School.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Expanded authority for institutions of professional military education to award degrees (sec. 543)*

The House bill contained a provision (sec. 549) that would authorize the President of the National Defense Intelligence College, the President of the National Defense University, the Commandant of the United States Army Command and General Staff

College, the Commandant of the United States Army War College, the President of the Naval Postgraduate School, the President of the Naval War College, the President of the Marine Corps University, and the Commander of the Air University, for both the Air Force Institute of Technology and for the Air University, to confer appropriate degrees upon graduates who meet degree requirements. A degree would not be conferred under this authority unless the Secretary of Education has recommended approval of the degree and the college or university is accredited by the appropriate civilian academic accrediting agency or organization.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Tuition for attendance of federal employees at the United States Air Force Institute of Technology (sec. 544)*

The Senate bill contained a provision (sec. 552) that would amend section 9314(c) of title 10, United States Code, to require the United States Air Force Institute of Technology to charge tuition for instruction of civilians from the military departments, other components of the Department of Defense, and other federal agencies, and to use these funds to defray the costs of such instruction.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

*Increase in number of permanent professors at the United States Air Force Academy (sec. 545)*

The Senate bill contained a provision (sec. 508) that would amend section 9331 of title 10, United States Code, to increase from 21 to 25 the number of permanent professors at the Air Force Academy.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would increase from 21 to 23 the number of permanent professors at the Air Force Academy.

*Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve component members supporting contingency operations (sec. 546)*

The House bill contained a provision (sec. 545) that would amend section 16164 of title 10, United States Code, to clarify that only service members who separate under honorable conditions are eligible to use the educational benefits under chapter 1607 of title 10, United States Code, for a period of 10 years after separation.

The Senate bill contained a similar provision (sec. 554).

The agreement includes the Senate provision with an amendment that would make this provision effective on the date of enactment of this Act and apply to persons who separate after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) who, as of the date of enactment of this Act, have not used any of their entitlement under chapter 1607 of title 10, United States Code.

*Consistent education loan repayment authority for health professionals in regular components and Selected Reserve (sec. 547)*

The House bill contained a provision (sec. 546) that would equate the maximum limits for loan repayment programs for health professionals in the reserve components under section 16302 of title 10, United States Code, with the maximum limits for loan repayment programs for active-duty health professionals under section 2173 of title 10, United States Code.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Increase in number of units of Junior Reserve Officers' Training Corps (sec. 548)*

The House bill contained a provision (sec. 547) that would require the Secretary of Defense, in consultation with the secretaries of the military departments, to develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units by fiscal year 2020. The section would also require the Secretary of Defense to submit a report to the congressional defense committees that would provide information on how the services will achieve this goal, as well as other pertinent information, by March 31, 2009.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment to develop and implement a plan to establish and support 3,700 Junior Reserve Officers' Training Corps units by fiscal year 2020.

*Correction of erroneous Army College Fund benefit amounts (sec. 549)*

The House bill contained a provision (sec. 548) that would authorize the Secretary of the Army, through the Army Board for Correction of Military Records, to consider, from January 1, 2009, through June 30, 2009, a request for the correction of military records relating to the amount of the Army College Fund benefit to which an applicant may be entitled under an Army incentive program contract. The provision would clarify that the Secretary may pay such amounts as the Secretary considers necessary without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would allow consideration of such requests through December 31, 2009.

*Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces (sec. 550)*

The House bill contained a provision (sec. 550) that would authorize service secretaries to enter into partnership agreements with educational institutions in the United States for the purpose of developing plans to improve accessibility and flexibility of college courses available to service members; improving the application process for the armed forces tuition assistance programs and raising awareness regarding educational opportunities available to service members; developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of service members; and assessing how resources may be applied more effectively to meet the educational needs of service members.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE F—DEFENSE DEPENDENTS' EDUCATION

*Continuation of authority to assist local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 551)*

The House bill contained a provision (sec. 571) that would authorize $50.0 million for continuation of the Department of Defense (DOD) assistance program to local agencies that are impacted by enrollment of dependent children of military members and DOD civilian employees. This provision would also authorize $15.0 million for assistance to local educational agencies with significant changes in enrollment of military and civilian school-aged dependent children due to base closures, force structure changes, or force relocations.

The Senate bill contained a similar provision (sec. 561) that would authorize $30.0 million and $10.0 million for each assistance program, respectively.

The agreement includes the Senate provision with an amendment that would authorize $35.0 million and $15.0 million for each program, respectively.

*Impact aid for children with severe disabilities (sec. 552)*

The Senate bill contained a provision (sec. 562) that would authorize $5.0 million for impact aid payments for children with disabilities for continuation of the Department of Defense's assistance to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Transition of military dependent students among local educational agencies (sec. 553)*

The Senate bill contained a provision (sec. 563) that would require the Secretary of Defense to work with the Secretary of Education in any efforts to ease the transition of military dependent students between Department of Defense schools, schools of local educational agencies, and other schools. The provision would authorize the Secretary of Defense to use funds of the Department of Defense Education Activity for this purpose.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would make the authority temporary, expiring on September 30, 2013. The amendment would also allow distance learning and training programs for military students and teachers.

*Calculation of payments for eligible federally connected children under Department of Education's impact aid program (sec. 554)*

The House bill contained a provision (sec. 572) that would amend section 8003(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(c)) to allow calculation of impact aid payments for certain local educational agencies to be based on student population data from the current school year rather than the previous school year's population.

The Senate bill contained no similar provision.

The agreement included the House provision with an amendment that would amend the Elementary and Secondary Education Act of 1965 to change the requisite number of federally connected children that attend area schools daily in order for a school district to receive impact aid from 6,500 to 5,000 students in fiscal year 2009.

SUBTITLE G—MILITARY JUSTICE

*Effective period of military protective orders (sec. 561)*

The House bill contained a provision (sec. 552) that would amend chapter 80 of title 10, United States Code, to extend a standing military protective order by a military commander until the allegation prompting the protective order is resolved by investigation, courts martial, or other command determined adjudication, or the military commander issues a new order.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would provide that a military protective order issued by a military commander shall remain in effect until the military commander terminates the order or issues a new order.

*Mandatory notification of issuance of military protective order to civilian law enforcement (sec. 562)*

The House bill contained a provision (sec. 553) that would amend chapter 80 of title 10, United States Code, to require the commander of a military installation to notify appropriate civilian authorities in the event a military protective order is issued against a member of the armed forces when any individual involved in the order does not reside on a military installation.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Implementation of information database on sexual assault incidents in the armed forces (sec. 563)*

The House bill contained a provision (sec. 554) that would require the Secretary of Defense to implement a centralized, case-level database for the collection and maintenance of information regarding sexual assaults involving members of the armed forces.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the status of the Defense Incident-Based Reporting System and an explanation of how this system will relate to the sexual assault database.

SUBTITLE H—DECORATIONS, AWARDS, AND HONORARY PROMOTIONS

*Replacement of military decorations (sec. 571)*

The House bill contained a provision (sec. 561) that would amend chapter 57 of title 10, United States Code, to require the secretary concerned to replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the next of kin of a deceased recipient.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War (sec. 572)*

The House bill contained a provision (sec. 562) that would authorize the President to award the Medal of Honor to Richard L. Etchberger, who served in the United States Air Force during the Vietnam War. This section would also waive the statutory time limitation under section 8744 of title 10, United States Code.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

SUBTITLE I—MILITARY FAMILIES

*Presentation of burial flag to the surviving spouse and children of deceased members of the armed forces (sec. 581)*

The House bill contained a provision (sec. 581) that would amend section 1482 of title 10, United States Code, to authorize the presentation of a burial flag to the surviving spouse of a deceased service member when the surviving spouse is not otherwise entitled to a flag as the person designated to direct the disposition of the remains.

The Senate bill contained a similar provision (sec. 641) that would also authorize the presentation of a burial flag to each child of a deceased service member.

The agreement includes the House provision with an amendment that would authorize the presentation of a burial flag to each child of a deceased service member.

*Education and training opportunities for military spouses (sec. 582)*

The House bill contained a provision (sec. 582) that would authorize the Secretary of Defense to establish programs to assist the spouse of a service member serving on active duty in receiving education and training required for a degree, credential, or professional licensure in order to expand employment and career opportunities for spouses. The provision would also authorize tuition assistance to pursue such education and training.

The Senate bill contained a provision (sec. 571) that would authorize the Secretary to establish programs to provide or make available to spouses of service members on active duty education, training, and financial assistance to facilitate the pursuit of a portable career.

The agreement includes the House provision with an amendment that would clarify that these programs may be used to enable a spouse to pursue a portable career, and would clarify the definition of a portable career.

*Sense of the Congress regarding honor guard details for funerals of veterans (sec. 583)*

The House bill contained a provision (sec. 583) that would express the sense of Congress that the secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE J—OTHER MATTERS

*Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff (sec. 591)*

The Senate bill contained a provision (sec. 586) that would amend section 156(d) of title 10, United States Code, to prohibit any officer or employee of the Department of Defense from interfering with the ability of the legal counsel to the Chairman of the Joint Chiefs of Staff to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Interest payments on certain claims arising from correction of military records (sec. 592)*

The House bill contained a provision (sec. 592) that would require the service secretaries to pay interest on claims arising from the correction of a military record that involves setting aside a conviction by court-martial. The provision would apply to any sentence of a court-martial set aside by a corrections board after October 1, 2007.

The Senate bill contained a provision (sec. 582) that would authorize the Secretary of Defense and the service secretaries to provide relief to a member or former member of the armed forces who, in the determination of the Secretary concerned, had suffered imprisonment pursuant to a court-martial conviction as a result of an injustice or error on the part of the Department of Defense or any of its employees acting in their official capacity. The relief provided would include the payment of monies, including interest, from funds available for emergency and extraordinary expenses under section 127 of title 10, United States Code.

The agreement includes the House provision with an amendment that would specify that the interest paid be at a rate determined by the Secretary concerned, unless the Secretary concerned determines that the payment of interest is inappropriate under the circumstances.

*Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records (sec. 593)*

The House bill contained a provision (sec. 593) that would amend section 1559(a) of title 10, United States Code, to change the termination date for the limitation on reductions of personnel of the service boards of correction of military records from October 1, 2008, to December 31, 2010.

The Senate bill contained no such provision.

The agreement includes the House provision.

The boards for correction of military records perform a vital function in ensuring timely review and disposition of applications for relief under chapter 79 of title 10, United States Code. The Secretary of Defense is directed to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than July 1, 2009, regarding the operation of the services' boards of correction. The report should discuss the compliance by each service with the statutory timeliness standards for disposition of applications before corrections boards since 2001 and an assessment whether the limitation on personnel reductions in section 1559(a) continue to be necessary to ensure compliance with processing time requirements.

*Modification of matching fund requirements under National Guard Youth Challenge Program (sec. 594)*

The Senate bill contained a provision (sec. 537) that would amend section 509(d) of title 32, United States Code, to clarify that the limitation on assistance provided by the Department of Defense to a State National Guard Youth Challenge Program may not be construed as a limitation on the amount of assistance that may be provided by other sources, nor should contributions from other sources be included in calculating the Department's share of the costs of operating State programs.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Military salute for the flag during the national anthem by members of the armed forces not in uniform and by veterans (sec. 595)*

The Senate bill contained a provision (sec. 1081) that would amend section 301 of title 36, United States Code, to authorize veterans and members of the armed forces not in uniform to render a military salute in the same manner as members of the armed forces in uniform during the playing of the national anthem.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Military Leadership Diversity Commission (sec. 596)*

The House bill contained a provision (sec. 595) that would establish the Senior Military Leadership Diversity Commission to study the diversity within the senior leadership of the armed forces.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would establish the Military Leadership Diversity Commission to conduct a comprehensive evaluation and assessment of policies that provide

for opportunities for the promotion and advancement of minority members of the armed forces, including minority members who are senior officers.

*Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools (sec. 597)*

The House bill contained a provision (sec. 941) that would require the Secretary of Defense to establish a Department of Defense School of Nursing, and would authorize the Secretary to conduct a demonstration project to enable retired military nurses to serve as faculty at civilian nursing schools.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would authorize the Secretary of Defense to conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

*Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events (sec. 598)*

The Senate bill contained a provision (sec. 584) that would amend section 717 of title 10, United States Code, to include the Military World Games as an international sports competition in which members of the armed forces may be authorized to participate. The provision would increase the maximum amounts from $3.0 million to $6.0 million that the Secretary of Defense may apportion among the military departments, and from $100,000 to $200,000 for the Coast Guard and Department of Homeland Security, that may be spent during each successive 4 year period beginning on October 1, 2008, for participation in certain international sports competitions. The provision would also require the Secretary to submit to the Committees on Armed Services of the Senate and the House of Representatives not later than October 1, 2009, a report setting forth a comprehensive plan for participation in and planning for hosting of international sports activities, competitions, and events.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the report only.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer*

The House bill contained a provision (sec. 503) that would extend the period during which the Secretary of Defense may authorize the secretaries of the military departments to lower the years of active service as a commissioned officer required for retirement as an officer from a minimum of 10 years to a minimum of 8 years.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Compensation for civilian President of Naval Postgraduate School*

The House bill contained a provision (sec. 543) that would authorize the Secretary of the Navy to compensate the civilian President of the Naval Post Graduate School as the Secretary prescribes, except that basic pay could not exceed the rate of compensation authorized for Level I of the Executive Schedule.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Advancement of Brigadier General Charles E. Yeager, United States Air Force (Retired), on the retired list*

The House bill contained a provision (sec. 563) that would entitle Brigadier General Yeager to hold the rank of major general on the retired list of the Air Force.

The Senate bill contained no similar provision.

The agreement does not include the provision.

Brigadier General Yeager is an extraordinary American hero. During World War II he distinguished himself in aerial combat over France and Germany by shooting down 13 enemy aircraft including five on one mission. As an Air force test pilot he played a pivotal role in the advancement of aviation. Brigadier General Yeager made history on October 14, 1947, when he became the first man to fly faster than the speed of sound and on December 12, 1953, he also became the first man to fly faster than twice the speed of sound. During the Vietnam War he flew 127 missions over South Vietnam as the Commander of the 405th Fighter Wing. He is one of only four individuals to have received the Special Medal of Honor, the non-combat equivalent of the Medal of Honor.

For these and many other achievements in a remarkable life of leadership, commitment, and achievement in service to the Air Force and the United States, we urge the President to reconsider Brigadier General Yeager's advancement on the retired list and immediately nominate him for promotion to the grade of Major General.

*Advancement of Rear Admiral Wayne E. Meyer, United States Navy (Retired), on the retired list*

The House bill contained a provision (sec. 564) that would authorize and request the President to appoint, by and with the advice and consent of the Senate, Rear Admiral Wayne E. Meyer to the grade of vice admiral on the retired list of the Navy.

The Senate bill contained no similar provision.

The agreement does not include the provision.

The Department of Defense is encouraged to review the military records of Rear Admiral Meyer and to consider whether he should be appointed to the grade of vice admiral on the retired list of the Navy. If the Department concludes that he should be so appointed, the Administration should request legislation authorizing the appointment, with the advice and consent of the Senate.

*Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation*

The House bill contained a provision (sec. 565) that would authorize the secretary of a military department to award the Vietnam Service Medal to eligible veterans in lieu of any Armed Forces Expeditionary Medal awarded for participation in the Mayaguez rescue operation of May 12 through May 15, 1975.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Retroactive award of Army Combat Action Badge*

The House bill contained a provision (sec. 566) that would authorize the Secretary of the Army to award the Army Combat Action Badge to individuals who, while a member of the Army, participated in combat between December 7, 1941, and September 18, 2001.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Inclusion of Reserves in providing federal aid for State governments, enforcing federal authority, and responding to major public emergencies*

The House bill contained a provision (sec. 591) that would amend sections 331, 332, and 333 of title 10, United States Code, to clarify that the President's authority to use the armed forces, including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve, for the purposes delineated in those sections.

The Senate bill contained no similar provision.

The agreement does not include the provision.

This provision was requested by the Department of Defense to give the President the maximum flexibility in employing the armed forces, including the unique capabilities in the Army, Navy, Marine Corps, and Coast Guard Reserves when necessary to respond to major disasters or emergencies. Many State governors have expressed concern about unity of effort of State and federal forces in delivering emergency services to citizens of their states and are concerned that they lack sufficient authority to direct the efforts of federal forces, including personnel and units of the armed forces.

We agree that this proposal has significant merit. The Department of Defense should engage with the community of governors to work out an understanding of unity of effort during domestic terrorist events and public emergencies. This key underlying issue must be addressed to allow this and other promising proposals to be enacted.

*Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency*

The House bill contained a provision (sec. 594) that would amend section 12304(b) of title 10, United States Code, to provide that when the President determines that it is necessary to assist in responding to a major disaster or emergency as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when not operating as a service for the Navy, may be authorized to order any unit or member of the Army Reserve, Air Force Reserve, Navy Reserve, Marine Corps Reserve, or Coast Guard Reserve to active duty for not more than 365 days.

The Senate bill contained no similar provision.

The agreement does not include the provision.

This provision was requested by the Department of Defense to give the President the maximum flexibility in employing the armed forces, including the unique capabilities in the Army, Navy, Marine Corps, and Coast Guard Reserves when necessary to respond to major disasters or emergencies. Many State governors have expressed concern about unity of effort of State and federal forces in delivering emergency services to citizens of their states and are concerned that they lack sufficient authority to direct the efforts of federal forces, including personnel and units of the armed forces.

We agree that this proposal has significant merit. The Department of Defense should engage with the community of governors to work out an understanding of unity of effort during domestic terrorist events and public emergencies. This key underlying issue must be addressed to allow this and other promising proposals to be enacted.

*Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents*

The House bill contained a provision (sec. 596) that would authorize a member of the

armed forces with minor dependents to request a deferment of deployment to an area for which imminent danger pay is authorized if the member has a spouse who is a member of the armed forces deployed to such an area.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Additional funds to carry out funeral honor functions at funerals for veterans*

The House bill contained a provision (sec. 597) that would provide an additional $3.0 million for compliance with the funeral honors requirements of section 1491 of title 10, United States Code.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation*

The House bill contained a provision (sec. 4510) that would amend Title II of the Servicemembers' Civil Relief Act (50 U.S.C. App. 521 et seq.) (SCRA) to provide that a court may not modify or amend any previous judgment or order, or issue a new order, that would change the custody arrangements for a child of a servicemember deployed in support of a contingency operation unless there is clear and convincing evidence that it is in the best interest of the child. The provision would also provide that a court may not consider the absence of a service member by reason of deployment, or possibility of deployment, in determining the best interest of the child.

The Senate bill contained no similar provision.

The agreement does not include this provision.

It is the sense of Congress that, when addressing the best interests of minor children in child custody cases, judges should, whenever possible, allow service members to return from deployment before issuing a permanent order regarding child custody arrangements.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### SUBTITLE A—PAY AND ALLOWANCES

*Fiscal year 2009 increase in military basic pay (sec. 601)*

The House bill contained a provision (sec. 601) that would authorize a pay raise for the members of the uniformed services of 3.9 percent effective on January 1, 2009. This across-the-board pay raise is 0.5 percent above the budget request.

The Senate bill contained an identical provision (sec. 601).

The agreement includes this provision.

*Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care (sec. 602)*

The House bill contained a provision (sec. 602) that would amend section 402 of title 37, United States Code, to make permanent the prohibition on charges for meals received at military treatment facilities by certain service members receiving continuous care.

The Senate bill contained a similar provision (sec. 616).

The agreement includes the Senate provision.

*Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses (sec. 603)*

The House bill contained a provision (sec. 604) that would increase the maximum authorized payment or reimbursement rate for temporary lodging expenses from $180 per day to $290 per day.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

*Availability of second family separation allowance for married couples with dependents (sec. 604)*

The House bill contained a provision (sec. 605) that would require the service secretaries to pay one member of a married couple, both of whom are members of the uniformed services who are residing together with dependents prior to a qualifying deployment, a full family separation allowance under section 427 of title 37, United States Code, and to pay the other member one-half of such allowance.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the service secretaries to pay each member of a married couple who qualify under this provision a full family separation allowance under section 427 of title 37, United States Code.

*Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service (sec. 605)*

The House bill contained a provision (sec. 607) that would extend for 1 year the authority to pay income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

The Senate bill contained a provision (sec. 614) that included an identical extension.

The agreement includes the House provision.

### SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

*Extension of certain bonus and special pay authorities for reserve forces (sec. 611)*

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus; the Selected Reserve affiliation or enlistment bonus; special pay for enlisted members assigned to certain high priority units; the ready reserve enlistment bonus for persons without prior service; the ready reserve enlistment and reenlistment bonus for persons with prior service; and the Selected Reserve enlistment bonus for persons with prior service.

The Senate bill contained an identical provision (sec. 611).

The agreement includes this provision.

*Extension of certain bonus and special pay authorities for health care professionals (sec. 612)*

The House bill contained a provision (sec. 612) that would extend until December 31, 2009, the authority to pay the nurse officer candidate accession bonus; the repayment of education loans for certain health professionals who serve in the Selected Reserve; the accession bonus for registered nurses; incentive special pay for nurse anesthetists; special pay for Selected Reserve health professionals in critically short wartime specialties; the accession bonus for dental officers; the accession bonus for pharmacy officers; the accession bonus for medical officers in critically short wartime specialties; and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate bill contained a similar provision (sec. 612).

The agreement includes the House provision.

*Extension of special pay and bonus authorities for nuclear officers (sec. 613)*

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending their period of active duty; the nuclear career accession bonus; and the nuclear career annual incentive bonus.

The Senate bill contained an identical provision (sec. 613).

The agreement includes this provision.

*Extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 614)*

The House bill contained a provision (sec. 614) that would extend for 1 year the authority to pay the aviation officer retention bonus; assignment incentive pay; the reenlistment bonus for active members; the enlistment bonus; the accession bonus for new officers in critical skills; the incentive bonus for conversion to military occupational specialty to ease personnel shortage; the accession bonus for officer candidates; and the retention bonus for members with critical military skills or assigned to high priority units.

The Senate bill contained a provision (sec. 614) that would extend for 1 year the authority to pay the foregoing bonuses and special pays and income replacement for reserve members experiencing extended and frequent mobilizations.

The agreement includes the House provision.

*Extension of authorities relating to payment of referral bonuses (sec. 615)*

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the health professions referral bonus and the Army referral bonus under sections 1030 and 3252 of title 10, United States Code, respectively.

The Senate bill contained a similar provision (sec. 615).

The agreement includes the House provision.

*Increase in maximum bonus and stipend amounts authorized under nurse officer candidate accession program and Health Professions Stipend Program (sec. 616)*

The House bill contained a provision (sec. 616) that would increase the bonus that may be paid to nurse officer candidates under section 2130a of title 10, United States Code, from $10,000 to $20,000, and the monthly stipend that may be paid to such candidates from $1,000 to $1,250. The provision would also increase the maximum initial installment of the bonus from $5,000 to $10,000.

The Senate bill contained a provision (sec. 553) that would equate the authority for the stipend paid to baccalaureate students in nursing or other health professions under the Health Professions Stipend Program for health care professionals in reserve components with the amount of the stipend paid to participants in the Armed Forces Health Professions Scholarship Program under section 2121(d) of title 10, United States Code.

The agreement includes the House provision with an amendment that includes the provisions of section 553 of the Senate bill, and equates the maximum monthly stipend that may be paid to nurse officer candidates to the stipend paid under section 2121(d) of title 10, United States Code.

*Maximum length of nuclear officer incentive pay agreements for service (sec. 617)*

The House bill contained a provision (sec. 617) that would amend section 312 of title 37, United States Code, to require only that a qualifying agreement to remain on active duty be for a period of not less than 3 years with the objective of providing more flexibility in administering the nuclear officer continuation pay.

The Senate bill contained a similar provision (sec. 618).

The agreement includes the House provision.

*Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services (sec. 618)*

The House bill contained a provision (sec. 618) that would make technical changes to facilitate the utility of provisions included in the initiative to reform special and incentive pays adopted in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

*Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency (sec. 619)*

The House bill contained a provision (sec. 619) that would amend section 353 of title 37, United States Code, to authorize a skill proficiency bonus of up to $12,000 annually to a member enrolled in an officer training program and certain Senior Reserve Officers' Training Corps program participants who agree to participate in educational programs aimed at acquiring proficiency in critical foreign languages or expertise in critical foreign cultural studies. The provision would also require the Secretary of Defense to conduct a pilot program through December 31, 2013, that would pay a skill proficiency bonus to members of reserve components who similarly participate in designated foreign language or cultural studies programs.

The Senate bill contained a similar provision (sec. 619) that would create a new section 316a of title 37, United States Code, to authorize the Secretary of Defense to pay incentive pay of up to $3,000 per year to an individual pursuing foreign language proficiency while enrolled in the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class.

The agreement includes the House provision with an amendment that would authorize the Secretary of Defense to pay incentive pay to an individual pursuing foreign language proficiency in a critical foreign language while enrolled in the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class.

*Accession and retention bonuses for the recruitment and retention of officers in certain health professions (sec. 620)*

The House bill contained a provision (sec. 620) that would designate qualified psychologists, registered nurses, and other mental health professionals as determined by the service secretaries, as critically short wartime specialties.

The Senate bill contained a provision (sec. 617) that would add a new section 301f to title 37, United States Code, to authorize a multiyear retention bonus for uniformed psychologists in the maximum amount of $25,000 per year for up to 4 years. The provision would also add a new section 302m to title 37, United States Code, to authorize an accession bonus for uniformed psychologists of up to $400,000 for an active-duty commitment of at least 4 years.

The agreement includes the House provision with an amendment that would add the multiyear retention bonus and accession bonus for uniformed psychologists.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES

*Special weight allowance for transportation of professional books and equipment for spouses (sec. 621)*

The House bill contained a provision (sec. 632) that would authorize an additional weight allowance of 200 pounds for shipping materials associated with the employment or community support activities of the service member's spouse.

The Senate bill contained a provision (sec. 632) that would authorize the service secretaries to permit an additional weight allowance of up to 500 pounds for professional books and equipment belonging to spouses of service members changing their permanent duty station. The provision would take effect October 1, 2009.

The agreement includes the Senate provision with an amendment that would make the provision effective upon date of enactment of the Act.

*Shipment of family pets during evacuation of personnel (sec. 622)*

The House bill contained a provision (sec. 633) that would authorize transportation, including payment of shipping and quarantine costs, of two household pets in cases of evacuation from a permanent station located in a foreign area.

The Senate bill contained a similar provision (sec. 631).

The agreement includes the Senate provision with an amendment that would subject the allowances for transportation of family pets to regulations prescribed by the Secretary of Defense that may specify limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.

SUBTITLE D—RETIRED PAY AND SURVIVOR BENEFITS

*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. 631)*

The House bill contained a provision (sec. 643) that would extend the special survivor indemnity allowance enacted in section 644 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to survivors of certain service members who die on active duty.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Correction of unintended reduction in Survivor Benefit Plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity (sec. 632)*

The House bill contained a provision (sec. 646) that would require the Secretary of Defense to determine if the phased elimination of the two-tier annuity computation system, formerly a part of the Survivor Benefit Plan, and related supplemental survivor annuities, resulted in some Survivor Benefit Plan annuitants receiving a smaller annuity than they would have received if the two-tier computation system had not been eliminated, and to take such actions as necessary to adjust the annuity amounts to eliminate the reduction.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE E—COMMISSARY AND NONAPPROPRIATED FUND INSTRUMENTALITY BENEFITS AND OPERATIONS

*Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members (sec. 641)*

The House bill contained a provision (sec. 651) that would authorize the Secretary of Defense to use the proceeds derived from surcharges imposed in connection with sales of commissary merchandise to members of reserve components, retired members, and others eligible for commissary benefits through use of temporary and mobile equipment to offset the cost of such initiatives.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations (sec. 642)*

The House bill contained a provision (sec. 654) that would require the Secretary of Defense to establish a Resale Activities Review Board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on military installations is barred from sale or rental due to its sexually explicit nature.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE F—OTHER MATTERS

*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. 651)*

The House bill contained a provision (sec. 662) that would require the service secretaries to pay the unpaid portions of bonuses to, and prohibit the service secretaries from recouping unearned portions of paid bonuses from, service members or their estates in the case of members who die, other than as a result of their own misconduct, or who are retired or separated under chapter 61 of title 10, United States Code. The provision would also authorize the service secretaries to waive recoupment of unearned bonuses and to pay the unpaid amounts of contracted bonuses in any circumstance where failing to do so would be against equity and good conscience or contrary to the best interests of the United States.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the prohibition against requiring repayment of the unearned portion of any bonus, and the requirement to pay out the remainder of any bonus not yet paid, applies to service members who die while on active duty, or service members who retire or separate due to a disability that is determined to be combat-related as defined in section 1413a(e) of title 10, United States Code.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Equitable treatment of senior enlisted members in computation of basic allowance for housing*

The House bill contained a provision (sec. 603) that would amend section 403 of title 37, United States Code, to provide that the determination of what constitutes adequate housing for members in the pay grade of E–8 with dependents shall be equivalent to the standard in effect for members in the pay grade of E–9 with dependents.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade*

The House bill contained a provision (sec. 606) that would authorize a member of the armed forces who accepts an appointment or reappointment as an officer, without a break in service, to retain the pay and allowances to which the member was entitled in the previous grade if it is more than the pay and allowances to which the member is entitled in

the grade to which he is appointed or reappointed.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Guaranteed pay increase for members of the armed forces of one-half of one percentage point higher than employment cost index*

The House bill contained a provision (sec. 608) that would mandate that pay raises for all service members during fiscal years 2010 through 2013 be one-half of 1 percent higher than the annual rise in the Employment Cost Index.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Increased weight allowance for transportation of baggage and household effects for certain enlisted members*

The House bill contained a provision (sec. 631) that would authorize an additional weight allowance for noncommissioned officers in the grades E–5 through E–9 for shipping household goods during permanent changes in station.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Travel and transportation allowances for members of the reserve components of the armed forces on leave for suspension of training*

The Senate bill contained a provision (sec. 633) that would add a new section 411k to title 37, United States Code, to authorize travel and transportation allowances for service members on active duty for more than 30 days to travel from a temporary duty station to their permanent duty station and back again during times when training is suspended at the temporary duty station for a period of 5 days or more.

The House bill contained no similar provision.

The agreement does not include the provision.

We urge the services to be mindful of training suspensions and minimal staffing periods when devising training schedules for the reserve components. Suspension of training activities for mobilized Reserve and National Guard units must be carefully managed to avoid wasted time and unnecessary absence from home duty stations, particularly during the holiday season.

*Equity in computation of disability retired pay for reserve component members wounded in action*

The House bill contained a provision (sec. 641) that would change the method of calculating retired pay for reserve component members who have been awarded the Purple Heart by crediting the members with a year of active-duty service for each year the members received at least 50 reserve retirement points.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*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*

The House bill contained a provision (sec. 642) that would authorize surviving spouses or former spouses, who had previously transferred their Survivor Benefit Plan annuity to a child or children, to reclaim their eligibility for the annuity after the termination of a subsequent marriage if the child or children were no longer eligible for the annuity.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Repeal of requirement of reduction of SBP survivor annuities by Dependency and Indemnity Compensation*

The Senate bill contained a provision (sec. 642) that would eliminate the offset of Survivor Benefit Plan annuities by the amount of Dependency and Indemnity Compensation received from the Department of Veterans Affairs.

House bill contained no similar provision.

The agreement does not include the provision.

*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*

The House bill contained a provision (sec. 644) that would allow officers with at least 20 years of active-duty service to retire and join the Selected Reserve and, after serving at least 2 years in the Selected Reserve, to receive retired pay in a higher grade if they are promoted after their active-duty retirement.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement*

The House bill contained a provision (sec. 645) that would amend section 10145 of title 10, United States Code, to require recomputation of retired pay and adjustment of retired grade of non-regular retirees recalled to an active status in the Selected Reserve who complete not less than 2 years of service in that status.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Presumption of death for participants in Survivor Benefit Plan in missing status*

The House bill contained a provision (sec. 647) that would prohibit a determination of presumed death by the Secretary of State for retired service members who are Survivor Benefit Plan annuitants, and who have been kidnapped in Iraq or Afghanistan.

The Senate bill contained no similar provision.

The agreement does not include the provision.

While current law explicitly entitles an active-duty service member to continued pay and allowances upon a determination that the member is missing, retired pay is stopped when a retired service member is determined to be missing, regardless of whether the member is still in a direct employment relationship with the Federal Government. Under the Survivor Benefit Plan, commencement of payment of the survivor benefit annuity may begin upon such a determination. We are sensitive to the fact that the annuity is typically but a portion of full retired pay. The Department of Defense must balance the need to avoid erroneous payments to survivors with the need to protect the interests of survivors in situations where death cannot or should not be presumed. We urge the Department to study whether retired pay should be stopped in the case of retired service members who are still in a direct employment relationship with the Federal Government, and to recommend statutory changes to the Congress, as necessary.

*Eligibility for disability retired pay and separation pay of certain former cadets and midshipmen with prior enlisted service*

The House bill contained a provision (sec. 648) that would extend retroactively the eligibility for disability retired pay and separation pay to cadets and midshipmen with prior enlisted service whose physical disabilities were incurred after January 1, 2000.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Separation pay, transitional health care, and transitional commissary and exchange benefits for members of the armed forces separated under surviving son or daughter policy*

The Senate bill contained a provision (sec. 651) that would entitle service members who are separated under the Department of Defense surviving son or daughter policy to separation pay, transitional health care, and transitional commissary and exchange benefits.

The House bill contained no similar provision.

The agreement does not include the provision. The benefits of this section were included in the Hubbard Act (Public Law 110–317) enacted August 29, 2008.

*Requirements for private operation of commissary store functions*

The House bill contained a provision (sec. 652) that would amend section 2485(a)(2) of title 10, United States Code, to extend the moratorium on studies to compare the cost effectiveness of commissary operations employing federal civilian employees and private sector employees from December 31, 2008, to December 31, 2013.

The Senate amendment contained no similar provision.

The agreement does not include the House provision.

Before initiating a cost comparison study of a commissary store under Office of Management and Budget Circular A–76, we recommend that the Secretary of Defense confirm that the government workforce in question has transitioned to the Defense Commissary Agency's Workforce of the Future and ensure that the private sector competitor has demonstrated experience in grocery store operations.

*Additional exception to limitation on use of appropriated funds for Department of Defense golf courses*

The House bill contained a provision (sec. 653) that would amend section 2491a of title 10, United States Code, to authorize the use of appropriated funds to purchase and maintain golf carts designed to accommodate persons with disabilities and the use of such golf carts on military golf courses.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Use of appropriated funds to pay post allowance or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas*

The House bill contained a provision (sec. 656) that would authorize the Secretary of Defense to pay post or cost of living allowances to nonappropriated fund instrumentality employees who are United States citizens and employed full-time at an overseas location utilizing appropriated funds. Appropriated funds may be used to pay such allowances only if they were due to a nonappropriated fund instrumentality employee or former employee since December 1, 2001, but have not been previously paid.

The Senate bill contained no similar provision.

The agreement does not include the provision.

We are aware that there has been some confusion about the requirement for nonappropriated fund entities to pay post allowances at overseas locations when the employee is hired locally. We are also aware that the Department of Defense is reconsidering the current policy that requires post allowances to be paid to nonappropriated fund employees who are locally hired. Given the confusion over the specifics of the policy, we believe that nonappropriated fund entities should be protected from the burden of making additional unexpected retroactive and current payments until the Department's reassessment of the policy is completed. We strongly urge the Secretary of Defense to identify and allocate appropriated funding to pay post allowances to locally hired nonappropriated fund employees at overseas locations and ensure that no nonappropriated fund entity incurs additional cost resulting from confusion over the Department's policy on these matters.

*Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores*

The House bill contained a provision (sec. 657) that would require the Secretary of Defense to conduct a study to evaluate the propriety, patron convenience, and financial utility of including alcoholic wine and beer for sale in, at, or by commissary stores, and to report the findings of this study to Congress. This provision would also authorize the Secretary to conduct a pilot program involving the sale of alcoholic wine and beer in commissary stores.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army*

The House bill contained a provision (sec. 661) that would authorize the Secretary of the Army to train, directly or through a contractor, members of the general public to refer recruit candidates for enlistment. The provision would also provide the Secretary greater flexibility on the timing of referral bonus payments and the use of a contractor to manage the payment of such bonuses.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Providing injured members of the armed forces information concerning benefits*

The House bill contained a provision (sec. 663) that would amend section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to add additional requirements to the handbook required by that section.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Postal benefits program for members of the armed forces serving in Iraq or Afghanistan*

The House bill contained a provision (sec. 664) that would require the Secretary of Defense, in consultation with the United States Postal Service, to provide a postal benefits program to service members serving in Iraq or Afghanistan, or who are hospitalized in a Department of Defense facility as a result of service in Iraq or Afghanistan.

The Senate bill contained no similar provision.

The agreement does not include this provision.

## TITLE VII—HEALTH CARE AND WOUNDED WARRIOR PROVISIONS

### SUBTITLE A—IMPROVEMENTS TO HEALTH BENEFITS

*One-year extension of prohibition on increases in certain health care costs for members of the uniformed services (sec. 701)*

The House bill contained a provision (sec. 701) that would extend until September 30, 2009, the statutory prohibition on increases in any premium, deductible, and copayment under TRICARE; the maximum charge for inpatient care under TRICARE Standard; and the enrollment fee for TRICARE Prime.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program (sec. 702)*

The House bill contained a provision (sec. 702) that would limit the cost sharing requirements for drugs provided through the TRICARE retail pharmacy program to amounts not more than $3 for generic drugs, $9 for formulary drugs, and $22 for non-formulary drugs during fiscal year 2009.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Chiropractic health care for members on active duty (sec. 703)*

The House bill contained a provision (sec. 704) that would require the Secretary of Defense to provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. The provision would also authorize the Secretary to conduct demonstration projects to provide chiropractic services to deployed members of the uniformed services.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense, not later than September 30, 2009, to provide chiropractic services to active duty service members at 11 additional Military Treatment Facilities that do not currently provide chiropractic services, the selection of which would be decided by the Department of Defense.

*Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008 (sec. 704)*

The House bill contained a provision (sec. 705) that would require the Secretary of Defense to recalculate the monthly premium for TRICARE Standard coverage. The premium could not cost more than 28 percent of the total average monthly amount for coverage based on actual cost data for the preceding fiscal year. If the amount calculated based on actual cost data is more than the amount in effect for the month of March 2006, then the Secretary would be required to offer coverage at the March 2006 rate.

The Senate bill contained a provision (sec. 701) that would require the Secretary of Defense to calculate calendar year 2009 monthly premiums for TRICARE Standard coverage based on the actual cost of coverage during calendar years 2006 and 2007. The provision would require the premiums for subsequent years to be calculated using the actual cost of providing benefits during the preceding calendar years.

The agreement includes the Senate provision with an amendment that would stipulate that calendar year 2009 monthly premium calculations must be limited to no more than 28 percent of the total average monthly amount for that coverage, as determined by the cost of providing benefits during calendar years 2006 and 2007, but may not exceed the amount in effect for the month of March 2007. For subsequent years, the premium calculation must be based on the actual cost of providing benefits during the preceding calendar years.

*Program for health care delivery at military installations projected to grow (sec. 705)*

The House bill contained a provision (sec. 706) that would require the Secretary of Defense to develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional civilian health care systems. The provision would also require the Secretary to implement such a program 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). The Secretary would be required to submit an annual report to the Committees on Armed Services of the Senate and House of Representatives describing the results of the program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would authorize the Secretary to develop a plan, and that would delete the requirement that the program be implemented at each installation participating in the pilot program under section 721 of Public Law 108–375.

We are encouraged by the Department of Defense's assessment of the pilot programs for health care delivery established by Public Law 108–375 in its July 2007 interim report on the status of these programs. At the two sites selected to test the program, Fort Drum, New York, and Yuma, Arizona, the Department found that ''substantive partnerships, significant cooperative health care arrangements, and agreements'' have been established between each installation and its local civilian medical community. We urge the Department of Defense to take the best practices learned from these respective programs and use them as a model for future initiatives established under this section.

*Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs (sec. 706)*

The House bill contained a provision (sec. 707) that would require the Secretaries of Defense and Veterans Affairs to complete a written agreement including, at a minimum, plans for patient priority categories, budgeting, staffing, construction, and physical plant management before a facility could be designated a combined federal medical facility of the Department of Defense and the Department of Veterans Affairs.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would add governance, training, contingency planning, quality assurance, and information technology to the list of minimum requirements for the written agreement.

### SUBTITLE B—PREVENTIVE CARE

*Waiver of copayments for preventive services for certain TRICARE beneficiaries (sec. 711)*

The House bill contained a provision (sec. 711) that would require the Secretary of Defense to waive all TRICARE copayments for preventive services for all beneficiaries who would otherwise pay copayments, and to ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover their annual deductible. The

provision would also authorize the Secretary to refund the copayment amounts paid by certain Medicare-eligible beneficiaries for preventive services obtained during fiscal year 2009. Covered preventive services would include colorectal screening, breast screening, cervical screening, prostate screening, annual physical exams, and vaccinations.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would expand the list of covered preventive services to include any other services as determined by the Secretary of Defense.

We believe that the Department of Defense should also consult with and consider the recommendations of the U.S. Preventive Services Task Force, as well as consider including screenings for other preventable health care conditions such as osteoporosis.

*Military health risk management demonstration project (sec. 712)*

The House bill contained a provision (sec. 712) that would require the Secretary of Defense to conduct a demonstration project evaluating the efficacy of providing monetary and non-monetary incentives to assist enrolled beneficiaries to improve and encourage healthy behaviors. The demonstration project must include a wellness assessment with physiological and biometric measures such as blood pressure, glucose level, lipids, and nicotine use. Non-Medicare eligible retired TRICARE Prime beneficiaries and their dependents who reside in the demonstration project service area would be enrolled in the demonstration project.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would offer, rather than require, eligible beneficiaries to enroll in the demonstration project, and would add weight to the list of measures to be included in the wellness assessment.

*Smoking cessation program under TRICARE (sec. 713)*

The House bill contained a provision (sec. 713) that would require the Secretary of Defense to establish a smoking cessation program under TRICARE. The program would be made available to all non-Medicare eligible beneficiaries covered under TRICARE. The program would include, at a minimum: pharmaceuticals used for smoking cessation through the mail-order pharmacy program at no cost to the beneficiary if appropriate; access to a 24 hour, 7 days a week toll-free quit line; and access to tobacco cessation materials.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would add counseling as a required program element, and provide for involvement of the military chain of command.

We urge the Department of Defense to look at the work of other nationally recognized programs and consider implementing any appropriate best practices into its program.

*Preventive health allowance (sec. 714)*

The House bill contained a provision (sec. 714) that would require the Secretary of Defense to conduct a demonstration project to evaluate the efficacy of providing an annual preventive health services allowance to eligible service members, in order to increase the use of preventive health services by those service members and their dependents.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would add to the list of preventive health services weight and body mass screening.

*Additional authority for studies and demonstration projects relating to delivery of health and medical care (sec. 715)*

The Senate bill contained a provision (sec. 712) that would authorize the Secretary of Defense to conduct additional studies and demonstrations relating to the delivery of health and medical care, which may include:

(1) projects to provide awards and incentives to TRICARE covered service members and beneficiaries who obtain certain health promotion and disease prevention health care services;

(2) projects to provide awards and incentives to individual health care professionals to encourage improved quality and effectiveness of health care services;

(3) projects to improve the medical and dental readiness of the reserve components; and

(4) projects to improve the continuity of health care services for family members of mobilized members of the reserve components, including payment of a stipend for continuation of employer-provided health coverage.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would clarify that health promotion and disease prevention health care services received by members and covered beneficiaries are required to be obtained under the TRICARE program. The amendment would also clarify that personnel incentives available to individual health care professionals should be made available to civilian personnel as well as members of the armed forces.

SUBTITLE C—WOUNDED WARRIOR MATTERS

*Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries (sec. 721)*

The House bill contained a provision (sec. 721) that would require the Secretary of Defense to 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. The Secretary would be required to collaborate with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities to carry out the work of the center.

The Senate bill contained no similar provision.

The agreement includes the House provision.

We note that tinnitus, characterized by ringing in the ears, can be a severely disabling condition that impacts military personnel, particularly those exposed to blasts. The genesis and nature of this condition requires further study, including whether it disproportionately affects military personnel, and its correlation to other combat related neurological conditions.

*Clarification to center of excellence relating to military eye injuries (sec. 722)*

The House bill contained a provision (sec. 722) that would remove the phrase ''in combat'' from section 1623(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to match sections 1621 and 1623 of the same Act.

The Senate bill contained no similar provision.

The agreement includes the House provision.

We direct that not later than 30 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 status of implementation of the Vision Center of Excellence. The report shall include, at a minimum, a description of the mission of the center, the resources and funds available for the center in fiscal years 2009 through 2013, and the planned programs and priorities of the center.

*Center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations (sec. 723)*

The House bill contained a provision (sec. 724) that would require the Secretary of Defense and the Secretary of Veterans Affairs to establish a competitive, peer-reviewed research program to conduct peer-reviewed medical research designed to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. The Secretary would also be required to submit a report on the plans for establishment, management, and operation of this research program.

The Senate bill contained a similar provision (sec. 1066).

The agreement includes the Senate provision with an amendment that would add conducting research on saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities to the responsibilities of the center.

*Additional responsibilities for the Wounded Warrior Resource Center (sec. 724)*

The Senate bill contained a provision (sec. 1064) that would amend section 1616(a) of the Wounded Warrior Act (title XVI of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)) to require the Secretary of Defense to provide referrals for legal assistance where appropriate to wounded warriors, their families, and primary caregivers.

The House bill contained no similar provision.

The agreement includes the Senate provision.

We note that the intent of this provision is not to create a new entitlement for legal assistance, but to provide a referral service to connect wounded service members and their families with their local judge advocate office or other appropriate entity.

*Sense of Congress on research on traumatic brain injury (sec. 725)*

The Senate bill contained a provision (sec. 1065) that would amend section 1621(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to authorize the Secretary of Defense to conduct pilot programs to promote or assess the efficacy of treatment approaches for all forms of traumatic brain injury, to include mild traumatic brain injury.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to express the sense of Congress that the requirement under section 1621(c)(7) to conduct basic science and translational research on traumatic brain injury includes pilot programs designed to test the efficacy of clinical approaches, including the use of pharmacological agents. The amendment would express support for continued joint research with the National Institutes of Health in this area.

*Extension of Senior Oversight Committee with respect to wounded warrior matters (sec. 726)*

The Senate bill contained a provision (sec. 1067) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly take actions to continue the operations of the Senior Oversight Committee established to address concerns related to the treatment of wounded, ill, and injured members of the armed forces and veterans until September 30, 2011.

The House bill contained no similar provision.

The agreement contains the Senate provision with an amendment to require the Secretary of Defense and the Secretary of Veterans Affairs to continue the operations of the Senior Oversight Committee until December 31, 2009, and to report by August 31, 2009, on the future operations of the Senior Oversight Committee.

*Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the armed forces for retirement for disability (sec. 727)*

The Senate bill contained a provision (sec. 1061) that would amend sections 1201 and 1203 of title 10, United States Code, to adopt the same presumption of sound condition used by the Department of Veterans Affairs in accordance with section 1111 of title 38, United States Code, that a disability is incurred while on active duty if the disability was not noted at the time of a member's entrance on active duty unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service.

The House bill contained no similar provision.

The agreement includes this provision.

We believe that the Department of Defense and the Department of Veterans Affairs must make consistent determinations as to whether a disability existed before the member's entrance or was aggravated by active military service.

SUBTITLE D—OTHER MATTERS

*Report on providing the Extended Care Health Option program to dependents of military retirees (sec. 731)*

The House bill contained a provision (sec. 732) that would require the Secretary of Defense to submit a report on including autistic dependents of military retirees in the Extended Care Health Option (ECHO) program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would expand the scope of the report to cover all dependents of retirees who participate in the ECHO program, and clarify that the report should discuss including such dependents for a limited transitional period following retirement.

*Increase in cap on extended benefits under Extended Health Care Option (ECHO) (sec. 732)*

The House bill contained a provision (sec. 733) that would ensure that autistic children of members of the armed forces enrolled in the Extended Health Care Option (ECHO) program would be eligible for a minimum of $5,000 per month of autistic therapy services.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would replace the monthly cap on services under the ECHO program with an annual cap of $36,000.

We are concerned that the needs of military dependent children with autism are not being fully met due to the lack of availability of providers nationwide to provide therapeutic and other support services to children with autism. We expect the demonstration project initiated under TRICARE to go forward, incorporating to the maximum extent practicable, improvements identified by military family members. The demonstration project must complement other essential services to military dependent children with autism, including those authorized in section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). Those services include assignment of case managers, development of individualized services plans, and establishment of autism support centers.

We direct the Secretary of Defense to report not later than 90 days after the enactment of this Act, and semi-annually thereafter, on the status of implementation of the TRICARE demonstration project, including the numbers of autistic children served, the type and frequency of services provided, the number of available providers by region, and whether reimbursement levels are sufficient to retain qualified providers in the TRICARE networks.

Not later than February 1, 2009, the Secretary shall report to the congressional defense committees on the feasibility of establishing one or more autism support centers, as authorized by Public Law 110–181. The report shall describe the capabilities of such centers to serve military dependent children with autism of all services, the potential efficacy of such centers to meet the needs of military families with children with a diagnosis of autism, as well as the potential for training additional qualified providers of services to children with autism. We believe that each center should utilize medical, educational, and developmental therapies that have been successfully used to treat children with autism.

*Department of Defense task force on the prevention of suicides by members of the armed forces (sec. 733)*

The House bill contained a provision (sec. 735) that would require the Secretary of Defense to conduct a study to identify the mental health risks associated with the performance of military duties.

The Senate bill contained a provision (sec. 581) that would require the Secretary of Defense to develop a comprehensive policy designed to prevent suicide by members of the armed forces.

The agreement includes the Senate provision with an amendment that would require the Secretary of Defense to establish a task force to examine matters relating to prevention of suicide by members of the armed forces.

*Transitional health care for certain members of the armed forces who agree to serve in the Selected Reserve of the Ready Reserve (sec. 734)*

The House bill contained a provision (sec. 737) that would provide transitional health care benefits to members who separate from active duty and who agree to become a member of the Selected Reserve.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would delete the language related to funding, which is reflected in the tables.

*Enhancement of medical and dental readiness of members of the armed forces (sec. 735)*

The House bill contained a provision (sec. 362) that would authorize $22.3 million to be appropriated for first term dental readiness, and $8.5 million to be appropriated for demobilization dental treatment.

The Senate bill contained a provision (sec. 711) that would require the secretary of each military department to provide to members of the Selected Reserve who are assigned to units scheduled for deployment within 75 days after mobilization annual medical screenings, a full physical examination for members who are over the age of 40 every 2 years, and annual dental screenings and dental care required to ensure that a member meets the dental standards required for deployment, all at no cost to the member. The provision would also authorize the secretaries concerned to provide the same services to other members of the Selected Reserve and to a member of the Individual Ready Reserve with a deployment responsibility, if those services are necessary to ensure medical and dental readiness. In addition, the provision would clarify that reserve components may use available operation and maintenance funds to achieve these goals.

The Senate provision would also authorize the Secretary of Defense to waive, in whole or in part, during a time of national emergency, the requirement for members of the Selected Reserve enrolled in the TRICARE dental insurance program to pay copayments for restorative care necessary to meet dental readiness standards, in order to facilitate readiness of a unit or individual scheduled for deployment. Finally, the provision would require the Secretary of Defense to submit a report on the policies and procedures to ensure medical and dental readiness of service members.

The agreement includes the Senate provision with an amendment that would clarify that waivers of charges determined necessary by the Secretary to ensure the readiness of a unit or individual for deployment should be subject to regulation and limited to dental services required for readiness.

We remind the Department of Defense that readiness includes not only pre-deployment medical and dental work necessary to make the member deployable, but also post-deployment medical and dental care to bring the member back up to readiness standards after they return from a long absence, where such medical and dental care may not have been available.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Prohibition on conversion of military medical and dental positions to civilian medical and dental positions*

The House bill contained a provision (sec. 703) that would prohibit the military departments from converting any military medical or dental position to a civilian medical or dental position on or after October 1, 2008. This provision would also require that any military medical or dental position that has been converted to a civilian medical or dental position from October 1, 2004, through September 30, 2008, be restored to a military medical or dental position if the position is not filled by a civilian by September 30, 2008.

The Senate bill contained a provision (sec. 721) that would repeal subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), which prohibits the military departments from converting any military medical or dental position through September 30, 2012. The provision would also restore subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), which requires certification by the secretary of a military department that any planned conversion will not increase the cost or decrease the quality of care or access to military health care, and requires a review by the Comptroller General of these certifications. The provision would keep the requirement set forth in subsection (b) of section 721 of Public Law 110–181 requiring the military departments to restore any positions converted between October 1, 2004, and September 30, 2008, that have not yet been filled by a civilian back to military positions.

The agreement does not include these provisions.

*Reserve component behavioral health care provider locator and appointment assistance demonstration project*

The House bill contained a provision (sec. 708) that would require the Secretary of Defense to 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, and to submit reports on this demonstration project.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Travel for anesthesia services for childbirth for dependents of members assigned to very remote locations outside the continental United States*

The Senate bill contained a provision (sec. 713) that would authorize the Secretary of Defense to pay travel expenses for a dependent of a service member assigned to a very remote location outside the continental United States who requires or elects anesthesia services for childbirth to a location in the United States.

The House bill contained no similar provision.

The agreement did not include the Senate provision.

*National Casualty Care Research Center*

The House bill contained a provision (sec. 723) that would require the Secretary of Defense to designate a National Casualty Care Research Center at the Army Medical Research and Materiel Command, for the purpose of establishing additional linkages between military and civilian casualty research.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Review of policies and processes related to the delivery of mail to wounded members of the armed forces*

The House bill contained a provision (sec. 725) that would require the Secretary of Defense to review the policies and processes related to the delivery of letters, packages, messages, and other communications that are intended as measures of support and are addressed generally to wounded and injured members of the armed forces in military medical treatment facilities and other locations where members of the armed forces are treated and rehabilitated.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Post-deployment mental health screening demonstration project*

The House bill contained a provision (sec. 726) that would require the Secretary of Defense to conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a service member and a mental health provider.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Report on stipend for members of reserve components for health care for certain dependents*

The House bill contained a provision (sec. 731) that would require the Secretary of Defense to submit 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).

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Report on implementation of recommendations contained in report on health effects of exposure to depleted uranium*

The House bill contained a provision (sec. 734) that would direct the Secretary of Defense to submit a report to Congress describing the measures underway to implement the report required by section 716 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Implementation of recommendations of Department of Defense Mental Health Task Force*

The House bill contained a provision (sec. 736) that would require the Comptroller General of the United States to conduct a review of the implementation by the Department of Defense of the recommendations made by the Department of Defense Task Force on Mental Health.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Inclusion of service members in inpatient status in wounded warrior policies and protections*

The Senate bill contained a provision (sec. 1062) that would amend section 1602(7) of the Wounded Warrior Act (title XVI of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)) to include inpatient service members in the definition of a ''recovering service member'' for purposes of policies and protections for wounded warriors.

The House bill contained no similar provision.

The agreement does not include this provision.

*Clarification of certain information sharing between the Department of Defense and Department of Veterans Affairs for wounded warrior purposes*

The Senate bill contained a provision (sec. 1063) that would amend section 1614(b)(11) of the Wounded Warrior Act (title XVI of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)) to require the Secretary of Defense and the Secretary of Veterans Affairs to implement a process for transferring medical records of a recovering service member from the Department of Defense to the Department of Veterans Affairs when the transfer is authorized by regulations implementing the Health Insurance Portability and Accountability Act of 1996.

The House bill contained no similar provision.

The agreement does not include the provision.

## TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

### SUBTITLE A—ACQUISITION POLICY AND MANAGEMENT

*Assessment of urgent operational needs fulfillment (sec. 801)*

The House bill contained a provision (sec. 802) that would require the Secretary of Defense to commission an independent study and report on the effectiveness of the processes used by the Department of Defense to identify, prioritize, and meet urgent operational needs.

The Senate bill contained a provision (sec. 813) that would require the expedited review and validation of urgent operational needs documents.

The agreement includes the House provision with an amendment that would require the independent study and report to make specific recommendations as to how to ensure the expedited review and validation of urgent operational needs documents.

*Implementation of statutory requirements regarding the national technology and industrial base (sec. 802)*

The House bill contained a provision (sec. 805) that would authorize the Secretary of Defense to provide for the application of a domestic industrial base evaluation factor during source selection for a major defense acquisition program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of Defense to issue guidance regarding the implementation of certain existing statutory requirements regarding the national technology and industrial base. We understand that the Department of Defense currently meets the requirement of section 2440, United States Code, by conducting industrial capabilities assessments.

*Commercial software reuse preference (sec. 803)*

The House bill contained a provision (sec. 806) that would require the Secretary of Defense to ensure that contracting officials reuse commercial computer software, whenever practicable, instead of developing new software.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary to ensure that contracting officials reuse commercial or off-the-shelf software, whenever practicable, instead of developing new software.

*Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies (sec. 804)*

The Senate bill contained a provision (sec. 811) that would modify requirements adopted in previous years for the Inspector General of the Department of Defense (DOD) to conduct joint reviews with the inspectors general of non-defense agencies to determine whether procurements conducted by the non-defense agencies on behalf of DOD have been conducted in compliance with defense procurement requirements.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment streamlining the provision.

### SUBTITLE B—PROVISIONS RELATING TO MAJOR DEFENSE ACQUISITION PROGRAMS

*Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements (sec. 811)*

The Senate bill contained a provision (sec. 801) that would address the inclusion of certain information on major subprograms in reports issued in accordance with the requirements of chapter 144 of title 10, United States Code.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

*Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs (sec. 812)*

The Senate bill contained a provision (sec. 802) that would extend reporting requirements for major automated information system programs to cover certain other major automated information technology investments.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

*Transfer of sections of title 10 relating to milestone A and milestone B for clarity (sec. 813)*

The House bill contained a provision (sec. 843) that would reverse sections of title 10 relating to milestone A and milestone B.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment making technical changes to the requirement for milestone A certifications.

*Configuration Steering Boards for cost control under major defense acquisition programs (sec. 814)*

The House bill contained a provision (sec. 846) that would require the Secretary of Defense to report to Congress on certain major defense acquisition programs and to establish Configuration Steering Boards (CSBs) for such programs.

The Senate bill contained a provision (sec. 803) that would require the Secretary to establish CSBs for all major defense acquisition programs.

The agreement includes the Senate provision with an amendment modifying the membership of CSBs and adding a new restriction on certain changes to programs receiving Milestone B approval during fiscal year 2008.

*Preservation of tooling for major defense acquisition programs (sec. 815)*

The House bill contained a provision (sec. 803) that would require the preservation of all unique tooling associated with the production of hardware for a major defense acquisition program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would streamline the requirement and the waiver authority, to clarify that the Secretary of Defense may waive the requirement to preserve unique production tooling, or any category of unique production tooling, if he determines that such a waiver is in the best interest of the Department of Defense and so notifies Congress. We note that the Secretary may delegate this authority, as he may delegate any authority provided to him by statute.

SUBTITLE C—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS

*Definition of system for defense acquisition challenge program (sec. 821)*

The House bill contained a provision (sec. 812) that would clarify the meaning of the term ''system'' for the purpose of the defense acquisition challenge program.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Technical data rights (sec. 822)*

The House bill contained a provision (sec. 814) that would require the Secretary of Defense to issue policy guidance on technical data rights in non-Federal Acquisition Regulation agreements.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment providing the Secretary greater flexibility in the drafting of the new guidance.

*Revision to the application of cost accounting standards (sec. 823)*

The House bill contained a provision (sec. 815) that would make the cost accounting standards apply to certain federal contracts performed outside the United States.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Cost Accounting Standards Board to study the issue and determine whether the application of the standards to contracts or subcontracts outside the United States would benefit the Federal Government.

*Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects (sec. 824)*

The Senate bill contained a provision (sec. 822) that would extend for 4 years the authority for the Secretary of Defense to carry out a pilot program under section 847 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), and modify such authority.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment extending the authority for 2 years. We direct the Secretary of Defense to report to the congressional defense committees not later than 270 days after the date of the enactment of this Act on the extent to which such authority has been used and, if it has not been used, whether modifications are needed to achieve the purpose of the provision.

*Clarification of status of Government rights in designs of Department of Defense vessels, boats, craft, and components thereof (sec. 825)*

The House bill contained a provision (sec. 841) that would clarify government rights in the designs of Department of Defense vessels, boats, and craft, and components of such vessels, boats, and craft.

The Senate bill contained a similar provision (sec. 1011).

The agreement includes the Senate provision with an amendment to address designs of all Department of Defense vessels, boats, craft, and components, regardless whether they are developed at public or private expense.

SUBTITLE D—PROVISIONS RELATING TO ACQUISITION WORKFORCE AND INHERENTLY GOVERNMENTAL FUNCTIONS

*Development of guidance on personal services contracts (sec. 831)*

The House bill contained a provision (sec. 822) that would require the Secretary of Defense to develop guidance and safeguards for the use of personal services contracts by the Department of Defense.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment cross-referencing the definition of personal services contracts in section 2330(a) of title 10, United States Code.

*Sense of Congress on the performance by private security contractors of certain functions in an area of combat operations (sec. 832)*

The House bill contained a provision (sec. 824) that would require the Secretary of Defense to modify existing regulations to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

The Senate bill contained a similar provision (sec. 841) that would also specify certain functions that constitute inherently governmental functions when performed in highly hazardous public areas.

The agreement includes a provision that expresses the Sense of Congress with regard to the performance of certain functions by private security contractors in an area of combat operations.

*Acquisition workforce expedited hiring authority (sec. 833)*

The House bill contained a provision (sec. 811) that would authorize the Department of Defense to use direct hiring authority for acquisition positions designated by the Secretary of Defense as shortage positions.

The Senate bill contained a similar provision (sec. 851).

The agreement includes the House provision.

*Career path and other requirements for military personnel in the acquisition field (sec. 834)*

The House bill contained a provision (sec. 813) that would require the Department of Defense to establish policies and issue guidance to ensure the proper development, assignment, and employment of military personnel in the acquisition field.

The Senate bill contained a provision (sec. 502(e)) that would establish minimum numbers of billets for general officers and flag officers serving in acquisition positions and in contracting positions in the military departments.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to ensure that a sufficient number of acquisition and contracting billets are reserved for general and flag officers with appropriate qualifications to ensure the optimum management of the acquisition functions of the Department of Defense. Elsewhere in the bill, we would increase the authorized number of Army general officers serving in acquisition positions by five, and authorize the Chairman of the Joint Chiefs of Staff to exclude from limitations on flag and general officers an additional five positions, one of whom must be assigned to the Defense Contract Management Agency.

SUBTITLE E—DEPARTMENT OF DEFENSE CONTRACTOR MATTERS

*Ethics safeguards related to conflicts of interest (sec. 841)*

The House bill contained a provision (sec. 821) that would require the Department of Defense to develop a standard policy aimed at preventing personal conflicts of interest by employees of Department of Defense contractors and implement that policy through a standard contract clause.

The House bill also contained a provision (sec. 4404) that would require the Administrator for Federal Procurement Policy to establish uniform, government-wide policies for the prevention of personal and organizational conflicts of interest by contractors and their employees and to implement those policies through a standard clause or a set of standard clauses.

The Senate bill contained a similar provision (sec. 832) that would require the Department of Defense to develop a contract clause addressing financial conflicts of interest of certain contractor employees.

The agreement includes a provision that would combine the requirements of the three provisions into a single, government-wide provision. The provision would require the development of a government-wide policy and a standard clause or set of clauses regarding personal conflicts of interest by contractor employees performing acquisition functions closely associated with inherently governmental functions. The provision would also require the Administrator for Federal Procurement Policy to consider any additional revisions to the Federal Acquisition Regulation that may be necessary to address personal or organizational conflicts of interest by contractors or their employees.

We note that the Department of Defense Panel on Contracting Integrity is also reviewing these issues and expect the Panel to continue that review.

*Information for Department of Defense contractor employees on their whistleblower rights (sec. 842)*

The Senate bill contained a provision (sec. 833) that would require the Secretary of Defense to prescribe in regulations a policy for informing Department of Defense (DOD) contractor employees of whistleblower rights and protections.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment requiring the Secretary to ensure that DOD contractor employees are informed of their whistleblower rights and protections.

*Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance (sec. 843)*

The House bill contained a provision (sec. 850) that would require the Secretary of Defense to adopt an acquisition strategy for insurance required by the Defense Base Act (section 1651 of title 42, United States Code) which minimizes the cost of such insurance to the Department and its contractors.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Report on use of off-shore subsidiaries by defense contractors (sec. 844)*

The House bill contained a provision (sec. 852) that would prohibit contractors from using foreign shell companies to employ United States persons to perform Department of Defense contracts.

The Senate bill contained a provision (sec. 823) that would ensure that an offeror for a Department of Defense contract cannot receive a competitive advantage by reducing costs through the use of overseas subsidiaries to avoid U.S. taxes.

The agreement includes the House provision with an amendment requiring a report by the Comptroller General on the use of foreign shell companies by Department of Defense contractors. We note that the tax issue has already been addressed in section 302 of Public Law 110–245.

*Defense industrial security (sec. 845)*

The House bill contained a series of provisions (sec. 831–833) that would codify certain requirements regarding facility clearances; foreign ownership, control and influence; and congressional oversight of these requirements.

The Senate bill contained no similar provision.

The agreement includes a provision that would make the Secretary of Defense responsible for the protection of classified information disclosed to contractors of the Department of Defense and require certain reports on the manner in which the Secretary carries out this responsibility.

SUBTITLE F—MATTERS RELATING TO IRAQ AND AFGHANISTAN

*Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan (sec. 851)*

The Senate bill contained a provision (sec. 843) that would ensure that federal retirees serving as members or staff of the Commission on Wartime Contracting in Iraq and Afghanistan may be paid for their work without forfeiting retired pay.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan (sec. 852)*

The Senate bill contained a provision (sec. 844) that would require the audit agencies of the military departments to conduct thorough audits of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would clarify that this provision may not be construed to require the duplication of audit work that has already been performed by Department of Defense audit agencies.

*Additional matters required to be reported by contractors performing security functions in areas of combat operations (sec. 853)*

The House bill contained a provision (sec. 847) that would amend section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to expand the categories of incidents that must be reported by private security contractors operating in areas of combat operations.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment reemphasizing the requirement for contractors of all federal agencies, pursuant to section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), to comply with regulations prescribed by the Secretary of Defense, other applicable laws and regulations, and orders and directives issued by commanders on the battlefield.

*Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan (sec. 854)*

The House bill contained a provision (sec. 849) that would require the Secretary of Defense to require the reporting of crimes against contractor personnel in Iraq and Afghanistan and to ensure that the victims of such crimes receive appropriate assistance.

The Senate bill contained a similar provision (sec. 842). The Senate provision would amend section 861 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to ensure that reporting and victim assistance requirements would apply to contractors of all federal agencies.

The agreement includes the Senate provision with an amendment combining the reporting and assistance requirements of the two provisions.

*Suspension of statutes of limitations when Congress authorizes the use of military force (sec. 855)*

The Senate bill contained a provision (sec. 1083) that would amend the wartime suspension of the statute of limitations in section 3287 of title 18, United States Code, to apply in cases where Congress has enacted a specific authorization for the use of the armed forces.

The House bill contained no similar provision.

The agreement includes the Senate provision.

SUBTITLE G—GOVERNMENTWIDE ACQUISITION IMPROVEMENTS

*Short title (sec. 861)*

The House bill contained a provision (sec. 4001) that would provide a short title for Division D of the House bill.

The Senate bill contained no similar provision.

The agreement includes a provision that would provide a short title for the government-wide acquisition subtitle of Title VIII.

*Limitation on length of certain noncompetitive contracts (sec. 862)*

The House bill contained a provision (sec. 4102) that would limit the length of contracts entered on a noncompetitive basis because of urgent and compelling circumstances.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would limit such contracts to a period of no longer than one year and apply the limitation to contracts in excess of the simplified acquisition threshold.

*Requirements for purchase of property and services pursuant to multiple award contracts (sec. 863)*

The House bill contained a provision (sec. 4103) that would: (1) extend on a government-wide basis certain requirements already applicable to the Department of Defense for purchases under multiple award contracts; and (2) establish public notice requirements for sole source purchase under such contracts.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

*Regulations on the use of cost-reimbursement contracts (sec. 864)*

The House bill contained a provision (sec. 4201) that would require the issuance of government-wide regulations to minimize the inappropriate use of cost-reimbursement contracts.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would streamline reporting requirements and simplify the provision.

*Preventing the abuse of interagency contracts (sec. 865)*

The House bill contained a provision (sec. 4202) that would require the Office of Management and Budget to establish guidelines for the use of interagency acquisitions.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Limitations on tiering of subcontractors (sec. 866)*

The House bill contained a provision (sec. 4204) that would extend on a government-wide basis certain regulatory requirements already applicable to the Department of Defense with respect to excessive pass-through charges on contracts.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Linking of award and incentive fees to acquisition outcomes (sec. 867)*

The House bill contained a provision (sec. 4205) that would extend on a government-wide basis certain requirements already applicable to the Department of Defense regarding the linking of award and incentive fees to acquisition outcomes.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying that the Department of Defense will continue to be subject to guidance on award and incentive fees issued pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

*Minimizing abuse of commercial services item authority (sec. 868)*

The House bill contained a provision (sec. 4206) that would extend on a government-wide basis certain regulatory requirements already applicable to the Department of Defense with respect to: (1) the purchase of commercial services; and (2) the use of time and materials contracts.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment deleting the requirement with respect to time and materials contracts.

*Acquisition workforce development strategic plan (sec. 869)*

The House bill contained a provision (sec. 4301) that would establish an acquisition

workforce development fund for civilian agencies, similar to the fund already in place for the Department of Defense.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Administrator for Federal Procurement Policy to develop a strategic plan for funding improvements to support the development of the civilian acquisition workforce.

*Contingency contracting corps (sec. 870)*

The House bill contained a provision (sec. 4302) that would establish a government-wide contingency contracting corps.

The Senate bill contained a provision (sec. 812) that would establish a contingency contracting corps within the Department of Defense (DOD).

The agreement includes the House provision with an amendment that would ensure that members of the Armed Forces or DOD civilian employees who are members of the government-wide contingency contracting corps may not be deployed without the concurrence of the Secretary of Defense or the Secretary's designee. The provision would also preserve the independent authority of the Secretary of Defense to deploy members of the Armed Forces or DOD civilian employees, including members of the government-wide contingency contracting corps, in support of a contingency operation, as defined in section 101(o)(13) of title 10, United States Code.

*Access of Government Accountability Office to contractor employees (sec. 871)*

The House bill contained a provision (sec. 4403) that would ensure that the Government Accountability Office has access to contractor employees for the purpose of conducting interviews.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Database for federal agency contract and grant officers and suspension and debarment officials (sec. 872)*

The House bill contained a series of provisions (sec. 4502–4504) that would require the establishment of a government-wide database of information regarding integrity and performance of persons awarded federal contracts and grants.

The Senate bill contained a provision (sec. 831), which would require the establishment of a database of information regarding the integrity and performance of persons awarded Department of Defense contracts.

The agreement includes the Senate provision with an amendment that would require the establishment of a government-wide database and making certain clarifying changes.

*Role of interagency committee on debarment and suspension (sec. 873)*

The House bill contained a provision (sec. 4505) that would establish requirements for the Interagency Committee on Debarment and Suspension.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Improvements to the Federal Procurement Data System (sec. 874)*

The House bill contained a provision (sec. 4509) that would require the Director of the Office of Management and Budget to direct appropriate revisions to the Federal Procurement Data System to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on other transactions.

The House bill also contained a provision (sec. 4508) that would require the Administrator of General Services to make recommendations to Congress on steps needed to create a centralized, comprehensive federal contracting and federal grant database.

The Senate bill contained no similar provisions.

The agreement includes the House provisions with an amendment that would combine them into a single section.

SUBTITLE H—OTHER MATTERS

*Expansion of authority to retain fees from licensing of intellectual property (sec. 881)*

The House bill contained a provision (sec. 842) that would clarify the authority for the Department of Defense and the Department of Homeland Security to retain fees from licensing of intellectual property.

The Senate bill contained a similar provision (sec. 852) applicable only to the Department of Defense.

The agreement includes the House provision.

*Report on market research (sec. 882)*

The House bill contained a provision (sec. 845) that would require the Secretary of Defense to submit a report to Congress on market research conducted by the Department of Defense (DOD) to identify commercial or nondevelopmental items that could meet DOD needs.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment streamlining the reporting requirement.

*Report relating to munitions (sec. 883)*

The House bill contained a provision (sec. 848) that would require the Secretary of Defense to report to the congressional defense committees justifying any decision to procure certain categories of ammunition from non-domestic sources and providing a plan to develop a domestic producer as the source for such ammunition by 2012.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment deleting the requirement that the report include a plan to develop a domestic producer for the covered categories of ammunition.

*Motor carrier fuel surcharges (sec. 884)*

The House bill contained a provision (sec. 851) that would require that motor carriers: (1) pass on the amount of all fuel surcharges to the person who bears the cost of such fuel; and (2) make the amount of any fuel-related adjustment publicly available on the internet.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require that: (1) the Secretary of Defense take appropriate steps to ensure that, to the maximum extent practicable, fuel-related adjustments are passed through to the person who bears the cost of the fuel; (2) the steps taken by the Secretary include the use of contract clauses in contracts providing for fuel-related adjustments; and (3) the Secretary publicly disclose any decision by the Department of Defense to pay fuel-related adjustments under such contracts (or a category of such contracts).

*Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense (sec. 885)*

The Senate bill contained a provision (sec. 1031) that would amend section 381 of title 10, United States Code, to authorize the State and local governments to purchase specialized homeland security and emergency response equipment through the Department of Defense.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Review of impact of covered subsidies on acquisition of KC–45 aircraft (sec. 886)*

The House bill contained a provision (sec. 801) that would require the Secretary of the Air Force to review a ruling by the World Trade Organization (WTO) regarding subsidies to a manufacturer of large commercial aircraft, including a notice and comment process, and take certain actions on the basis of such review.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to review the subsidies issue upon a ruling by the WTO, in consultation with certain other officials and experts without notice and public comment or the requirement to take any action on the basis of the review.

*Report on the implementation of earned value management at the Department of Defense (sec. 887)*

The House bill contained a provision (sec. 844) that would require the Secretary of Defense to study and report to Congress on the implementation of earned value management systems by the Department of Defense and its contractors.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment extending the deadline for the completion of the study and report.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Authorization of appropriations*

The House bill contained a provision (sec. 4507) that would authorize funds for the Administrator of General Services to establish a database of information regarding integrity and performance of federal contractors.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Authorization of independent agencies*

The House bill contained a provision (sec. 4506) that would address the participation of independent agencies in the suspension and debarment system.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Comprehensive proposal analysis required during source selection*

The House bill contained a provision (sec. 807) that would require the Secretary of Defense to provide for the consideration of costs borne by a foreign government in the evaluation of a proposal for a major defense acquisition program, a significant portion of which will be performed outside the United States.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Disclosure of CEO salaries*

The House bill contained a provision (sec. 4501) that would require certain contractors to disclose the names and total compensation of their five most highly compensated officers.

The Senate bill contained no similar provision.

The agreement does not include the provision. This issue has already been addressed in section 6202 of the Fiscal Year 2008 Supplemental Appropriations Act (Public Law 110–252).

*Limitation on performance of product support integrator functions*

The House bill contained a provision (sec. 823) that would prohibit contractors from performing product support integrator functions.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Mandatory fraud reporting*

The House bill contained a provision (sec. 4402) that would require contractors to report violations of Federal criminal law or overpayments in connection with the award of performance of contracts.

The Senate bill contained no similar provision.

The agreement does not include the provision. This issue has already been addressed in section 6102 of the Fiscal Year 2008 Supplemental Appropriations Act (Public Law 110–252).

*Minimizing sole-source contracts*

The House bill contained a provision (sec. 4101) that would require federal agencies to develop and implement plans to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Multiyear procurement authority for the Department of Defense for the purchase of alternative and synthetic fuels*

The Senate bill contained a provision (sec. 821) that would authorize the Secretary of Defense to enter multiyear contracts for the purchase of alternative and synthetic fuels.

The House bill contained no similar provision.

The agreement does not include the provision.

*Prohibition on procurement from beneficiaries of foreign subsidies*

The House bill contained a provision (sec. 804) that would prohibit the Secretary of Defense for entering a contract for the procurement of goods or services from any foreign person whom the United States has alleged, in proceedings under the Agreement on Subsidies and Countervailing Measures, to have received a prohibited subsidy.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Prohibitions on the use of lead systems integrators*

The House bill contained a provision (sec. 4203) that would prohibit the award of new contracts for lead systems integrator functions in the acquisition of major systems.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Protection of contractor employees from reprisal for disclosure of certain information*

The House bill contained a provision (sec. 4401) that would provide enhanced protections for contractor employees of non-defense agencies who blow the whistle on waste, fraud and abuse in government contracting.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Repeal of requirements relating to the military system essential item breakout list*

The Senate bill contained a provision (sec. 853) that would repeal section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The House bill contained no similar provision.

The agreement does not include the provision.

*Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accoutrements produced in the United States*

The House bill contained a provision (sec. 655) that would require military exchange stores and other nonappropriated fund entities of the Department of Defense (DOD) to purchase military decorations, ribbons, badges, medals, insignia, and other uniform accoutrements produced in the United States, subject to certain exceptions.

The Senate bill contained no similar provision.

The agreement does not include the provision.

We understand that contracts entered by DOD nonappropriated fund entities for the purchase of military decorations, awards and insignia include clauses requiring that such decorations, awards and insignia be manufactured, assembled and produced in the United States unless there are no U.S. manufacturing sources available. We believe that the Secretary of Defense should take steps, including periodic audits, to ensure contractor compliance with the terms and conditions of these contracts, including terms and conditions relating to product quality, conformance with technical specifications, and point of origin.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### SUBTITLE A—DEPARTMENT OF DEFENSE MANAGEMENT

*Plan required for personnel management of special operation forces (sec. 901)*

The House bill contained a provision (sec. 903) that would require the commander of the special operations command to submit a plan to the congressional defense committees on the personnel management of special operations forces.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying that the Commander of the United States Special Operations Command shall submit the required report to the Secretary of Defense, who shall provide that report to the congressional defense committees together with any additional comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider appropriate.

*Director of Operational Energy Plans and Programs (sec. 902)*

The House bill contained a provision (sec. 904) that would establish a Director for Operational Energy Plans and Programs within the Office of the Secretary of Defense and senior operational energy officials within each of the military services.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Corrosion control and prevention executives for the military departments (sec. 903)*

The House bill contained a provision (sec. 905) that would require the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics to designate an employee of the military department to act as the senior official to coordinate department-level Corrosion Prevention and Control Program activities.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would make the annual report provided by the corrosion control and prevention executives of the military departments due to the Secretary of Defense by December 31 each year. We understand that the first report submitted by the corrosion control and prevention executives would be December 2009.

*Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee (sec. 904)*

The House bill contained a provision (sec. 906) that would clarify the role of the Deputy Chief Management Officer of the Department of Defense.

The Senate bill contained a similar provision (sec. 902).

The agreement includes the Senate provision with a clarifying amendment.

*Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (sec. 905)*

The Senate bill contained a provision (sec. 901) that would amend section 142 of title 10, United States Code, to clarify that the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense is equivalent to an assistant secretary of defense.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves (sec. 906)*

The House bill contained a provision (sec. 907) that would require the Secretary of Defense to develop a plan for enhancing the roles of the National Guard and reserves, and submit a report on that plan to the Committees on Armed Services of the Senate and the House of Representatives by April 1, 2009.

The Senate bill contained a similar provision (sec. 1053).

The agreement includes the House provision with a clarifying amendment.

*General Counsel to the Inspector General of the Department of Defense (sec. 907)*

The Senate bill contained a provision (sec. 904) that would provide for a General Counsel to the Inspector General of the Department of Defense who would report only to the Inspector General.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Business transformation initiatives for the military departments (sec. 908)*

The Senate bill contained a provision (sec. 906) that would require the Secretary of each military department, acting through the Chief Management Officer of such department, to carry out a business transformation initiative. The provision would also require each military department to establish an Office of Business Transformation to assist the Chief Management Officer in carrying out the initiative.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment extending the timelines for the initiative and clarifying the responsibilities of the new Office of Business Transformation.

SUBTITLE B—SPACE ACTIVITIES

*Extension of authority for pilot program for provision of space surveillance network services to entities outside United States Government (sec. 911)*

The House bill contained a provision (sec. 911) that would extend the authority to continue the pilot program to provide network surveillance assistance to entities outside the U.S. Government.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Investment and acquisition strategy for commercial satellite capabilities (sec. 912)*

The House bill contained a provision (sec. 912) that would require the Secretary of Defense to conduct an assessment to determine a recommended investment and acquisition strategy for a broad range of commercial satellite capabilities. The report on the strategy would be due February 2009.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would modify the due date of the report to February 1, 2010. The assessment would address fiscal years after 2010.

*Space posture review (sec. 913)*

The Senate bill contained a provision (sec. 911) that would direct the Secretary of Defense, in conjunction with the Director of National Intelligence, to conduct a comprehensive review of the space posture of the United States. The review would cover a 10 year period beginning February 1, 2009. The Secretary would be required to submit the report no later than December 1, 2009.

The House bill contained no similar provision.

The agreement includes the House provision with an amendment that would add industrial base policy to the list of policies for which the provision requires an assessment of interrelationships.

SUBTITLE C—CHEMICAL DEMILITARIZATION PROGRAM

*Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky (sec. 921)*

The House bill contained a provision (sec. 921) that would require the Secretary of the Army to transfer responsibility for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

The Senate bill contained a similar provision (sec. 1431).

The agreement includes the Senate provision with a clarifying amendment.

*Cost-benefit analysis of future treatment of hydrolysate at Pueblo Chemical Depot, Colorado (sec. 922)*

The House bill contained a provision (sec. 922) that would prohibit the Department of Defense from transporting hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for treatment, storage, or disposal during fiscal year 2009, and would require a report containing a cost-benefit analysis between on-site and off-site methods of disposing of such hydrolysate.

The Senate bill contained no similar provision.

The agreement includes a provision that would require the Secretary of Defense to conduct a cost-benefit analysis of future options for treatment and disposal of hydrolysate at the Pueblo Chemical Depot, Colorado, and to submit a report to Congress, together with the budget request for fiscal year 2010, containing the results of that analysis. The provision would also require the Secretary to provide notification to Congress 60 days prior to commencing any transport of hydrolysate from the Pueblo Chemical Depot to an off-site location during fiscal year 2009, if he decides to conduct such transport after the report is submitted.

SUBTITLE D—INTELLIGENCE-RELATED MATTERS

*Technical changes following the re-designation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency (sec. 931)*

The House bill contained a provision (sec. 931) that would make certain technical changes in the United States Code and other laws to reflect the changing of the name of the National Imagery and Mapping Agency to the National Geospatial-Intelligence Agency.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (sec. 932)*

The House bill contained a provision (sec. 932) that would make certain technical changes in title 10, United States Code, to reflect enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Technical amendments relating to the Associate Director of the CIA for Military Affairs (sec. 933)*

The House bill contained a provision (sec. 933) that would change section 528(c) in title 10, United States Code, to reflect changing of the title of the position within the Central Intelligence Agency (CIA) from the Associate Director of the CIA for Military Support, to the Associate Director of the CIA for Military Affairs.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE E—OTHER MATTERS

*Enhancement of authorities relating to Department of Defense regional centers for security studies (sec. 941)*

The House bill contained a provision (sec. 942) that would amend section 184(f) of title 10, United States Code, to allow funds authorized under that section to be available for programs that begin in that fiscal year but end in the following one, starting with fiscal year 2009. The provision would also establish a pilot program providing temporary authority for the Secretary of Defense, with the concurrence of the Secretary of State, to waive reimbursement of certain costs of activities of Regional Centers in connection with the participation of personnel of nongovernmental or international organizations in those activities. The provision would also require the Secretary of Defense to report on the extent of nongovernmental and international organization participation in regional center programs.

The Senate bill contained a similar provision (sec. 1212).

The agreement includes the Senate provision.

*Restriction on obligation of funds for United States Southern Command development assistance activities (sec. 942)*

The House bill contained a provision (sec. 944) that would require that the Secretary of Defense, within 30 days after the date of enactment of this Act, to submit to the congressional defense committees a report describing the development assistance activities carried out by the United States Southern Command (SOUTHCOM) and containing a certification that such activities: will not negatively impact the readiness of SOUTHCOM; do not divert resources from funded or unfunded requirements of SOUTHCOM; are not already, or will not be, undertaken by other federal departments or agencies; and are designed, planned, and conducted as derivative activities of SOUTHCOM's warfighting responsibilities under title 10 of the United States Code.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would increase the time permitted for the Secretary of Defense to deliver the required report to the Congressional defense committees to 120 days.

*Authorization of non-conventional assisted recovery capabilities (sec. 943)*

The House bill contained a provision (sec. 945) that would codify authority for Joint Forces Command to act as the Executive Agent for the non-conventional assisted recovery (NAR) capabilities and authorize the Department to develop a personnel recovery program for isolated personnel representing all parts of the U.S. Government.

The Senate bill contained a similar provision (sec. 1207) that would authorize the commander of a combatant command, with the concurrence of the relevant chief of mission, to expend funds in fiscal years 2009 and 2010 to establish, develop, and maintain NAR capabilities in a foreign country if the commander determines that expenditure of such funds for that purpose is necessary.

The agreement includes a provision that would authorize the commander of a combatant command, with the concurrence of the relevant chiefs of mission, to expend funds in fiscal years 2009 through 2011 to establish, develop, and maintain NAR capabilities and would require a notification to the congressional defense committees of the use of this authority within 72 hours of a combatant commander exercising this authority.

*Report on homeland defense and civil support issues (sec. 944)*

The House bill contained a provision (sec. 946) that would require the Secretary of Defense to submit a report on progress made to address concerns raised by the Government Accountability Office (GAO) related to U.S. Northern Command, and would require Northern Command to perform a number of functions related to State and federal domestic response planning, capabilities, and coordination.

The Senate bill contained a related provision (sec. 905) that would express the sense of the Congress concerning the importance of establishing and assigning to U.S. Northern Command forces for the mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives (CBRNE). The provision would also require reports on progress toward achieving that goal, including progress in addressing concerns raised by GAO related to U.S. Northern Command.

The agreement includes a provision that would require the Secretary of Defense to submit a report to the congressional defense committees on progress made to address the concerns raised by GAO related to U.S. Northern Command, including improved coordination with other agencies, and on plans and progress to establish CBRNE consequence management response forces.

*Report on National Guard resource requirements (sec. 945)*

The House bill contained a provision (sec. 947) that would require the Chief of the National Guard Bureau to submit to the Secretary of Defense, not later than 6 months after the date of enactment of this Act, a report on the effectiveness of the implementation of the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) and assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard. The Secretary of Defense would be required to submit the report, with any explanatory comments the Secretary considers necessary, to Congress not later than 30 days after the Secretary receives the report.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Chief of the National Guard Bureau to submit to the Secretary of Defense a report on the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) have been effective in giving the Chief of the National Guard Bureau the proper set of authorities and resources to perform the responsibilities and duties of the Chief.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Revisions in functions and activities of Special Operations Command*

The House bill contained a provision (sec. 901) that would revise the statutory authority governing special operations activities.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Requirement to designate officials for irregular warfare*

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to designate an Assistant Secretary of Defense to be responsible for overall management and coordination of irregular warfare activities. The provision would also require the establishment of a single executive agent for such activities.

The Senate bill contained no similar provision.

The agreement does not contain this provision.

We note that the Secretary of Defense has authorized a review of the management and execution of both current and future irregular warfare activities throughout the Department of Defense. We understand that the Secretary will soon approve a Department Directive pertaining to irregular warfare activities. We applaud the review effort, await the completion of the approval process, and direct the Secretary to provide the results of that review to the congressional defense committees no later than 30 days after approval.

*Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps*

The House bill contained a provision (sec. 908) that would redesignate the Department of the Navy as the Department of the Navy and Marine Corps and would redesignate the position of the Secretary of the Navy as the Secretary of the Navy and Marine Corps.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Support to committee to review*

The House bill contained a provision (sec. 909) that would require the Secretary of Defense to provide certain information to the House Committee on Armed Services within 15 days after receiving a request.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Requirement for certain officers of the armed forces on active duty in certain intelligence positions*

The Senate bill contained a provision (sec. 921) that would require that the principal deputy to the senior service intelligence officer be a commissioned officer of the armed forces on active duty.

The House bill contained no similar provision.

The agreement does not include the provision.

*Transfer of management of Intelligence Systems Support Office*

The Senate bill contained a provision (sec. 922) that would transfer management of the Intelligence Systems Support Office and other projects and activities currently conducted by the Office of the Under Secretary of Defense for Intelligence to other components of the Department of Defense.

The House bill contained no similar provision.

The agreement does not include the provision.

*Program on advanced sensor applications*

The Senate amendment contained a provision (sec. 923) that would transfer management oversight of the Advanced Sensor Applications Program (ASAP) to the Under Secretary of Defense for Acquisition, Technology and Logistics and mandate other aspects of the management of the program.

The House bill contained no similar provision.

The Senate recedes.

The Deputy Secretary of Defense sent a letter to the congressional defense and intelligence committees, dated July 22, 2008, outlining certain changes in the Department's position on the ASAP effort. The conferees agree that the revised funding and management approach described in the Deputy Secretary's letter should help ensure that the Department abides by congressional intent without the need for immediate legislative intervention.

The conferees agree to authorize $20.0 million for the ASAP program for fiscal year 2009.

Additional direction on the ASAP program is contained in the classified annex to this report.

*Findings and sense of Congress regarding the Western Hemisphere Institute for Security Cooperation*

The House bill contained a provision (sec. 943) that would express the sense of Congress that the Western Hemisphere Institute for Security Cooperation 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.

The Senate bill contained no similar provision.

The agreement does not include this provision.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

*General Transfer authority (sec. 1001)*

The House bill contained a provision (sec. 1001) that would allow the Secretary of Defense to make transfers between any amounts of authorizations for fiscal year 2009 in division A of this Act. This section would limit the total amount of transferred under this authority to $4.0 billion. This section would also require prompt notification to Congress of each transfer made.

The Senate bill contained a similar provision (sec. 1001) that would provide $5.0 billion in transfer authority.

The agreement provides for transfer authority of $4.2 billion.

*One-time shift of military retirement payments (sec. 1002)*

The House bill contained a provision (sec. 1004) that would shift a portion of the military retirement payments disbursed in September 2013 to October 2013. The provision would also require the Secretary of Defense to transfer $40.0 million from the National Defense Stockpile Transaction Fund.

The Senate bill contained no similar provision.

The agreement contains this provision.

*Management of purchase cards (sec. 1003)*

The House bill contained a provision (sec. 1005) that would require new safeguards and internal controls for the use of purchase cards by the Department of Defense.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to report to Congress on the steps that the Department of Defense has taken or plans to take to implement the recommendations of a Government Accountability Office report on actions needed to strengthen internal controls for the use of purchase cards (GAO report 08–333).

*Codification of recurring authority on United States contributions to the North Atlantic Treaty Organization common-funded budgets (sec. 1004)*

The Senate bill contained a provision (sec. 1003) that would authorize the U.S. contribution to the North Atlantic Treaty Organization (NATO) common-funded budgets for fiscal year 2008, including the use of unexpended balances.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that provides permanent authority for amounts contributed by the Secretary of Defense in any fiscal year for the NATO common-funded budgets to exceed the maximum amount that would otherwise be applicable under the fiscal year 1998 baseline limitation set out in the Senate resolution of ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic. The amendment also requires the Secretary of Defense to report annually to Congress regarding U.S. contributions to the NATO common-funded budgets.

*Incorporation of funding decisions into law (sec. 1005)*

The House bill contained a provision (sec. 1431) that would state that Executive Order No. 13457 shall not apply to this Act.

The Senate bill contained a provision (sec. 1002) that would incorporate the funding tables into the Act.

The agreement includes the Senate provision with a clarifying amendment that would incorporate the authorized amounts in funding tables into the Act. For the purposes of this provision, a funding table means a list of specific programs, projects and activities, and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities, but does not include a table included in the joint explanatory statement in compliance with Rule XLIV of the Standing Rules of the Senate or Rule XXI of the Rules of the House of Representatives.

The Government Printing Office (GPO) has informed us that incorporating the funding tables into bill language would add 3 full days to the time required to prepare a bill for floor consideration, even if the GPO does not have other high priority work to accomplish at the time. This delay is in addition to the day and a half it would require for the committee staff to prepare the funding tables in a form that could be processed by GPO, and to ensure the accuracy of GPO's work. With only 3 days left for the House and the Senate to consider the bill before the scheduled end of this year's session of Congress, we have determined that incorporating the funding tables into bill language was not an option that was available to us.

SUBTITLE B—POLICY RELATING TO VESSELS AND SHIPYARDS

*Conveyance, Navy drydock, Aransas Pass, Texas (sec. 1011)*

The House bill contained a provision (sec. 1011) that would authorize the Secretary of the Navy to convey the floating drydock AFDL–23, located at Aransas Pass, Texas, to Gulf Copper Ship Repair, the company currently leasing the drydock from the Navy. The Secretary would be allowed to place such terms and conditions on the transfer as he feels appropriate, and the company would be required to compensate the Federal Government for the fair market value of the drydock, as determined by the Secretary.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Report on repair of naval vessels in foreign shipyards (sec. 1012)*

The House bill contained a provision (sec. 1012) that would amend section 7310 of title 10, United States Code, to require the Secretary of the Navy to submit a report at least 30 days before conducting repair work on any vessel in a shipyard outside the United States or Guam.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary to provide a report, with the submission of the President's budget, regarding any ship repair work conducted on any vessel in a shipyard outside the United States or Guam during the previous year.

*Report on plan for disposal of certain vessels stricken from the Naval Vessel Register (sec. 1013)*

The House bill contained a provision (sec. 1015) that would require the Secretary of the Navy to submit a report within 30 days to the congressional defense committees on the contribution of scrapping vessels larger than 50,000 tons displacement to the domestic market for steel and other metals.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would allow the Secretary 180 days to complete the report.

*Reimbursement of expenses for certain Navy mess operations (sec. 1014)*

The Senate bill contained a provision (sec. 1012) that would authorize the Secretary of Defense to fund from agency operating accounts the cost of meals on United States naval and naval auxiliary vessels for nonmilitary personnel. For the purposes of this provision, this includes nongovernmental organization and host and partner nation participants in civil-military operations and foreign national patients treated during the conduct of civil-military operations, as well as their escorts.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would place an annual limit of $1.0 million on such costs and would require an annual report on the Department's use of this authority.

*Policy relating to major combatant vessels of the strike forces of the United States Navy (sec. 1015)*

The House bill contained a provision (sec. 1013) that would amend the section 1012(c)(1) of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181) to add all amphibious ships larger than 15,000 dead weight ton light ship displacement to the definition of major surface combatants in that section. Section 1012 stated that it is the policy of the United States to construct major surface combatants of the strike forces of the United States with integrated nuclear power systems.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE C—COUNTER-DRUG ACTIVITIES

*Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities (sec. 1021)*

The House bill contained a provision (sec. 1021) that would extend, by 1 year, the requirement for the Secretary of Defense to submit a report detailing the expenditure of funds by the Department during fiscal year 2008 in direct and indirect support of the counterdrug activities of foreign governments.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

*Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities (sec. 1022)*

The House bill contained a provision (sec. 1022) that would extend the authority provided in section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), which expires at the end of fiscal year 2008, through fiscal year 2009. The current authority provides that a joint task force of the Department of Defense, which is providing support to law enforcement agencies conducting counterdrug activities, may also provide, subject to all applicable laws and regulations, these law enforcement agencies with support for their counterterrorism activities.

The Senate bill contained a nearly identical provision (sec.1021).

The agreement includes the provision.

The agreement directs the Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation and Global Threats to provide an annual briefing about the use of this authority to the congressional defense committees.

*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. 1023)*

The House bill contained a provision (sec.1023) that would extend the authority provided in section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking, and against terrorist organizations involved in such drug trafficking activities through fiscal year 2009.

The Senate bill contained a nearly identical provision (sec.1022).

The agreement includes the provision.

*Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments (sec. 1024)*

The House bill contained a provision (sec. 1024) that would extend by 1 fiscal year the duration of authority for assistance under section 1033 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1998 (Public Law 105–85), as amended by section 1021 of the NDAA for FY 2004 (Public Law 108–136), section 1022 of the John Warner NDAA for FY 2007 (Public Law 109–364), and section 1022 of the NDAA for FY 2008 (Public Law 110–181); would expand the list of countries that could qualify for assistance under section 1033 to include three West African countries; and would increase the funding limitation under section 1033 from $60.0 million to $65.0 million for fiscal year 2009.

The Senate bill contained no similar provision.

The agreement includes a provision that would extend by one fiscal year the duration of this authority; would expand the list of countries that could qualify for assistance under section 1033 to include: El Salvador, Guinea-Bissau, Honduras, and Senegal; and would increase the funding limitation under section 1033 from $60.0 million to $75.0 million for fiscal year 2009.

*Comprehensive Department of Defense strategy for counter-narcotics efforts for United States Africa Command (sec. 1025)*

The House bill contained a provision (sec. 1025) that would require the Secretary of Defense, in consultation with the Secretary of State, to prepare a counterdrug plan for all eligible governments under section 1033 of the National Defense Authorization Act for fiscal year 1998 (Public Law 105–85) for fiscal year 2009 and updates thereafter, as well as a region-wide, counterdrug plan for Africa, with a special emphasis on West Africa and the Maghreb.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would expand the scope of this reporting requirement to include the remainder of the African continent.

*Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions (sec. 1026)*

The House bill contained a provision (sec. 1026) that would require the Secretary of Defense to submit a report to the congressional defense committees that outlines the Department's role, missions, objectives, and budget in support of the overall U.S. Government counternarcotics strategy and activities in the south and central Asian regions and other geographically proximate countries.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment which would provide the Department with additional time to complete the report, as well as a technical change.

SUBTITLE D—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

*Enhancement of the capacity of the United States Government to conduct complex operations (sec. 1031)*

The Senate bill contained a provision (sec. 1032) that would authorize the Secretary of Defense to establish a Center for Complex Operations. The center would facilitate the activities of a consortium composed of education and training institutions from across

the U.S. Government in order to increase unity of effort in complex operations.

The House bill contained no similar provision.

The agreement contains the Senate provision with an amendment clarifying that the Secretary of Defense will seek the concurrence of the Secretary of State to the extent that the activities of the Center involve foreign government or militaries, international organizations or international nongovernmental organizations.

*Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund (sec. 1032)*

The Senate bill contained a provision (sec. 1033) that would provide that payments received by the United States in settlement of an admiralty claim for damage or loss to property that is operated and maintained using monies from a Department of Defense working capital fund account would be credited to the working capital fund which was used to operate and maintain the damaged or lost property.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Minimum annual purchase requirement for charter air transportation services from carriers participating in the Civil Reserve Air Fleet (sec. 1033)*

The Senate bill contained a provision (sec. 1034) that would authorize the Secretary of Defense to guarantee higher minimum levels of business than are currently authorized by law to United States air carriers participating in the Civil Reserve Air Fleet (CRAF).

The House bill contained no similar provision.

The agreement includes the Senate provision, amended to provide authority to the Secretary to guarantee minimum levels of business to CRAF participants operating passenger travel contracts only.

*Semi-annual reports on status of Navy Next Generation Enterprise Networks (NGEN) program (sec. 1034)*

The Senate bill contained a provision (sec. 1035) that would modify the termination date of the base contract for the Navy-Marine Corps Intranet (NMCI) program.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment establish a semi-annual reporting requirement on the Navy's transition between the NMCI and NGEN programs.

The NGEN program represents one of the largest, farthest reaching, and complex acquisition programs and technology deployments for the Navy and Marine Corps in the next decade. We note with concern the lack of planning and oversight that the Department of Defense has dedicated to the requirements generation, acquisition strategy development, outreach to industry, contracting mechanisms, realistic testing, and transition planning for the NGEN program. The lack of transparency and dialogue with industry about the acquisition strategy for NGEN and the planned transition of assets and intellectual property currently associated with the NMCI program is a continuing concern.

The Secretary of Defense is directed to keep the congressional defense committees well informed about the development of acquisition and transition strategies for NGEN. It is expected that the semi-annual reporting requirement in this provision will provide an efficient mechanism to support that dialogue.

*Sense of Congress on nuclear weapons management (sec. 1035)*

The Senate bill contained a provision (sec. 1038) that would find that the unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007; the unauthorized transfer of classified intercontinental ballistic missile parts, discovered in March 2008; and a lack of training and staffing for nuclear matters, demonstrate a lack of attention by the Department of Defense (DOD) to nuclear issues in general. In addition, the provision would set forth the sense of Congress that safety and security of nuclear weapons and related equipment should be a high priority for the United States; that the President should take steps to nominate an individual to fill the position of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and that the Secretary of Defense should establish a senior position in the DOD Office of Policy at an assistant secretarial or deputy under secretarial level with responsibility for nuclear policy issues.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would add an additional finding to the provision. The amendment would set forth the sense of the Congress that maintaining the safety and security of nuclear weapons would be more easily achieved if greater attention were paid to the nuclear matters in the Offices of the Secretary of Defense, the Under Secretary of Defense for Policy and the Under Secretary of Defense for Acquisition, Technology, and Logistics. The amendment would also set forth the sense of the Congress that the Secretary of Defense should clarify lines of responsibility and accountability for nuclear weapons matters.

*Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution (sec. 1036)*

The Senate bill contained a provision (sec. 1039) that would express the sense of the Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to establish a Joint Executive Committee to serve as the focal point for dispute resolution and policy development, and as a mechanism for identifying solutions to a range of mutual issues.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use (sec. 1037)*

The Senate bill contained a provision (sec. 1040) that would encourage the Secretary of Defense, in consultation with the Secretary of Transportation, to: (1) review the benefits and feasibility of pursuing new production of a commercial C–17 variant to determine whether such capability would be in the national interest; and (2) if he determines it to be in the national interest, take appropriate action with the Federal Aviation Administration to achieve type certification of such aircraft.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

SUBTITLE E—STUDIES AND REPORTS

*Report on corrosion control and prevention (sec. 1041)*

The House bill contained a provision (sec. 1041) that would require the Department of Defense, through the Office of Corrosion Policy and Oversight, to provide a report to the Senate Committee on Armed Services and the House Committee on Armed Services by February 1, 2009, regarding the potential for improvements in corrosion control and prevention in weapons systems by planning for corrosion control and prevention earlier in the system requirements and acquisition processes.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would change the due date of the report to not later than 120 days after the date of enactment of the Act.

*Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires (sec. 1042)*

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to carry out a study on how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFFS) in all contingencies where there is a Federal response to wildfires, and how to decrease costs of using MAFFS when supporting National Interagency Fire Center fire fighting operations. The provision would require that the Secretary submit that report to the congressional defense committees within six months of the date of enactment of this Act.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Study on rotorcraft survivability (sec. 1043)*

The House bill contained a provision (sec. 1043) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a study on rotorcraft survivability.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Report on nuclear weapons (sec. 1044)*

The House bill contained a provision (sec. 1045) that would require the Secretary of Defense, in consultation with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, to conduct a review of nonstrategic nuclear weapons world wide, and submit a report to Congress setting forth the results of the review. The report would be due 180 days after the date of enactment of this Act.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would modify the scope of the review. The review would cover nuclear weapons world wide and include a description of each country's nuclear weapons arsenal and an assessment of the various risks associated with nuclear weapons deemed to be attractive to terrorists, states, and other non-state actors. For those weapons that are deemed to be attractive to terrorists and state and non-state actors, the review would also include recommendations on mechanisms and procedures to improve the security of such weapons, monitor and track such weapons, and identify options to transparently and verifiably dismantle and dispose of such weapons. The President shall submit a report that would be due 1 year after the date of enactment of this Act. The report shall be unclassified but may have a classified annex.

*Report on compliance by Department of Defense with Guam tax and licensing laws (sec. 1045)*

The House bill contained a provision (sec. 1047) that would require the Secretary of Defense to report to Congress on steps the Department is taking to ensure that defense

contractors performing work on Guam comply with local tax and licensing requirements.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment simplifying the reporting requirement.

*Report on detention operations in Iraq (sec. 1046)*

The Senate bill contained a provision (sec. 1052) that would require the Secretary of Defense to submit a detailed report to the congressional defense committees on detention operations at theater internment facilities and reintegration centers in Iraq. The Senate provision would require that the report contain information on changes in detention policies and procedures intended to incorporate counterinsurgency doctrine, and a description of policies and programs to prepare detainees for reintegration upon their release.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying the elements to be included as part of the report. We note that the description of how counterinsurgency doctrine has been incorporated at theater internment facilities in Iraq should include the changes, if any, to procedures for reviewing the detention status of individuals under detention at such facilities.

*Review of bandwidth capacity requirements of the Department of Defense and the intelligence community (sec. 1047)*

The Senate bill contained a provision (sec. 1055) that would direct the Secretary of Defense and the Director of National Intelligence to conduct a joint review of the current and future bandwidth capacity requirements of the Department of Defense and the intelligence community over the next 10 years. The review would also include a discussion of any mitigation concepts, including operational or technical options that might be used to address bandwidth capacity shortfalls. Not later than 1 year after the date of enactment of this Act, the Secretary and the Director would be required to submit a report setting forth the results of the review to the congressional defense committees and the intelligence committees of the Senate and the House of Representatives. The Secretary and the Director should include and fully address in the review all means by which bandwidth is provided, including ground, aerial, and satellite options.

The provision would also direct the Secretary and the Director to establish a formal process, for each major defense acquisition or major system acquisition program, to ensure during the Milestone B or key decision point B phase of the acquisition process, that the bandwidth requirements of each such system can be met.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would expand the assessment of bandwidth capacities and capabilities to include airborne relays and expand the elements of the assessment to include technologies that could increase data transport.

*Review of findings and recommendations applicable to the Department of Defense regarding electromagnetic pulse attack (sec. 1048)*

The House bill contained a provision (sec. 1033) that would extend the duration of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack (EMP Commission) by 4 years to 2012, expand its scope and membership, and authorize additional funds.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense to submit a report in each odd numbered year until 2015 that sets forth the results of a review of the findings and recommendations of the EMP Commission that are applicable to the Department of Defense (DOD).

We note that an electromagnetic attack on the United States could have a devastating impact on the ability of the DOD and the military services to carry out their missions. The EMP Commission, over the course of 7 years has made extensive findings and recommendations for the Department of Defense and other Executive Branch agencies.

SUBTITLE F—OTHER MATTERS

*Additional information under annual submissions of information regarding information technology capital assets (sec. 1051)*

The House bill contained a provision (sec. 1061) that would Clarify reporting requirements relating to budget submissions for information technology capital assets.

The Senate amendment contained a similar provision (sec. 331).

The agreement includes a provision that clarifies and reduces the burden on the Department of Defense in terms of reporting on budget requests related to information technology capital assets. The Department should continue to work to ensure that public information on the information technology budget is informative and provides visibility into the use of public funds for these important activities.

*Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees (sec. 1052)*

The House bill contained a provision (sec. 1064) that would prohibit implementation of any successor regulation to Army Regulation 190–8, Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees (dated October 1, 1997) until 60 days after the Secretary of Defense submits that successor regulation to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Barnegat Inlet to Little Egg Inlet, New Jersey (sec. 1053)*

The House bill contained a provision (sec. 1067) that would authorize the Secretary of the Army to pay the full cost of removing munitions from the beach at Barnegat Inlet to Little Egg Inlet, New Jersey.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would modify the language regarding reimbursement for any non-federal expenses incurred.

*Standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters of national security (sec. 1054)*

The House bill contained a provision (sec. 1071) that would require the Secretary of Defense, the Secretary of State, and the Administrator of the U.S. Agency for International Development (USAID) to jointly establish an advisory panel to review the roles and responsibilities of the Department of Defense, the Department of State, and the USAID on matters of national security and make recommendations to improve collaboration and coordination.

The Senate bill contained no similar provision.

The agreement contains the House provision with an amendment allowing the Secretary of Defense, the Secretary of State, and the Administrator of the USAID to jointly establish an advisory panel to advise on ways to improve coordination among the Department of Defense, the Department of State, and USAID on matters relating to national security, including reviewing their respective roles and responsibilities.

*Reports on strategic communication and public diplomacy activities of the Federal Government (sec. 1055)*

The House bill contained a provision (sec. 1074) that would require the President to submit to Congress a report on a comprehensive interagency strategy for public diplomacy and strategic communication efforts for the Federal Government.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment. We note that numerous studies from independent commissions, the Government Accountability Office, and the Defense Science Board have indicated a lack of clearly articulated strategic goals for the Federal Government's efforts at strategic communication and public diplomacy. Taken as a whole, these studies point to deficiencies in the U.S. approach to this mission that have not been adequately addressed by previous strategies, or by any other official government initiative. For example, these studies indicate that the Federal Government's approach to strategic communication and public diplomacy has not been effective enough at garnering greater participation from the private sector, academic institutions or other non-governmental organizations. We commend the establishment of the Global Strategic Engagement Center at the Department of State, but note that its role within a whole-of-government approach to strategic communication and public diplomacy still needs to be further clarified.

*Prohibitions relating to propaganda (sec. 1056)*

The House bill contained a provision (sec. 1075) that would prohibit the use of Department of Defense funds for propaganda purposes not specifically authorized by law.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment. We intend the term ''publicity or propaganda'', as used in the provision, to have the meaning given to such term in decisions of the Government Accountability Office on this subject.

*Sense of Congress on interrogation of detainees by contractor personnel (sec. 1057)*

The House bill contained a provision (sec. 1077) that would require the Secretary of Defense to revise applicable regulations, not later than one year after the date of the enactment of this Act, to prohibit the use of contractor personnel to interrogate detainees.

The Senate bill contained a similar provision (sec. 1036).

The agreement includes the Senate provision with an amendment expressing the Sense of Congress that the interrogation of detainees is an inherently governmental function and that within one year after the date of the enactment of this Act, the Department of Defense should develop the resources needed to ensure that all such interrogations can be conducted by government personnel rather than contractor employees.

*Sense of Congress with respect to videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense (sec. 1058)*

The House bill contained a provision (sec. 1078) that would require the Secretary of Defense to ensure that all strategic intelligence interrogations of individuals in Department of Defense (DOD) custody or under detention in a DOD facility are videotaped or otherwise electronically recorded.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would express the Sense of Congress that the Secretary of Defense should take the necessary actions to ensure that all strategic interrogations of individuals in DOD custody or under detention in a DOD facility are videotaped or otherwise electronically recorded.

*Modification of deadlines for standards required for entry to military installations in the United States (sec. 1059)*

The Senate bill contained a provision (sec. 1082) that would amend section 1069 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to extend deadlines for the establishment and implementation of standards for entry to military installations in the United States.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment modifying the deadlines.

*Extension of certain dates for Congressional Commission on the Strategic Posture of the United States (sec. 1060)*

The House bill contained a provision (sec. 1032) that would extend the due date for the final report of the Congressional Commission on the Strategic Posture of the United States from December 1, 2008 to March 1, 2009, and the sunset date for the Commission from June 1, 2009, to September 30, 2009. The provision would also direct the Commission to submit an interim report no later than December 1, 2009.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that that would extend the due date of the final report to April 1, 2009.

The Commission should be prepared to brief Congress on the results of the interim report when it becomes available.

*Technical and clarifying amendments (sec. 1061)*

The House bill contained a provision (sec. 1063) that would make technical and clarifying amendments.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment adding additional technical and clarifying language.

*Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities (sec. 1062)*

The Senate bill contained a provision (sec. 1037) that would direct the Departments of Defense, Energy, State, and Commerce, and the Nuclear Regulatory Commission to keep the Committees on Armed Services of the Senate and the House of Representatives fully and currently informed with respect to their activities to prevent the proliferation of weapons of mass destruction and the Director of National Intelligence to keep the committees currently informed with respect to the current activities of foreign nations that are of significance from the proliferation standpoint.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Assessment of security measures at consolidated center for North American Aerospace Defense Command and United States Northern Command (sec. 1073)*

The House bill contained a provision (sec. 1062) that would prohibit the Secretary of Defense from relocating any mission from Cheyenne Mountain Air Force Station until 30 days after the Secretary submits a report to the congressional defense committees with information concerning any such relocation.

The Senate bill contained no similar provision.

The agreement includes a provision that would require the Secretary of Defense to conduct an assessment of the adequacy of security measures for the consolidated command center for North American Aerospace Defense Command (NORAD) and United States Northern Command (USNORTHCOM), and to report on the results of the assessment by no later than March 1, 2009. The provision would also require the Secretary to ensure that redundant facilities and equipment, along with appropriate manning, are maintained at Cheyenne Mountain Air Force Station until the Secretary of Defense certifies that measures have been instituted that bring the consolidated NORAD/USNORTHCOM command center into full compliance with Protection Level One requirements.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Strategic Communication Management Board*

The House bill contained a provision (sec. 1031) that would require the Secretary of Defense to establish a Strategic Communication Management Board to provide interdepartmental and interagency coordination for Department of Defense strategic communication efforts.

The Senate bill contained no similar provision.

The agreement does not contain the provision.

*Studies to analyze alternative models for acquisition and funding of interconnected cyberspace systems*

The House bill contained a provision (sec. 1044) that would require the Secretary of Defense to contract for an independent assessment on a variety of issues related to the development, acquisition, and operational use of technologies supporting network centric operations.

The Senate bill contained no similar provision.

The agreement does not include the provision.

This provision contains aspects worthy of future consideration by the Department of Defense, as well as Congress, as they relate to acquisition of information technology systems. For example, the development of a taxonomy for understanding the key components of systems supporting network centric operations is long overdue. The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) contained a provision (sec. 887) that required the Defense Science Board (DSB) to conduct a study of policies and procedures for the acquisition of information technology. This DSB study will address the majority of issues raised by the House provision, and thus it would be premature to commission another study until those results have been reported back to Congress.

*Study on national defense implications of section 1083*

The House bill contained a provision (sec. 1046) that would require the Department of Defense to study the national defense implications of section 1083 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Study on methods to verifiably reduce the likelihood of accidental nuclear launch*

The House bill contained a provision (sec. 1048) that would direct the Secretary of Defense to carry out a study to evaluate procedural and physical options to introduce time delays into the nuclear weapons launch procedures of the United States, Russia, and China.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Sense of Congress honoring the Honorable Duncan Hunter*

The House bill contained a provision (sec. 1051) that would express the sense of Congress honoring the Honorable Duncan Hunter.

The Senate bill contained no similar provision.

The agreement does not include the provision. The material from the provision is incorporated into section 1, the short title of the bill.

*Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives*

The House bill contained a provision (sec. 1052) that would express the sense of Congress honoring the Honorable Jim Saxton.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Sense of Congress honoring the Honorable Terry Everett, a Member of the House of Representatives*

The House bill contained a provision (sec. 1053) that would express the sense of Congress honoring the Honorable Terry Everett.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Sense of Congress honoring the Honorable Jo Ann Davis, a Member of the House of Representatives*

The House bill contained a provision (sec. 1054) that would express the sense of Congress honoring the Honorable Jo Ann Davis.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense*

The House bill contained a provision (sec. 1065) that would authorize payments for salary increases based on wage survey data for fiscal years 2006 and 2007 to Portuguese nationals employed by the Department of Defense.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*State defense force improvement*

The House bill contained a provision (sec. 1066) that would amend section 109 of title 32, United States Code, to recognize state defense forces as an integral military component of the United States, and would authorize the Secretary of Defense to coordinate, assist, train, and transfer excess equipment

to a state defense force provided the Secretary determines certain conditions are met.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions*

The House bill contained a provision (sec. 1068) that would express the sense of Congress regarding coordination between the Department of Defense and other national security organizations.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Sense of Congress relating to 2008 supplemental appropriations*

The House bill contained a provision (sec. 1069) that would state the sense of Congress regarding readiness shortfalls.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Sense of Congress regarding defense requirements of the United States*

The House bill contained a provision (sec. 1070) that would state the sense of Congress regarding the funding of national defense requirements.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Nonapplicability of the Federal Advisory Committee Act to the Congressional Commission on the Strategic Posture of the United States*

The House bill contained a provision (sec. 1072) that would exempt the Congressional Commission on the Strategic Posture of the United States from the applicability of the Federal Advisory Committee Act (Public Law 92–463) or 5 U.S.C. App.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Study and report on the use of power management software*

The House bill contained a provision (sec. 1073) that would require a report on the use of power management software.

The Senate bill contained no similar provision.

The agreement does not include the provision.

The strides that the Department of Defense has made in improving energy efficiency across the entire organization are encouraging. The Department is working to increase the fuel efficiency and alternative fuel options of its vast fleet of vehicles, but also developing options for improving the energy efficiency of its extensive information technology (IT) enterprise. IT systems, including all of the desktop computing, servers, routers, and associated equipment consume significant quantities of energy, and any gains of efficiency will likely translate to significant cost savings. The adoption of innovative business practices will also help contribute to the reduction of the energy consumption for these resources. The Department should continue to undertake further measures to reduce energy consumption in its information technology enterprise, and keep industry and academia aware of opportunities for them to support efforts in this area.

*Public disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation*

The House bill contained a provision (sec. 1079) that would require the Secretary of Defense 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.

The Senate bill contained no similar provision.

The agreement does not include this provision.

TITLE XI—CIVILIAN PERSONNEL MATTERS

*Authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas (sec. 1101)*

The House bill contained a provision (sec. 1101) that would extend for an additional year the authority of a head of a federal agency to waive the limitations on the amount of premium pay that may be given to a civilian employee who performs certain work in an overseas location that falls under the responsibility of the United States Central Command, or in support of a military operation or responding to an emergency declared by the President. The total compensation would be limited to $212,100 for the calendar year.

The Senate bill contained a provision (sec. 1108) that would authorize the head of an executive agency to waive limitations on the aggregate of basic and premium pay, and on allowances, differentials, bonuses, awards, and similar cash payments payable during calendar year 2009 to an employee who performs work in an overseas location under the area of responsibility of the Commander, United States Central Command in support of a contingency operation or an operation in response to a declared emergency. The total amount payable may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

The agreement includes the Senate provision with an amendment that would account for the possibility of certain employees no longer working under the area of responsibility of the United States Central Command due to the changes that would accompany the stand up of the United States Africa Command. The amendment would also address the manner in which premium pay caps and aggregate compensation limits are handled.

*Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone (sec. 1102)*

The House bill contained a provision (sec. 1107) that would provide temporary discretionary authority to federal agencies to grant allowances, benefits, and gratuities comparable to those provided to members of the foreign service to an agency's civilian employees on official duty in a combat zone. This authority would expire in 2011.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Election of insurance coverage by federal civilian employees deployed in support of a contingency operation (sec. 1103)*

The Senate bill contained a provision (sec. 1105) that would authorize federal civilian employees deployed in support of a contingency operation and Department of Defense employees designated as emergency essential to elect to receive automatic life insurance coverage upon notification of deployment or designation. The provision would also authorize such civilian employees to elect optional life insurance or additional optional life insurance within 60 days after the employee's date of notification of deployment or designation.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Extension of authority to make lump-sum severance payments (sec. 1104)*

The House bill contained a provision (sec. 1102) that would extend until the end of fiscal year 2014 the authority of the Secretary of Defense or the secretaries of the military departments to pay an employee the total amount of severance pay in one lump sum.

The Senate bill contained a similar provision (sec. 1107).

The agreement includes the House provision.

*Extension of voluntary reduction-in-force authority of Department of Defense (sec. 1105)*

The House bill contained a provision (sec. 1103) that would extend, from 2010 to 2014, existing authorities under section 3502(f)(5) of title 5, United States Code, to allow an employee who is not affected by a reduction in force (RIF) to volunteer to be separated to protect another employee from being involuntarily separated by RIF procedures.

The Senate bill contained a provision (sec. 1106) that would make permanent the authority under section 3502(f) of title 5, United States Code.

The agreement includes the House provision.

*Enhancement of authorities relating to additional positions under the National Security Personnel System (sec. 1106)*

The Senate bill contained a provision (sec. 1103) that would clarify the authority of the Department of Defense (DOD) to utilize streamlined hiring practices under the National Security Personnel System (NSPS).

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) substantially revised the Department's authority under the NSPS legislation, with the objective of restoring the collective bargaining rights of DOD employees. Unfortunately, proposed regulations, issued May 22, 2008, to implement that legislation would restrict such rights by unilaterally removing negotiable issues from the scope of collective bargaining. In particular, the law provided that while unions would not be able to negotiate over the ''rate of pay,'' they would be permitted to bargain over ''procedures and appropriate arrangements,'' as defined in chapter 71 of title 5, United States Code regarding pay. However, the proposed regulations define ''rate of pay'' so broadly that it would be impossible to negotiate over any procedures or appropriate arrangements. We intend to carefully scrutinize the final regulation when published. Should it fail to comport with the intent of Congress to restore the collective bargaining rights of DOD employees, we shall revisit the issue in the National Defense Authorization Act for Fiscal Year 2010.

*Expedited hiring authority for health care professionals (sec. 1107)*

The House bill contained a provision (sec. 1105) that would amend section 1599c of title 10, United States Code, to authorize the Secretary of Defense to designate any category of medical or health care professional position within the Department of Defense as a shortage category position, and would authorize the Secretary to recruit and appoint

highly qualified individuals directly to those designated positions. This bill would also extend health care hiring authorities under this section until September 30, 2012.

The Senate bill contained a similar provision (sec. 1104).

The agreement includes the House provision.

*Direct hire authority at personnel demonstration laboratories for certain candidates (sec. 1108)*

The House bill contained a provision (sec. 1109) that would authorize the Secretary of Defense to make a limited number of appointments to positions at specified defense laboratories using expedited hiring procedures.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that clarifies that the authority is intended for the purposes of hiring a limited number of qualified candidates with advanced degrees into scientific and engineering positions in specified defense laboratories. There are clear difficulties facing defense laboratories in recruiting and retaining a highly qualified, technical workforce to support their designated national security missions. It is expected that this authority, if aggressively implemented, will assist in addressing these challenges.

*Status reports relating to laboratory personnel demonstration projects (sec. 1109)*

The House bill contained a provision (sec. 1110) that would require status reports on the utilization of personnel authorities granted to the Department of Defense related to the laboratory personnel demonstration program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that clarifies that the report should include information on any defense laboratories that are seeking to be newly designated as a demonstration laboratory and the status of those applications. The amendment also clarifies that the designation of a ''demonstration laboratory'' is distinct from the designation of a ''science and technology reinvention laboratory.''

*Technical amendment relating to definition of professional accounting position for purposes of certification and credentialing standards (sec. 1110 )*

The House bill contained a provision (sec. 1104) that would amend section 1599d(e) of title 10, United States Code, to update the definition of a ''professional accounting position.''

The Senate bill contained a similar provision (sec. 1109).

The agreement includes the Senate provision.

*Exceptions and adjustments to limitations on personnel and reports on such exceptions and adjustments (sec. 1111)*

The House bill contained a provision (sec. 1106) that would authorize the Secretary of Defense to adjust statutory ceilings on management headquarters personnel.

The Senate bill contained a provision (sec. 903) that would repeal the ceilings.

The agreement includes the House provision with an amendment that would establish certain exceptions to the ceilings and authorize the Secretary of Defense to adjust the ceilings.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Department of Defense strategic human capital plans*

The Senate bill contained a provision (sec. 1101) that would codify the requirement for the Secretary of Defense to submit an annual strategic human capital plan and consolidate the requirements of section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), and section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The House bill contained no similar provision.

The agreement does not include the provision.

*Conditional increase in authorized number of Defense Intelligence Senior Executive Service personnel*

The Senate bill contained a provision (sec. 1102) that would increase the authorized number of Defense Intelligence Senior Executive Service personnel, provided that certain conditions are met.

The House bill contained no similar provision.

The agreement does not include the provision.

*Requirement relating to furloughs during the time of a contingency operation*

The House bill contained a provision (sec. 1108) that would require the Secretary of Defense to certify that he has no other legal measures available to avoid issuing furlough notices to civilian employees of the Department of Defense on the basis of a lack of funds during contingency operations.

The Senate bill contained no similar provision.

The agreement does not include the provision.

We expect that execution of a furlough of civilian employees during a contingency operation will be a measure of last resort only, after all other alternative actions are taken or considered, in order to avoid disruption of civilian workforce operations.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SUBTITLE A—ASSISTANCE AND TRAINING

*Extension of authority to build the capacity of the Pakistan Frontier Corps (sec. 1201)*

The House bill contained a provision (sec. 1201) that would extend through fiscal year 2010 the authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) for the Secretary of Defense, with the concurrence of the Secretary of State, to provide up to $75.0 million in assistance to enhance the ability of the Pakistan Frontier Corps to conduct counterterrorism operations along the border between Pakistan and Afghanistan.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment to extend this authority through fiscal year 2009 and limit the authorized funding level for such assistance to $25.0 million. We note that the Department of State intends to seek Foreign Military Financing funding for the Pakistan Frontier Corps program in fiscal year 2009 and encourage the transition of funding for this program from the Department of Defense to the Department of State.

*Availability across fiscal years of funds for military-to-military contacts and comparable activities (sec. 1202)*

The House bill contained a provision (sec. 1202) that would amend section 168(e) of title 10, United States Code, to allow funds authorized under that section in a fiscal year to be used for programs that begin in that fiscal year but end in the following one, starting with fiscal year 2009.

The Senate bill contained a similar provision (sec. 1211).

The agreement includes the Senate provision.

*Availability across fiscal years of funds to pay incremental expenses for participation of developing counties in combined exercises (sec. 1203)*

The House bill contained a provision (sec. 1203) that would amend section 2010 of title 10, United States Code, to allow funds authorized under that section in any fiscal year to be available for programs that begin in that fiscal year but end in the following one, beginning in fiscal year 2009.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

*Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability (sec. 1204)*

The House bill contained a provision (sec. 1204) that would extend the authority granted by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), through September 30, 2010. This provision would also add two elements to the existing reporting requirement regarding types and disposition of equipment lent to foreign nations but not returned to the United States.

The Senate bill contained a provision (sec. 1206) that would extend the section 1202 authority through September 30, 2013.

The agreement includes the House provision with an amendment to extend the section 1202 authority through September 30, 2011.

*Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces (sec. 1205)*

The House bill contained a provision (sec. 1205) that would amend section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) to extend the authority through fiscal year 2009.

The Senate bill contained a provision (sec. 1202) that would make permanent the authority provided under section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

The agreement includes the Senate provision with an amendment that would require that the annual report on the use of this authority, which is provided to the Committees on Armed Services of the Senate and the House of Representatives, also be provided to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

*Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1206)*

The House bill contained a provision (sec. 1206) that would extend through fiscal year 2010 the authority provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163). The provision would also permit the use of funds provided in a fiscal year for programs to build the capacity of foreign military forces that began in that fiscal year but continued into the next fiscal year.

The Senate bill contained a provision (sec. 1204) that would extend and modify the authority under section 1206 of the National Defense Authorization Act for Fiscal Year

2006 (Public Law 109–163). The provision would expand the types of security forces eligible to be trained and equipped under this authority and increase the annual limitation on authorized funding from $300.0 million to $400.0 million. The provision would also extend the section 1206 authority through September 30, 2011.

The agreement includes the Senate provision with an amendment that would expand the types of security forces eligible to receive assistance under this section to include maritime security forces for the purpose of building capacity to conduct counterterrorism operations. The amendment would also increase the authorized funding level to $350.0 million per fiscal year. The amendment would allow funds available in a fiscal year to be used for programs that begin in that fiscal year but end in the next fiscal year. The amendment would extend the section 1206 authority through September 30, 2011.

The train and equip authority under section 1206 was initiated as a pilot program and is generally intended to address emerging needs for building the capacity of foreign military forces, particularly those of developing or other countries that otherwise would be unable to build this capacity on their own. This authority is not intended to duplicate or substitute for other foreign assistance authorities, nor is it intended to sustain train and equip programs over multiple years. We continue to view this authority as provisional and intend to continue to carefully monitor its implementation.

Moreover, as clearly articulated in the conference report accompanying the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), we continue to believe strongly that foreign assistance programs are more appropriately funded through the foreign assistance accounts, as administered by the Department of State, and expect future budget requests to include sufficient funding for foreign military assistance in those accounts.

It is essential that the Department choose projects that strictly meet the criteria stipulated by the authority—projects that will contribute directly to building the capacity of a foreign country's national military forces to conduct counterterrorist operations or participate in or support military and stability operations in which the United States armed forces are participants. When this authority is used for counterterrorism purposes, nations that face a known terrorist threat, and that do not have the resources to build their military capacity without U.S. assistance, should be given the highest priority.

*Extension of authority and increased funding for security and stabilization assistance (sec. 1207)*

The House bill contained a provision (sec. 1207) that would extend the authority provided under section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), through September 30, 2010.

The Senate bill contained a similar provision (sec. 1205) that would extend the section 1207 authority through September 30, 2011, and increase the authorized annual funding level from $100.0 million to $200.0 million.

The agreement includes the Senate provision with an amendment that would extend the 1207 authority through September 30, 2009. The amendment provides that up to $50.0 million in assistance under section 1207 may be provided to the Republic of Georgia, without that assistance counting against the authorized annual funding limit of $100.0 million. The amendment also clarifies that Section 1207 authority is not to be used to provide budgetary support to a foreign country.

The Congress established this authority as a temporary measure to allow the Department of Defense to support Department of State efforts to address security and stabilization missions. Budget proposals for the Department of State should provide adequate resources to accomplish those missions without relying on this temporary transfer authority, and we urge the administration to request sufficient funding for the Department of State in future budget submissions.

*Extension and expansion of authority for support of special operations to combat terrorism (sec. 1208)*

The House bill contained a provision (sec. 1208) that would make permanent the authority provided in section 1208 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) for the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups or individuals supporting or facilitating military operations by U.S. special operations forces to combat terrorism. The provision would also increase the amount that may be expended during any fiscal year from $25.0 million to $35.0 million.

The Senate bill contained a similar provision (sec. 1203) that would extend the section 1208 authority through 2011 and also increase the authorized annual funding level to $35.0 million.

The agreement includes the Senate provision with an amendment extending this authority through 2013.

*Increase in amount available for costs of education and training of foreign military forces under Regional Defense Combating Terrorism Fellowship Program (sec. 1209)*

The House bill contained a provision (sec. 1209) that would amend section 2249(c) of title 10, United States Code, to increase the authorized annual funding level for the Regional Defense Combating Terrorism Fellowship Program from $25.0 million to $35.0 million.

The Senate bill (sec. 1201) contained a similar provision.

The agreement includes the Senate provision.

SUBTITLE B—MATTERS RELATING TO IRAQ AND AFGHANISTAN

*Limitation on availability of funds for certain purposes relating to Iraq (sec. 1211)*

The House bill contained a provision (sec. 1211) that would prohibit the use of funds authorized by this Act or any other act to establish any military bases in Iraq for the permanent stationing of United States Armed Forces in that country or to establish U.S. control over Iraqi oil resources.

The Senate bill contained a similar provision (sec. 2913) applicable to the use of funds authorized by this Act only.

The agreement includes the Senate provision.

*Report on status of forces agreements between the United States and Iraq (sec. 1212)*

The House bill contained a provision (sec. 1212) that would require the President to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs within 90 days after the date of enactment of this Act on any status of forces agreement between the United States and the Republic of Iraq.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Strategy for United States-led Provincial Reconstruction Teams in Iraq (sec. 1213)*

The House bill contained a provision (sec. 1213) that would require the President to establish a strategy for U.S.-led Provincial Reconstruction Teams (PRTs) in Iraq to ensure those PRTs are supporting the operational and strategic goals of coalition forces in Iraq.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the strategy established by the President should also ensure that PRTs are developing the capacity of Iraqi government and other civil institutions to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities.

*Commanders' Emergency Response Program (sec. 1214)*

The House bill contained a provision (sec. 1214) that would amend section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), to modify the authorized level of funding for the activities of the Commanders' Emergency Response Program (CERP). The provision would authorize $1.7 billion for the activities of this program in fiscal year 2008, and $1.5 billion in fiscal year 2009. The provision would also impose a new limitation on the amounts that could be obligated and expended through the CERP in the Republic of Iraq during fiscal year 2009 of twice the amount obligated during calendar year 2008 by the Government of Iraq through the Government of Iraq CERP (I-CERP).

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would amend section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), to authorize $1.7 billion for the activities of this program in fiscal year 2008, and $1.5 billion in fiscal year 2009. The provision would also impose a limitation of $2.0 million on the amount of U.S. CERP funds that could be contributed to any individual humanitarian and reconstruction project in Iraq. The provision would allow the Secretary of Defense to waive this limitation if he determines that a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people. The provision would also require the Secretary, or the Deputy Secretary of Defense, to certify that any project that is funded with U.S. CERP funds at a level of $1.0 million or more addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people. The amendment would also require certain elements be included in the quarterly CERP reports to the congressional defense committees. The amendment also includes a sense of the Congress that the Government of Iraq should assume increasing responsibility for funding and carrying out projects currently funded by the United States through CERP, and should assume all costs associated with the Sons of Iraq as expeditiously as possible.

*Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan (sec. 1215)*

The House bill contained a provision (sec. 1215) that would require the President to develop and implement a system for monitoring the performance of U.S.-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the PRT-specific work plans, required as part of the performance monitoring system, will include plans for developing the capacity of the Afghan government and other civil institutions to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities.

*Report on command and control structure for military forces operating in Afghanistan (sec. 1216)*

The House bill contained a provision (sec. 1216) that would require the Secretary of Defense to report on the command and control structure for military forces operating in Afghanistan.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to report on any efforts to modify the chain of command structure for military forces in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan. We welcome the decision to dual-hat the position of Commander, International Security Assistance Force, and Commander, U.S. Forces Afghanistan.

The report required by this section, or the report required by section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), should identify which offices in the U.S. and NATO ISAF military headquarters are responsible for coordinating counternarcotics operations. That report should also include an assessment of the coordination between U.S. and NATO ISAF military forces, and the Government of Afghanistan to coordinate and de-conflict operations relating to or in support of the counternarcotics activities of the national and provincial governments of Afghanistan and of other Departments and agencies of the United States and other member countries of NATO ISAF.

*Reports on enhancing security and stability in the region along the border of Afghanistan and Pakistan (sec. 1217)*

The House bill contained a provision (sec. 1217) that would add the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives as recipients of the notifications, required under section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), relating to Department of Defense Coalition Support Funds for Pakistan.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to provide copies of the notifications required under section 1232(b) to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House. The amendment further specifies additional information to be provided in the notification required under section 1232(b) or within 180 days if not submitted as part of the notification.

The amendment to the House provision also requires the Secretary of Defense to provide semi-annually the report required by section 1232(a) on enhancing security and stability in the region along the border of Afghanistan and Pakistan.

In addition, the amendment to the House provision requires the Secretary of Defense to provide a report on the efforts of the Department of Defense to address the findings and implement the recommendations of the report by the Government Accountability Office entitled ''Combating Terrorism: Increased Oversight and Accountability Needed Over Pakistan Reimbursement Claims for Coalition Support Funds.'' The report's recommendations include: that the Department of Defense consistently implement strong guidance concerning reimbursements to the Pakistan Government; that the Department of Defense define and formalize the roles and responsibilities of the Department of Defense's Office of Defense Representative to Pakistan concerning such reimbursements; that the Department of Defense clarify guidance for the Department of Defense Comptroller in connection with such reimbursements; and that the Department of Defense work with the Government of Pakistan to develop procedures to allow the Office of the Defense Representative to Pakistan or other U.S. representatives to conduct greater oversight of such reimbursements.

*Study and report on Police Transition Teams to train, assist, and advise units of the Iraqi Police Service (sec. 1218)*

The House bill contained a provision (sec. 1218) that would require the Secretary of Defense to submit a report within 60 days after the date of enactment of this Act regarding the staffing and funding of Police Training Teams in Iraq.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

SUBTITLE C—OTHER MATTERS

*Payment of personnel expenses for multilateral cooperation programs (sec. 1231)*

The House bill contained a provision (sec. 1231) that would amend section 1051(a) of title 10, United States Code, to authorize payment by the Secretary of Defense of the travel, subsistence, and personal expenses of defense personnel of developing countries in connection with the attendance of such personnel at multilateral conferences, seminars, or similar meetings when in the national security interests of the United States.

The Senate bill contained a similar provision (sec. 1213).

The agreement includes the Senate provision with a technical amendment.

*Participation of the Department of Defense in multinational military centers of excellence (sec. 1232)*

The House bill contained a provision (sec. 1232) that would extend through fiscal year 2009 the authority granted by section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), as amended by section 1204 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), for Department of Defense personnel to participate in North Atlantic Treaty Organization multinational military centers of excellence.

The Senate bill contained a provision (sec. 1214) that would make permanent the authority granted by section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

The agreement includes the Senate provision with a clarifying amendment.

*Review of security risks of participation by defense contractors in certain space activities of the People's Republic of China (sec. 1233)*

The House bill contained a provision (sec. 1233) that would prohibit the Secretary of Defense from obligating or expending any fiscal year 2009 or other fiscal year funds available to the Department of Defense (DOD) for classified work under contracts with a company if that company or affiliate is engaged with the People's Republic of China in the development of ''ITAR-free'' satellites. The restriction could be waived following a certification by the Secretary of Defense in consultation with the Secretary of State. The requirement to implement the restriction would not take effect until 60 days after enactment or if the Secretary of Defense submits a report to the congressional defense committees with a determination that implementation of the requirement does not promote the national interest.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense to conduct a review to determine whether there are any security risks associated with the participation by covered contractors in certain space activities of the People's Republic of China. The provision would direct the Secretary of Defense to submit a report to the congressional defense committees setting forth the conclusions of the review by March 1, 2009.

One of the elements of the review to be conducted is whether there have been any incidents with respect to which a determination has been made that an improper disclosure of covered information occurred during the 5 year period preceding the date of enactment. We would urge, in the event that the Secretary determines that such an event has occurred after the date of enactment and before the due date of the report, that any such incident should be included to the extent practicable.

Given the nature of the subject matter in the report we expect it to be classified, but to the extent practicable an unclassified summary should be submitted.

*Report on Iran's capability to produce nuclear weapons (sec. 1234)*

The House bill contained a provision (sec. 1234) that would direct the Director of National Intelligence (DNI) to submit to Congress, 180 days after the enactment of this Act and annually thereafter, an update of the National Intelligence Estimate entitled ''Iran: Nuclear Intentions and Capabilities'' dated November 2007. The issues to be addressed in the report include, the status of Iran's uranium enrichment program; an estimate of the amount of weapons grade material held by Iran; a description of weaponization and delivery system activities; and an assessment made by US allies of Iran's nuclear weapons capabilities.

The provision would direct the DNI to notify Congress within 15 days if there were significant changes in the Iranian program.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the DNI to submit an annual report on Iran's capacity to produce nuclear weapons. The first report is due not later than 180 days after the date of enactment of this Act. The report may be submitted in classified form. The amendment would also modify the issues to address the uranium enrichment program and to address plutonium production capabilities. In addition, the President would be required to notify Congress if Iran resumes its nuclear weapons program.

The report required by this provision shall be prepared following standard procedures

used to produce reports by the national intelligence community and should include dissenting opinions from other intelligence community elements.

*Employment for resettled Iraqis (sec. 1235)*

The House bill contained a provision (sec. 1235) that would create a joint Department of Defense/Department of State program for the purpose of hiring Iraqis, who supported the United States' efforts in Iraq and have resettled in the U.S., as interpreters, translators, and cultural awareness instructors for agencies of the Federal Government.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque (sec. 1236)*

The Senate bill contained a provision (sec. 1231) that would extend and modify a reporting requirement on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the Labelle Discotheque in Berlin, Germany, that occurred in April 1986. The reporting requirement is an extension of section 1225 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) and section 1261 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the next report to be submitted not later than 90 days following the enactment of this Act, and that subsequent reports be submitted every 180 days thereafter. The amendment would further terminate the reporting requirement upon submission by the Secretary of State to Congress of the certification described in the Libya Claims Resolution Act (Public Law 110–301).

We note the recent enactment of the Libya Claims Resolution Act and are hopeful the cases of the American victims of Libyan-sponsored acts of terrorism can be resolved in short order. We will continue to monitor the implementation of the Libya Claims Resolution Act.

*Report on utilization of certain global partnership authorities (sec. 1237)*

The Senate bill contained a provision (sec. 1232) that would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report not later than December 31, 2010, on the implementation of certain Building Global Partnership authorities.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Modification and repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense (sec. 1238)*

The Senate bill contained a provision (sec. 1051) that would repeal certain requirements for the Secretary of Defense to report annually on allied contributions to the common defense and on costsharing by North Atlantic Treaty Organization (NATO) allies.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would repeal the reporting requirement regarding NATO cost sharing and modify the other reports to require the Secretary of Defense to provide information on allied annual defense spending and contributions to military and stability operations in which United States Armed Forces participate.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Declaration of policy relating to status of forces agreements between the United States and Iraq*

The House bill contained a provision (sec. 1219) that would declare that it is U.S. policy to ensure that any agreement between the United States and Iraq on the status of U.S. forces requires burdensharing by the Government of Iraq in support of U.S. Armed Forces stationed in Iraq.

The Senate bill contained no similar provision.

The agreement does not include the House provision. We note that the agreement includes a provision (sec. 1508) calling for the United States to initiate negotiations with Iraq on a cost-sharing agreement relating to the costs of combined operations of Iraqi Security Forces and Multi-National Force-Iraq.

*Limitation on certain status of forces agreements between the United States and Iraq*

The House bill contained a provision (sec. 1220) that would prohibit any agreement between the United States and Iraq that obligates the United States to respond to internal or external threats against Iraq from being in force with respect to the United States unless the agreement is approved by Congress, either in the form of a treaty or by an Act of Congress enacted after the date of this Act.

The Senate bill contained no similar provision.

The agreement does not include the House provision. It is well established that any agreement that obligates the United States to come to the defense of another country against internal or external threats must be approved by Congress. There is no need to restate the current state of existing law in this Act.

*Report on long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom*

The House bill contained a provision (sec. 1221) that would require the President to submit to Congress a report estimating the long-term direct and indirect costs of Operations Iraqi Freedom and Enduring Freedom under three different scenarios.

The Senate bill contained no similar provision.

The agreement does not include the provision.

*Waiver of certain sanctions against North Korea*

The Senate bill contained a provision (sec. 1221) that would provide the President with limited authority to waive, with respect to North Korea, the application of sanctions under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)). The President would be required to notify Congress 15 days in advance of exercising such waiver authority. In addition, the provision would require the President to submit an annual report to Congress listing all the waivers granted during the preceding year and describe in detail the progress being made by North Korea in implementing the commitments included in the Joint Statement of September 19, 2005, to abandon all nuclear weapons, existing nuclear programs, and all other programs associated with the elimination of the ability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

The House bill contained no similar provision.

The agreement does not include the provision. A similar provision was included in the Supplemental Appropriations Act for Fiscal Year 2008 (Public Law 110–252).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

*Specification of Cooperative Threat Reduction programs and funds (sec. 1301)*

The House bill contained a provision (sec. 1301) that would define the Cooperative Threat Reduction (CTR) programs, define the funds authorized to be appropriated in section 301 of the bill, and authorize CTR funds to be available for obligation for 3 years.

The Senate bill contained a similar provision (sec. 1301)

The agreement includes the House provision with a technical amendment.

*Funding allocations (sec. 1302)*

The House bill contained a provision (sec. 1302) that would authorize $445.1 million for the Cooperative Threat Reduction (CTR) program.

The Senate bill contained a similar provision that would authorize $434.1 million (sec. 1302).

The agreement includes the House provision with an amendment that would authorize $434.1 million for the CTR program, an increase of $20.0 million above the budget request. In addition, the agreement would reduce the notification period for obligations and expenditures to 15 days from 30 days. The Agreement would also authorize a specific amount for each of the CTR program elements. The agreement authorizes an increase of $10.0 million for new initiatives including activities in states outside of the former Soviet Union, $1.0 million for additional expenses associated with the Russian chemical weapons destruction activities, and an increase of $9.0 million for weapons of mass destruction proliferation prevention in the former Soviet Union.

TITLE XIV—OTHER AUTHORIZATIONS

SUBTITLE A—MILITARY PROGRAMS

*Working capital funds (sec. 1401)*

The House bill contained a provision (sec. 1401) that would authorize appropriations for the working capital funds of the Department of Defense, including the Defense Commissary Agency.

The Senate bill contained an identical provision (sec. 1401).

The agreement includes this provision.

*National Defense Sealift Fund (sec. 1402)*

The House bill contained a provision (sec. 1402) that would authorize appropriations for the National Defense Sealift Fund.

The Senate bill contained a similar provision (sec. 1402).

The agreement includes this provision.

*Defense Health Program (sec. 1403)*

The House bill contained a provision (sec. 1403) that would authorize fiscal year 2009 funds for the Defense Health Program and other programs.

The Senate bill contained a similar provision (sec. 1403).

The agreement includes this provision.

*Chemical agents and munitions destruction, Defense (sec. 1404)*

The House bill contained a provision (sec. 1404) that would authorize appropriations for chemical agents and munitions destruction.

The Senate bill contained an identical provision (sec. 1404).

The agreement includes this provision.

*Drug Interdiction and Counterdrug Activities, Defense-wide (sec. 1405)*

The House bill contained a provision (sec. 1405) that would authorize fiscal year 2009 funds for drug interdiction and counterdrug activities and other programs.

The Senate bill contained a similar provision authorizing appropriations for drug interdiction and counterdrug activities (sec. 1405).

The agreement includes the provision.

TITLE XIV - OTHER AUTHORIZATIONS
(Dollars in Thousands)

| Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|
| **REVOLVING AND MANAGEMENT FUNDS** | | | | | |
| **DEFENSE WORKING CAPITAL FUNDS** | | | | | |
| Defense Working Capital Funds | 198,150 | 198,150 | 198,150 | | 198,150 |
| Defense Commissary Agency | 1,291,084 | 1,291,084 | 1,291,084 | | 1,291,084 |
| **NATIONAL DEFENSE SEALIFT FUND** | | | | | |
| National Defense Sealift Fund | 1,962,253 | 1,401,553 | 1,608,553 | -353,681 | 1,608,572 |
| MPF(F) LHA(R) advance procurement - transfer to SCN 16 MPF (F) | | | | [-348,281] | [-348,281] |
| MPF(F) LHA(R) R&D - transfer to RDN 112 [PE 0604567N] | | | | [-5,400] | [-5,400] |
| **DEFENSE COALITION SUPPORT FUND** | | | | | |
| Defense Coalition Support Fund | 22,000 | 22,000 | | -22,000 | |
| **NATIONAL DEFENSE STOCKPILE TRANSACTION FUND** | | | | | |
| NDSTF Transfer to Defense Health Program | -1,300,000 | -1,300,000 | -1,300,000 | | -1,300,000 |
| **Inflation Savings (section 1407)** | | | -1,048,000 | | |

TITLE XIV - OTHER AUTHORIZATIONS
(Dollars in Thousands)

| Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|
| **MILITARY PROGRAMS** | | | | | |
| **DEFENSE HEALTH PROGRAM** | | | | | |
| DEFENSE HEALTH PROGRAM O&M | 24,301,359 | 24,281,029 | 24,301,359 | 165,715 | 24,467,074 |
| [Memo: Funds derived by transfer from National Defense Stockpile] | [1,300,000] | [1,300,000] | [1,300,000] | | [1,300,000] |
| Restore military to civilian conversions (transfer to Milpers) | | | | [-101,085] | |
| Madigan Medical Center Trauma Assistance Program | | | | [2,000] | |
| Fort Drum Regional Health Planning Organization | | | | [800] | |
| Temporary Prohibition on TRICARE Pharamcy Copayments [sec 702] | | | | [75,000] | |
| One-year extension of Prohibtion on TRICARE Health Fees [sec. 701] | | | | [47,000] | |
| Increase Full Time Support Authorization Army NG | | | | [10,000] | |
| Preventive Health Care Co-Pay Initiative | | | | [57,000] | |
| Preventive Health Care for TRICARE for Life | | | | [10,000] | |
| Military Health Risk Management | | | | [2,000] | |
| Smoking Cessation TRICARE Program | | | | [20,000] | |
| Smoking Cessation TRICARE for Life Program | | | | [3,000] | |
| Center of Excellence on Extremity Injuries | | | | [5,000] | |
| Center of Excellence on Auditory Injuries | | | | [5,000] | |
| Preventive Health Allowance | | | | [3,000] | |
| Wide Angel Virtual Environment for USUHS | | | | [5,000] | |
| Transitional Health Care | | | | [22,000] | |

TITLE XIV - OTHER AUTHORIZATIONS
(Dollars in Thousands)

| Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|
| DEFENSE HEALTH PROGRAM LEGISLATIVE PROPOSAL | -1,184,000 | | | 1,184,000 | |
| DEFENSE HEALTH PROGRAM R&D | 193,938 | 198,738 | 196,938 | 2,000 | 195,938 |
| PULSE[II] Virtual Clinical Learning Lab | | | | | |
| US Army Medical Research and Material Command | | | | | |
| Copper Antimicrobial Research Program | | | | [2,000] | |
| TBI and PTSD research initiative (PE 63115HP) | | | | | |
| DEFENSE HEALTH PROGRAM PROCUREMENT | 303,905 | 288,405 | 303,905 | | 303,905 |
| Reduction in ALHTA Block 3 | | | | | |
| **Total Defense Health Program** | **23,615,202** | **24,768,172** | **24,802,202** | **1,351,715** | **24,966,917** |
| **CHEMICAL AGENTS AND MUNITIONS DESTRUCTION** | | | | | |
| CHEM DEMILITARIZATION - O&M | 1,152,668 | 1,152,668 | 1,152,668 | | 1,152,668 |
| CHEM DEMILITARIZATION - RDT&E | 268,881 | 268,881 | 268,881 | | 268,881 |
| Blue Grass Chemical Agent Destruction Pilot Plant | | | | | |
| CHEM DEMILITARIZATION - PROC | 64,085 | 64,085 | 64,085 | | 64,085 |
| **Total Chemical Agents and Munitions Destruction** | **1,485,634** | **1,485,634** | **1,485,634** | | **1,485,634** |

TITLE XIV - OTHER AUTHORIZATIONS
(Dollars in Thousands)

| Program Title | FY2009 Request | House Authorized | Senate Authorized | Agreement Change | Agreement Authorized |
|---|---|---|---|---|---|
| **DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES** | | | | | |
| DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE | 1,060,463 | 1,060,463 | 1,060,463 | | 1,060,463 |
| International Support | | | | -2,000 | |
| Southwestern Border Fence | | | | 2,000 | |
| **Total Drug Interdiction and Counter-Drug Activities** | **1,060,463** | **1,060,463** | **1,060,463** | | **1,060,463** |
| **OFFICE OF THE INSPECTOR GENERAL** | | | | | |
| OPERATION AND MAINTENANCE | 246,445 | 270,445 | 270,445 | 24,000 | 270,445 |
| PROCUREMENT | 1,400 | 3,400 | 3,400 | 2,000 | 3,400 |
| **Total Office of the Inspection General** | **247,845** | **273,845** | **273,845** | **26,000** | **273,845** |
| **CIVIL PROGRAMS (non-defense, function 600)** | | | | | |
| Armed Forces Retirement Home | 63,010 | 63,010 | 63,010 | | 63,010 |
| **TOTAL OTHER AUTHORIZATIONS** | **28,645,641** | **29,263,911** | **28,434,941** | **1,002,034** | **29,293,994** |

*Defense Inspector General (sec. 1406)*

The House bill contained a provision (sec. 1406) that would authorize appropriations for the Inspector General of the Department of Defense.

The Senate bill contained an identical provision (sec. 1406).

The agreement includes this provision.

*National Defense Sealift Fund amendments (sec. 1407)*

The House bill contained a provision (sec. 1014) that would change the definition of what vessels would be funded within the National Defense Sealift Fund (NDSF) account, and would strike subsection (J) of section 2218 of title 10, United States Code, which allows the Secretary of Defense to transfer resources within the NDSF if he determines that the action serves the national defense interest.

The Senate bill contained a similar provision (sec. 1432) that would change the definition of what vessels would be funded in the NDSF.

The agreement includes the House provision.

SUBTITLE B—NATIONAL DEFENSE STOCKPILE

*Authorized uses of National Defense Stockpile funds (sec. 1411)*

The House bill contained a provision (sec. 1411) that would authorize $41.2 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2009. This section would also permit the use of additional funds for extraordinary or emergency conditions 45 days after Congress receives notification.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Revisions to previously authorized disposals from the National Defense Stockpile (sec. 1412)*

The House bill contained a provision (sec. 1412) that would authorize revisions on limitations in National Defense Stockpile (NDS) by amending section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), as amended most recently by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to increase the Department's disposal authority from $1.1 billion to $1.5 billion.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would increase the Department's disposal authority from $1.1 billion to $1.4 billion.

We note that in June 2008 the Deputy Under Secretary of Defense for Logistics and Materiel Readiness determined the need to suspend, or limit, the authorized sales of selected materials in the NDS inventory pending a review of critical and strategic materials. This provision is not intended to supersede this determination, but to provide additional authority if the Department's review of materials justifies continued sales.

SUBTITLE C—ARMED FORCES RETIREMENT HOME

*Authorization of appropriations for Armed Forces Retirement Home (sec. 1421)*

The House bill contained a provision (sec. 1421) that would authorize $63.0 million to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home.

The Senate bill contained a similar provision (sec. 1421).

The agreement includes the Senate provision.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

LEGISLATIVE PROVISIONS ADOPTED

*Authorization of additional appropriations for operations in Afghanistan and Iraq for fiscal year 2009 (sec. 1501)*

The House bill contained a series of provisions (sections 1501–1507 and 1509–1515) that would authorize $70.0 billion in fiscal year 2009 appropriations for military operations in Afghanistan and Iraq.

The Senate bill contained a series of provisions (sections 1501–1512) that would authorize $19.9 billion in fiscal year 2009 funding for military operations in Afghanistan.

The Senate bill also contained a series of provisions (sections 1601–1613) that would authorize $49.6 billion in fiscal year 2009 funding for military operations in Iraq.

The agreement includes a provision that would authorize $66.0 billion in fiscal year 2009 appropriations for operations in Iraq and Afghanistan in accordance with the funding provided in Chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

The agreement would also authorize $2.1 billion for an additional six C–17 aircraft.

*Requirement for separate display of budgets for Afghanistan and Iraq (sec. 1502)*

The House bill contained a provision (sec. 1002) that would require the Secretary of Defense, for any annual or supplemental budget request of the Department of Defense, to clearly and separately set forth any funding requested for any U.S. operations in Afghanistan.

The House bill also contained a provision (sec. 1003) that would require a similar separate budget display for operations in Iraq.

The Senate bill contained a similar provision (sec. 1516) that would require a separate budget display for funding of operations in Afghanistan.

The agreement combines the House and Senate provisions into a single provision that would require separate budget displays for operations in Afghanistan and operations in Iraq.

*Joint improvised explosive device defeat fund (sec. 1503)*

The House bill contained a provision (sec. 1507) that would authorize funding for the Joint Improvised Explosive Device Defeat Fund (JIEDDF). This section would require that of the funds appropriated to the Joint Improvised Explosive Device Defeat Fund, $50.0 million shall be made available for the rapid fielding of additional Aerial Reconnaissance Multi-Sensor platforms for tactical operations in Operation Iraqi Freedom and Operation Enduring Freedom.

The Senate bill contained two similar provisions (sec. 1505 and sec. 1605) both of which would authorize funding for the Joint Improvised Explosive Device Defeat Fund.

The agreement includes a provision authorizing funding for the Joint Improvised Explosive Device Defeat Fund.

We urge the Joint Improvised Explosive Device Defeat Organization (JIEDDO) to direct $5.0 million each to ongoing Marine Corps and Army efforts to develop specialized improvised explosive device (IED) dog teams. The Marine Corps program has already deployed IED dog teams embedded with combat forces successfully to Iraq and intends to expand the program. JIEDDO has been funding the development of specialized IED dog team capabilities in the Army ($2.75 million in fiscal years 2008 and 2009), and the Army is now fielding its first embedded IED dog team with a Brigade Combat team (BCT). However, the Marine Corps needs additional funds to sustain its research and development program, and the Army will be able to field this counter-IED capability to only one BCT in fiscal year 2009 unless JIEDDO provides additional funds or the Army re-prioritizes its military working dog budget. We direct the director of JIEDDO, the Deputy Chief of Staff of the Army for Intelligence, and the Army Provost Marshal General review this situation and notify the Armed Services Committees of the Senate and the House of Representatives of their decision within 30 days of the enactment of this Act.

Further, we also urge JIEDDO to continue funding at a level of not less than $65.0 million the ongoing efforts of the Irregular Warfare Support office under the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict.

*Science & technology investment strategy to defeat or counter improvised explosive devices (sec. 1504)*

The House bill contained a provision (sec. 1508) that would limit the amount of funds that the Joint Improvised Explosive Devise Defeat Organization (JIEDDO) may obligate for science and technology (S&T) efforts until it delivers to Congress a report describing its S&T strategy.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Director of JIEDDO, jointly with the Director for Defense Research and Engineering, to develop and deliver to the congressional defense committees an annual report outlining the Department of Defense's (DOD) investment strategy for S&T to defeat and counter improvised explosive devices (IEDs).

According to DOD Directive 2000.19E, JIEDDO's mission is to ''focus (lead, advocate, coordinate) all DOD actions in support of the Combatant Commanders' and their respective Joint Task Forces' efforts to defeat Improvised Explosive Devices as weapons of strategic influence.'' Even more specifically, it requires the Director of JIEDDO to ''integrate all IED Defeat solutions throughout the Department of Defense, seeking Interagency assistance, as necessary, and identifying innovative near-term solutions.'' While JIEDDO has actively invested in S&T efforts to support its mission, it has neglected its responsibility to lead, advocate and coordinate the Department's total S&T investment in this area. If JIEDDO does not serve in this coordination role, then the likelihood for duplicative and redundant investment with Service and Defense Agencies investments increases dramatically.

*Limitation on Iraq Security Forces Fund (sec. 1505)*

The House bill contained a provision (sec. 1512) that would authorize fiscal year 2009 appropriations for the Iraq Security Forces Fund (ISFF).

The Senate bill contained a similar provision (sec. 1613).

The agreement includes a provision that would subject funds authorized in this title for the ISFF to the terms and conditions of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). The funding authorization for this program is contained in section 1501 of this Act. Additional restrictions on the use of the ISFF for infrastructure projects are contained elsewhere in this Act.

*Limitations on Afghanistan Security Forces Fund (sec. 1506)*

The House bill contained a provision (sec. 1513) that would authorize fiscal year 2009 appropriations for the Afghanistan Security Forces Fund (ASFF).

The Senate bill contained a similar provision (sec. 1512).

The agreement includes a provision that would subject funds authorized in this title for the ASFF to the terms and conditions of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). The funding authorization for the ASFF is contained in section 1501 of this Act.

*Special transfer authority (sec. 1507)*

The House bill contained a provision (sec. 1516) that would authorize the transfer of up to $4.0 billion of war-related funding authorizations in this title among the accounts in this title.

The Senate bill contained a similar provision (sec. 1514) that would authorize transfers of up to $3.0 billion.

The agreement includes the House provision.

This special transfer authority is in addition to the general transfer authority contained in section 1001 of this Act, but the same reprogramming procedures applicable to transfers under section 1001 would also apply to transfers under this section.

*Prohibition on use of United States funds for certain facilities projects in Iraq and contributions by Iraq to combined operations and other activities in Iraq (sec. 1508)*

The House bill contained a provision (sec. 1512) that would prohibit the use of certain funds for the acquisition, conversion, rehabilitation, or installation of facilities for the Iraqi Security Forces.

The Senate bill contained a provision (sec. 1616) that would prohibit the use of funds authorized by this Act to pay for any large-scale infrastructure project commenced after the date of enactment of this Act. The provision would also require the United States Government to begin negotiating an agreement with the Government of Iraq to share the costs of combined operations between the Government of Iraq and Multi-National Force Iraq. The provision would further require that the United States Government act to ensure that Iraqi funds are used to pay the costs of training, equipping, and sustaining the Iraqi Security Forces and the costs associated with the Sons of Iraq.

The agreement includes a provision that would prohibit the use of certain funds for the acquisition, conversion, rehabilitation, or installation of facilities for the use of the Government of Iraq, political subdivisions of Iraq, or agencies, departments or forces of the Government of Iraq or its subdivisions. The provision would also require the United States Government to begin negotiating an agreement with the Government of Iraq to share the costs of combined operations between the Government of Iraq and Multi-National Force-Iraq. The provision would further require that the United States Government act to ensure that Iraqi funds are used to pay the costs of training, equipping, and sustaining the Iraqi Security Forces.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Limitation on use of funds*

The Senate bill contained a provision (sec. 1515) that would require the Secretary of Defense to provide a report to Congress on the allocation of funding for operations in Afghanistan at the line-item level 15 days prior to the obligation of such funds.

The House bill contained no similar provision.

The agreement does not include this provision.

*Treatment as additional authorizations*

The House bill contained a provision (sec. 1517) that would provide that the authorizations in this title are in addition to any other authorizations in this Act.

The Senate bill contained identical provisions relating to funding for military operations in Afghanistan (sec. 1513) and Iraq (sec. 1614).

The agreement does not include this provision.

*Limitation on use of funds*

The Senate bill contained a provision (sec. 1615) that would require the Secretary of Defense to provide a report to Congress on the allocation of funding for operations in Iraq at the line-item level 15 days prior to the obligation of such funds.

The House bill contained no similar provision.

The agreement does not include this provision.

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

LEGISLATIVE PROVISIONS ADOPTED

*Short title (sec. 1601)*

The House bill contained a provision (sec. 1601) that would provide that the title may be referred to as the ''Reconstruction and Stabilization Civilian Management Act of 2008.''

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Findings (sec. 1602)*

The House bill contained a provision (sec. 1602) that would contain congressional findings regarding efforts to improve U.S. capacity to prepare, plan for, and conduct stabilization and reconstruction operations.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Definitions (sec. 1603)*

The House bill contained a provision (sec. 1603) that would provide definitions for use in the Act.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Authority to provide assistance for reconstruction and stabilization crises (sec. 1604)*

The House bill contained a provision (sec. 1604) that would amend chapter 1 of part III of the Foreign Assistance Act of 1961 (Public Law 87–195) to provide authority for the President to furnish stabilization or reconstruction assistance to a country or region that is at risk of, in, or is in transition from, conflict or civil strife if the President determines it is in the national security interests of the United States for U.S. civilian agencies or non-federal employees to do so. The provision also provided that funds available for stabilization and reconstruction assistance under this section would be funds made available under any other provision of law and under other provisions of the Foreign Assistance Act and transferred or reprogrammed for the purposes of this section, subject to the procedures applicable to a notification under section 634A of the Foreign Assistance Act.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would allow funds available for stabilization and reconstruction assistance under this section to be limited to funds made available under other provisions of the Foreign Assistance Act and transferred or reprogrammed for the purposes of this section, subject to the procedures applicable to a notification under section 634A of the Foreign Assistance Act.

*Reconstruction and stabilization (sec. 1605)*

The House bill contained a provision (sec. 1605) that would amend the State Department Basic Authorities Act of 1956 (Public Law 84–85) to add a new section establishing within the Department of State the Office of the Coordinator for Reconstruction and Stabilization, and authorize the Secretary of State, in consultation with the Administrator of the U.S. Agency for International Development and the heads of other appropriate U.S. Government agencies, to establish and maintain a Response Readiness Corps to provide assistance in support of reconstruction and stabilization operations.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Authorities related to personnel (sec. 1606)*

The House bill contained a provision (sec. 1606) that would authorize the Secretary of State, or the head of any U.S. agency with respect to personnel of that agency, to extend certain death gratuity, training, and travel expense benefits or privileges, that are provided to members of the Foreign Service under the Foreign Service Act of 1980 (Public Law 96–465), to any individual assigned, detailed, or deployed to carry out reconstruction and stabilization activities under the Reconstruction and Stabilization Civilian Management Act of 2008.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Reconstruction and Stabilization Strategy (sec. 1607)*

The House bill contained a provision (sec. 1607) that would require the Secretary of State, in consultation with the Administrator of the U.S. Agency for International Development, to develop an interagency strategy for responding to stabilization and reconstruction operations.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Annual reports to Congress (sec. 1608)*

The House bill contained a provision (sec. 1608) that would require the Secretary of State to report annually to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of the Reconstruction and Stabilization Civilian Management Act of 2008.

The Senate bill contained no similar provision.

The agreement includes the House provision.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

*Short title (sec. 2001)*

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2009.

The Senate bill contained an identical provision (sec. 2001).

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army | ALABAMA | ANNISTON ARMY DEPOT | POWERTRAIN TRANSMISSION REPAIR FACILITY | 27,000 | | 27,000 |
| Army | ALABAMA | ANNISTON ARMY DEPOT | SMALL ARMS REPAIR SHOP-DEPOT LEVEL | 18,000 | | 18,000 |
| Army | ALABAMA | ANNISTON ARMY DEPOT | Lake Yard Interchange | | 1,400 | 1,400 |
| Army Guard | ALABAMA | FORT MCCLELLAN | MULTIPURPOSE MACHINE GUN RANGE | 3,000 | | 3,000 |
| Army | ALABAMA | FORT RUCKER | Chapel Center | | 6,800 | 6,800 |
| Air Force | ALABAMA | MAXWELL AFB | AIR & SPACE BASIC COURSE COMBAT ARMS TNG FAC | 15,556 | | 15,556 |
| Army | ALABAMA | Redstone Arsenal | System Software Engineering Annex Phase III | | 16,500 | 16,500 |
| Army Guard | ALASKA | Bethel Armory | Bethel Readiness Center | | 16,000 | 16,000 |
| Air Force | ALASKA | ELMENDORF AFB | C-17 RESTORE ROAD | 2,000 | | 2,000 |
| Air Force | ALASKA | ELMENDORF AFB | F-22 AEROSPACE GROUND EQUIP SHOP | 7,200 | | 7,200 |
| Air Force | ALASKA | ELMENDORF AFB | F-22 CORROSION CTRL/LO MX/COMPOSITE REPAIR FAC | 22,400 | | 22,400 |
| Air Force | ALASKA | ELMENDORF AFB | F-22 FLIGHT SIMULATOR | 16,400 | | 16,400 |
| Air Force | ALASKA | ELMENDORF AFB | F-22A 7 BAY AIRCRAFT SHELTER | 20,400 | | 20,400 |
| Air Force | ALASKA | ELMENDORF AFB | F-22A 8 BAY AIRCRAFT SHELTER | 22,200 | | 22,200 |
| Air Force | ALASKA | ELMENDORF AFB | F-22A FIELD TRAINING DETACHMENT | 6,600 | | 6,600 |
| Air Force | ALASKA | ELMENDORF AFB | F-22A SQUADRON OPS/AMU 6 BAY HANGAR | 41,100 | | 41,100 |
| Army | ALASKA | FORT RICHARDSON | CHILD DEVELOPMENT CENTER | 15,000 | | 15,000 |
| Army | ALASKA | Fort Richardson | Multipurpose Machine Gun Range | | 3,100 | 3,100 |
| Defense-Wide | ALASKA | FORT RICHARDSON | DENTAL CLINIC ADDITION/ALTERATION | 6,300 | | 6,300 |
| Army | ALASKA | FORT WAINWRIGHT | BARRACKS COMPLEX | 63,000 | | 63,000 |
| Army | ALASKA | FORT WAINWRIGHT | ORGANIZATIONAL VEHICLE PARKING | 14,000 | | 14,000 |
| Army | ALASKA | FORT WAINWRIGHT | Pedestrian Access Bridge | | | 0 |
| Army | ALASKA | FORT WAINWRIGHT | TACTICAL VEHICLE WASH FACILITY | 21,000 | | 21,000 |
| Army | ALASKA | FORT WAINWRIGHT | TRAINING AIDS SUPPORT CENTER | 12,400 | | 12,400 |
| Army Guard | ARIZONA | CAMP NAVAJO | READINESS CENTER | 13,000 | | 13,000 |
| Air Force | ARIZONA | Davis Monthan AFB | Fire/Crash Rescue Station | | 15,000 | 15,000 |
| Army Guard | ARIZONA | FLORENCE | READINESS CENTER | 13,800 | | 13,800 |
| Army | ARIZONA | FORT HUACHUCA | UNIT MAINTENANCE FACILITIES | 11,200 | | 11,200 |
| Army | ARIZONA | FORT HUACHUCA | Air Traffic Control Radar Operations Building | | 2,000 | 2,000 |
| Army Guard | ARIZONA | PAPAGO MILITARY RES | READINESS CENTER | 24,000 | | 24,000 |
| Army | ARIZONA | YUMA | RAW SEWAGE LAGOON AND OXIDATION POND | 3,800 | | 3,800 |
| Navy | ARIZONA | YUMA | APPLIED INSTRUCTION FACILITY (MAWTS) | 19,490 | | 19,490 |
| Army Guard | ARKANSAS | CABOT | Readiness Center | | 10,868 | 10,868 |
| Air Guard | ARKANSAS | Little Rock AFB | Engine Inspection and Maintenance Facility | | 4,000 | 4,000 |
| Navy | CALIFORNIA | BARSTOW MCLB | BACHELOR ENLISTED QUARTERS | 7,830 | | 7,830 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - (41 AREA) | 32,430 | | 32,430 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - 33 AREA | 30,300 | | 30,300 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - 43 AREA | 15,150 | | 15,150 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - 62 AREA | 25,920 | | 25,920 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - AREA 13 | 33,320 | | 33,320 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - AREA 14 | 32,350 | | 32,350 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - CHAPPO (22 AREA) | 48,640 | | 48,640 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - DEL MAR (21 AREA) | 33,190 | | 33,190 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - DEL MAR (21 AREA) | 33,440 | | 33,440 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - HORNO (13 AREA) | 33,790 | | 33,790 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - HORNO (53 AREA) | 40,660 | | 40,660 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - LAS PULGAS AREA | 34,340 | | 34,340 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - PICO (24 AREA) | 32,870 | | 32,870 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - PICO (24 AREA) | 32,260 | | 32,260 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS - SAN MATEO AREA | 34,500 | | 34,500 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS -DEL MAR (21 AREA) | 34,120 | | 34,120 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS, SAN MATEO AREA | 32,550 | | 32,550 |
| Navy | CALIFORNIA | CAMP PENDLETON | BACHELOR ENLISTED QUARTERS-MARGARITA (33 AREA) | 31,170 | | 31,170 |
| Navy | CALIFORNIA | CAMP PENDLETON | BEQ - ARMORY, TRAINING FAC, SOI (52 AREA) | 54,730 | | 54,730 |
| Navy | CALIFORNIA | CAMP PENDLETON | CONSOLIDATED COMM/ELEC MAINTENANCE & STORAGE | 10,050 | | 10,050 |
| Navy | CALIFORNIA | CAMP PENDLETON | CORROSION CONTROL WATER TREATMENT FACILITY | 52,520 | | 52,520 |
| Navy | CALIFORNIA | CAMP PENDLETON | INDOOR FITNESS CENTER | 12,230 | | 12,230 |
| Navy | CALIFORNIA | CAMP PENDLETON | INFANTRY TRAINING CENTER | 11,500 | | 11,500 |
| Navy | CALIFORNIA | CAMP PENDLETON | OPERATIONS ACCESS POINTS, RED BEACH | 11,970 | | 11,970 |
| Navy | CALIFORNIA | CAMP PENDLETON | REGIMENTAL MAINTENANCE COMPLEX (PHASE 3) | 33,620 | | 33,620 |
| Navy | CALIFORNIA | CAMP PENDLETON | SPECIAL OPERATIONS TRAINING BATTLE COURSE | 22,250 | | 22,250 |
| Defense-Wide | CALIFORNIA | CORONADO | SOF COMBAT CREW TRAINING FACILITY | 9,800 | | 9,800 |
| Defense-Wide | CALIFORNIA | DEF DISTRIB DEPOT-TRACY | REPLACE GENERAL PURPOSE WAREHOUSE | 41,000 | | 41,000 |
| Defense-Wide | CALIFORNIA | DEF DISTRIB DEPOT-TRACY | REPLACE TRUCK ENTRANCE/CONTROL FACILITY | 9,300 | | 9,300 |
| Air Force | CALIFORNIA | EDWARDS AFB | F-35 RAMP & SECURITY UPGRADE | 3,100 | | 3,100 |
| Air Force | CALIFORNIA | EDWARDS AFB | Runway Repair | | 6,000 | 6,000 |
| Navy | CALIFORNIA | EL CENTRO | COMBINED CHILD CARE AND YOUTH CENTER | 8,900 | | 8,900 |
| Army Reserve | CALIFORNIA | FORT HUNTER LIGGETT | MODIFIED RECORD FIRE RANGE | 3,950 | | 3,950 |
| Army | CALIFORNIA | FORT IRWIN | BARRACKS COMPLEX | 17,500 | | 17,500 |
| Army | CALIFORNIA | FORT IRWIN | MILITARY OPERATIONS URBAN TERRAIN, PHASE 3 | 22,100 | | 22,100 |
| Naval Reserve | CALIFORNIA | LEMOORE | MARINE CORPS RESERVE CENTER | 15,420 | | 15,420 |
| Navy | CALIFORNIA | MIRAMAR | COMBAT TRAINING TANK COMPLEX | 10,820 | | 10,820 |
| Navy | CALIFORNIA | MIRAMAR | EMERGENCY RESPONSE STATION | 6,530 | | 6,530 |
| Navy | CALIFORNIA | MIRAMAR | IN-LINE FUELING STATION MODIFICATION | 22,930 | | 22,930 |
| Navy | CALIFORNIA | MIRAMAR | MILITARY WORKING DOG OPERATIONS CENTER | 4,800 | | 4,800 |
| Navy | CALIFORNIA | MIRAMAR | MV-22 WASH RACK | 3,690 | | 3,690 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Navy | CALIFORNIA | MONTEREY | Education Facility | | 9,990 | 9,990 |
| Navy | CALIFORNIA | NORTH ISLAND | BERTHING LIMA CONVERSION | 38,992 | | 38,992 |
| Navy | CALIFORNIA | NORTH ISLAND | CHILD DEVELOPMENT CENTER | 14,270 | | 14,270 |
| Navy | CALIFORNIA | NORTH ISLAND | Pool Replacement | | 6,890 | 6,890 |
| Army | CALIFORNIA | PRESIDIO MONTEREY | GENERAL INSTRUCTIONAL BUILDING | 15,000 | | 15,000 |
| Navy | CALIFORNIA | SAN CLEMENTE ISLAND | BACHELOR ENLISTED QUARTERS | 34,020 | | 34,020 |
| Navy | CALIFORNIA | SAN DIEGO | RECRUIT RECONDITIONING FACILITY | 16,790 | | 16,790 |
| Navy | CALIFORNIA | SAN DIEGO | RECRUIT SUPPORT BARRACKS | 34,430 | | 34,430 |
| Army | CALIFORNIA | SIERRA ARMY DEPOT | WATER TREATMENT PLANT | 12,400 | | 12,400 |
| Air Force | CALIFORNIA | Travis AFB | Large Crash Rescue Station | | 12,100 | 12,100 |
| Navy | CALIFORNIA | TWENTYNINE PALMS | BACHELOR ENLISTED QUARTERS | 36,470 | | 36,470 |
| Navy | CALIFORNIA | TWENTYNINE PALMS | BACHELOR ENLISTED QUARTERS | 36,280 | | 36,280 |
| Navy | CALIFORNIA | TWENTYNINE PALMS | BEQ AND PARKING STRUCTURE | 51,800 | | 51,800 |
| Navy | CALIFORNIA | TWENTYNINE PALMS | COMBINED ARMS MOUT (PHASE 2) | 21,000 | | 21,000 |
| Navy | CALIFORNIA | TWENTYNINE PALMS | Lifelong Learning Center Phase 1 | | 9,760 | 9,760 |
| Air Guard | COLORADO | Buckley AFB | Alert Crew Headquarters | | 4,200 | 4,200 |
| Defense-Wide | COLORADO | BUCKLEY AIR FORCE BASE | SATELLITE PHARMACY | 3,000 | | 3,000 |
| Army Guard | COLORADO | DENVER | READINESS CENTER | 9,000 | | 9,000 |
| Army | COLORADO | FORT CARSON | BARRACKS & DINING | 154,000 | -60,000 | 94,000 |
| Army | COLORADO | FORT CARSON | BATTALION COMPLEX | 45,000 | | 45,000 |
| Army | COLORADO | FORT CARSON | BRIGADE/BATTALION HQS | 46,000 | | 46,000 |
| Army | COLORADO | FORT CARSON | COMPANY OPERATIONS FACILITIES | 93,000 | | 93,000 |
| Army | COLORADO | FORT CARSON | INFRASTRUCTURE, BCT | 69,000 | | 69,000 |
| Army | COLORADO | FORT CARSON | PHYSICAL FITNESS FACILITY | 22,000 | 6,000 | 28,000 |
| Army | COLORADO | FORT CARSON | UNIT MAINTENANCE FACILITIES | 15,000 | | 15,000 |
| Army | COLORADO | FORT CARSON | VEHICLE MAINTENANCE SHOPS | 84,000 | | 84,000 |
| Army Guard | COLORADO | GRAND JUNCTION | READINESS CENTER | 9,000 | | 9,000 |
| Air Force | COLORADO | Peterson AFB | Land Acquisition - 23 Acres | | 4,900 | 4,900 |
| Chemical Demil | COLORADO | PUEBLO DEPOT | AMMUNITION DEMILITARIZATION FACILITY PHASE 10 | 65,060 | | 65,060 |
| Air Force | COLORADO | U S AIR FORCE ACADEMY | UPGRADE ACADEMIC FACILITY, PHASE 5 | 18,000 | | 18,000 |
| Air Guard | CONNECTICUT | BRADLEY IAP | TFI Upgrade Engine Shop | | 7,200 | 7,200 |
| Army Guard | CONNECTICUT | CAMP RELL | REGIONAL TRAINING INSTITUTE | 28,000 | | 28,000 |
| Army Guard | CONNECTICUT | EAST HAVEN | KD RANGE ADD/ALT | 13,800 | | 13,800 |
| Navy | CONNECTICUT | GROTON | PIER 31 REPLACEMENT | 46,060 | | 46,060 |
| Navy | CONNECTICUT | SUB Base New London | Indoor Small Arms Range | | 11,000 | 11,000 |
| Air Force | DELAWARE | DOVER AFB | ADAL PHYSICAL FITNESS CENTER | 19,000 | | 19,000 |
| Defense-Wide | DELAWARE | DOVER AFB | ALTER FUEL STORAGE TANK | 3,373 | | 3,373 |
| Army Guard | DELAWARE | NEW CASTLE | ARMY AVIATION SUPPORT FACILITY ADD/ALT | 28,000 | | 28,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Air Guard | DELAWARE | New Castle County Airport | Replace C-130 Aircraft Maintenance Shops | | 11,600 | 11,600 |
| Air Guard | DELAWARE | NEW CASTLE COUNTY APT | TFI - INFO OPS SQUADRON (IOS) FACILITY | 3,200 | | 3,200 |
| Naval Reserve | DELAWARE | WILMINGTON | NOSC PORTION, ARMED FORCES RESERVE CENTER | 11,530 | | 11,530 |
| Navy | DISTRICT OF COLUMBIA | DISTRICT OF COLUMBIA | AUTONOMOUS SYSTEM RESEARCH LAB | 24,220 | | 24,220 |
| Army Guard | FLORIDA | CAMP BLANDING | AMMUNITION SUPPLY POINT | 12,400 | | 12,400 |
| Army Guard | FLORIDA | CAMP BLANDING | Regional Training Institute Phase 4 | | 20,907 | 20,907 |
| Air Force | FLORIDA | Cape Canaveral Air Station | Satellite Operations Support Facility | | 8,000 | 8,000 |
| Air Force | FLORIDA | EGLIN AFB | F-35 STUDENT DORMITORY (144 ROOM) | 19,000 | | 19,000 |
| Defense-Wide | FLORIDA | EGLIN AFB | SOF BATTALION OPS COMPLEX | 40,000 | | 40,000 |
| Defense-Wide | FLORIDA | HURLBURT FIELD | SOF SPECIAL TACTICS GROUP FACILITY | 8,900 | | 8,900 |
| Defense-Wide | FLORIDA | JACKSONVILLE | REPLACE FUEL STORAGE TANKS | 34,000 | | 34,000 |
| Navy | FLORIDA | JACKSONVILLE | CHILD DEVELOPMENT CENTER | 12,890 | | 12,890 |
| Air Force | FLORIDA | MACDILL AFB | SOCCENT HDQTRS & COMMANDANT FACILITY | 21,000 | | 21,000 |
| Air Force | FLORIDA | MACDILL AFB | Combat Training Facility | | 5,000 | 5,000 |
| Defense-Wide | FLORIDA | MACDILL AFB | SOF ADD/ALTER 501B (HQ SOCOM) | 10,500 | | 10,500 |
| Navy | FLORIDA | MAYPORT | ALPHA WHARF IMPROVEMENTS | 14,900 | | 14,900 |
| Navy | FLORIDA | MAYPORT | Aircraft Refueling | | 3,380 | 3,380 |
| Army | FLORIDA | MIAMI DORAL | SOUTHCOM HEADQUARTERS, INCREMENT II | 81,600 | | 81,600 |
| Navy | FLORIDA | TAMPA | JOINT COMMUNICATIONS SQUADRON FACILITY | 29,000 | | 29,000 |
| Air Force | FLORIDA | TYNDALL AFB | 325 ACS Operations Training Complex | | 11,600 | 11,600 |
| Navy | GEORGIA | ALBANY MCLB | BEQ REPLACEMENT | 15,320 | | 15,320 |
| Defense-Wide | GEORGIA | AUGUSTA | REGIONAL SECURITY OPERATIONS CENTER INCR IV | 100,220 | | 100,220 |
| Air Force Reserve | GEORGIA | Dobbins Air Reserve Base | Construct New Control Tower | | 6,450 | 6,450 |
| Army Guard | GEORGIA | DOBBINS ARB | READINESS CENTER | 45,000 | | 45,000 |
| Army | GEORGIA | FORT BENNING | AUTOMATED ANTI-ARMOR RANGE | 8,800 | | 8,800 |
| Army | GEORGIA | FORT BENNING | BASIC 10M-25M FIRING RANGE 1 | 2,400 | | 2,400 |
| Army | GEORGIA | FORT BENNING | BASIC 10M-25M FIRING RANGE 2 | 2,400 | | 2,400 |
| Army | GEORGIA | FORT BENNING | BASIC 10M-25M FIRING RANGE 3 | 2,350 | | 2,350 |
| Army | GEORGIA | FORT BENNING | BASIC 10M-25M FIRING RANGE 4 | 2,500 | | 2,500 |
| Army | GEORGIA | FORT BENNING | BASIC 10M-25M FIRING RANGE 5 | 2,500 | | 2,500 |
| Army | GEORGIA | FORT BENNING | DIGITAL MULTIPURPOSE TRAINING RANGE | 17,500 | | 17,500 |
| Army | GEORGIA | FORT BENNING | FIRE AND MOVEMENT RANGE | 2,450 | | 2,450 |
| Army | GEORGIA | FORT BENNING | MAINTENANCE SHOP | 42,000 | | 42,000 |
| Army | GEORGIA | FORT BENNING | MODIFIED RECORD FIRE RANGE 1 | 4,900 | | 4,900 |
| Army | GEORGIA | FORT BENNING | MODIFIED RECORD FIRE RANGE 2 | 4,900 | | 4,900 |
| Army | GEORGIA | FORT BENNING | MODIFIED RECORD FIRE RANGE 3 | 4,500 | | 4,500 |
| Army | GEORGIA | FORT BENNING | RANGE ACCESS ROAD | 9,100 | | 9,100 |
| Army | GEORGIA | FORT BENNING | RECEPTION STATION PHASE 2 | 39,000 | | 39,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army | GEORGIA | FORT BENNING | STATIONARY TANK RANGE | 6,900 | | 6,900 |
| Army | GEORGIA | FORT BENNING | TACTICAL VEHICLE WASH FACILITY | 10,800 | | 10,800 |
| Army | GEORGIA | FORT BENNING | TRACKED VEHICLE DRIVERS COURSE | 16,000 | | 16,000 |
| Army | GEORGIA | FORT BENNING | TRAINEE COMPLEX | 32,000 | | 32,000 |
| Army | GEORGIA | FORT BENNING | TRAINING AREA INFRASTRUCTURE - OSUT AREA | 16,000 | | 16,000 |
| Army | GEORGIA | FORT BENNING | TRAINING AREA INFRASTRUCTURE-NORTHERN AREA | 13,800 | | 13,800 |
| Army | GEORGIA | FORT BENNING | UNIT MAINTENANCE FACILITIES | 27,000 | | 27,000 |
| Defense-Wide | GEORGIA | FORT BENNING | CONSOLIDATED TROOP MEDICAL CLINIC | 3,900 | | 3,900 |
| Army | GEORGIA | FORT GORDON | AIT Complex I, Phase I | | | 0 |
| Army | GEORGIA | FORT STEWART | BARRACKS & DINING | 121,000 | -80,000 | 41,000 |
| Army | GEORGIA | FORT STEWART | BRIGADE COMPLEX | 30,000 | | 30,000 |
| Army | GEORGIA | FORT STEWART | BRIGADE/BATTALION HQS | 36,000 | | 36,000 |
| Army | GEORGIA | FORT STEWART | CHILD DEVELOPMENT CENTER | 20,000 | | 20,000 |
| Army | GEORGIA | FORT STEWART | COMPANY OPERATIONS FACILITIES | 75,000 | | 75,000 |
| Army | GEORGIA | FORT STEWART | INFRASTRUCTURE | 59,000 | | 59,000 |
| Army | GEORGIA | FORT STEWART | PHYSICAL FITNESS FACILITY | 28,000 | -6,000 | 22,000 |
| Army | GEORGIA | FORT STEWART | SHOOT HOUSE | 2,300 | | 2,300 |
| Army | GEORGIA | FORT STEWART | VEHICLE MAINTENANCE SHOPS | 67,000 | | 67,000 |
| Defense-Wide | GEORGIA | HUNTER ARMY AIRFIELD | REPLACE FUEL STORAGE TANK | 3,500 | | 3,500 |
| Navy | GEORGIA | KINGS BAY NSB | Addition to Limited Area Reaction Force Facility | | 6,130 | 6,130 |
| Naval Reserve | GEORGIA | MARIETTA | MARINE CORPS RESERVE CENTER | 7,560 | | 7,560 |
| Air Force | GEORGIA | ROBINS AFB | AIRCRAFT HANGAR | 24,100 | | 24,100 |
| Air Force | GEORGIA | ROBINS AFB | Avionics Facility | | 5,250 | 5,250 |
| Air Guard | GEORGIA | SAVANNAH CRTC | Troop Training Quarters | | 7,500 | 7,500 |
| Navy | HAWAII | BARKING SANDS | ADVANCED RADAR DETECTION LABORATORY | 28,900 | | 28,900 |
| Army Reserve | HAWAII | FORT SHAFTER | ARMY RESERVE CENTER | 19,199 | | 19,199 |
| Air Force | HAWAII | Hickam AFB | Upgrade Electrical Distribution, Phase VI | | | 0 |
| Navy | HAWAII | KANEOHE | BACHELOR ENLISTED QUARTERS | 28,200 | | 28,200 |
| Defense-Wide | HAWAII | PEARL HARBOR | REPLACE FUEL PIPELINE | 27,700 | | 27,700 |
| Navy | HAWAII | PEARL HARBOR | CHILD DEVELOPMENT CENTER | 29,300 | | 29,300 |
| Navy | HAWAII | PEARL HARBOR | FITNESS CENTER | 45,000 | | 45,000 |
| Navy | HAWAII | PEARL HARBOR | JOINT FORCES DEPLOYMENT STAGING AREA FISC | 5,990 | | 5,990 |
| Navy | HAWAII | PEARL HARBOR | SUB DRIVE-IN MAGNETIC SILENCING FAC (INCREMENT II) | 41,088 | | 41,088 |
| Army | HAWAII | POHALUKA TRAINING AREA | Saddle Road, Phase V | | 30,000 | 30,000 |
| Army | HAWAII | SCHOFIELD BARRACKS | BARRACKS | 42,000 | | 42,000 |
| Army | HAWAII | SCHOFIELD BARRACKS | BATTALION COMPLEX | 69,000 | | 69,000 |
| Army | HAWAII | SCHOFIELD BARRACKS | BATTALION COMPLEX | 27,000 | | 27,000 |
| Army | HAWAII | SCHOFIELD BARRACKS | BRIGADE COMPLEX | 65,000 | | 65,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army | HAWAII | SCHOFIELD BARRACKS | INFRASTRUCTURE EXPANSION | 76,000 | | 76,000 |
| Army | HAWAII | WAHIAWA | WIDEBAND SATCOM OPERATIONS CENTER | 40,000 | | 40,000 |
| Army Reserve | IDAHO | HAYDEN LAKE | AR CENTER/OMS/UNHEATED STORAGE | 9,580 | | 9,580 |
| Army Guard | IDAHO | ORCHARD TRAINIG AREA | LIVE FIRE SHOOT HOUSE | 1,850 | | 1,850 |
| Navy | ILLINOIS | GREAT LAKES | RTC SPECIAL PROGRAMS BARRACKS | 62,940 | | 62,940 |
| Defense-Wide | ILLINOIS | SCOTT AFB | USTRANSCOM JOINT INTEL OPERATIONS CENTER | 13,977 | | 13,977 |
| Army Guard | ILLINOIS | Urbana Armory | Readiness Center | | 16,186 | 16,186 |
| Army | INDIANA | Crane Army Ammo Activity | Ready Service Magazine Complex | | 8,300 | 8,300 |
| Army Guard | INDIANA | CAMP ATTERBURY | MULTI PURPOSE MACHINE GUN RANGE | 5,800 | | 5,800 |
| Air Guard | INDIANA | FORT WAYNE INTL AIRPORT | Aircraft Shelter/Fuel Stands | | 5,600 | 5,600 |
| Army Guard | INDIANA | LAWRENCE | READINESS CENTER | 21,000 | | 21,000 |
| Army Guard | INDIANA | MUSCATATUCK | Combined Arms Collective Training Facility Phase 1 | | 6,000 | 6,000 |
| Army Guard | IOWA | CAMP DODGE | MOUT Site Addition/Alteration | | 1,500 | 1,500 |
| Army Guard | IOWA | DAVENPORT | Readiness Center Addition/Alteration | | 1,550 | 1,550 |
| Air Guard | IOWA | Fort Dodge | Vehicle Maintenance and Communications Training | | 5,600 | 5,600 |
| Army Guard | IOWA | MOUNT PLEASANT | Mount Pleasant Air Force Readiness Center Additions/Alterations | | 1,500 | 1,500 |
| Army Reserve | KANSAS | DODGE CITY | ARMY RESERVE CENTER/LAND | 8,100 | | 8,100 |
| Army | KANSAS | FORT LEAVENWORTH | Chapel Complex Phase 2 | | 4,200 | 4,200 |
| Army | KANSAS | FORT RILEY | BATTALION COMPLEX | 38,000 | | 38,000 |
| Army | KANSAS | FORT RILEY | BRIGADE COMPLEX | 79,000 | | 79,000 |
| Army | KANSAS | FORT RILEY | COMMISSARY | 23,000 | | 23,000 |
| Army | KANSAS | FORT RILEY | RAIL SIDING | 15,000 | | 15,000 |
| Defense-Wide | KANSAS | FORT RILEY | HOSPITAL ADDITION/ALTERATION | 52,000 | -52,000 | 0 |
| Army | KANSAS | FORT RILEY | Fire Station | | 3,000 | 3,000 |
| Air Force | KANSAS | MCCONNELL AFB | MXG Consolidation and Forward Logistics Center Phase 2 | | 6,800 | 6,800 |
| Air Guard | KANSAS | Smoky Hill ANG Range | Smoky Hill Range Support Facility | | 7,100 | 7,100 |
| Chemical Demil | KENTUCKY | BLUE GRASS ARMY DEPOT | AMMUNITION DEMILITARIZATION FACILITY PH IX | 57,218 | 10,000 | 67,218 |
| Chemical Demil | KENTUCKY | BLUE GRASS ARMY DEPOT | BLUE GRASS DEPOT DEFENSE ACCESS ROAD | 12,000 | | 12,000 |
| Army | KENTUCKY | FORT CAMPBELL | BATTALION COMPLEX | 37,000 | | 37,000 |
| Army | KENTUCKY | FORT CAMPBELL | CHILD DEVELOPMENT CENTER | 8,600 | | 8,600 |
| Army | KENTUCKY | FORT CAMPBELL | TRAINING SUPPORT CENTER | 15,513 | | 15,513 |
| Army | KENTUCKY | FORT CAMPBELL | UNIT MAINTENANCE FACILITIES | 47,000 | | 47,000 |
| Army | KENTUCKY | Fort Campbell | School Age Services Center | | 10,000 | 10,000 |
| Defense-Wide | KENTUCKY | FORT CAMPBELL | MEDICAL/DENTAL CLINIC | 24,000 | | 24,000 |
| Defense-Wide | KENTUCKY | FORT CAMPBELL | NEW ELEMENTARY SCHOOL | 21,400 | | 21,400 |
| Defense-Wide | KENTUCKY | FORT CAMPBELL | SOF TACTICAL EQUIPMENT SHOP | 15,000 | | 15,000 |
| Army Guard | KENTUCKY | LONDON | Aviation Operations Facility Phase 3 | | 7,191 | 7,191 |
| Air Force | LOUISIANA | Barksdale AFB | Security Forces Complex | | 14,600 | 14,600 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army | LOUISIANA | FORT POLK | UNIT OPERATIONS FACILITIES | 29,000 | | 29,000 |
| Army Guard | MAINE | BANGOR | REGIONAL TRAINING INSTITUTE PHASE 1 | 20,000 | | 20,000 |
| Navy | MAINE | PORTSMOUTH | Consolidated Global Submarine Component Phase 1 | | 9,980 | 9,980 |
| Navy | MAINE | Portsmouth Naval Shipyard | Dry Dock #3 Waterfront Support Facility | | 20,660 | 20,660 |
| Defense-Wide | MARYLAND | ABERDEEN PROVING GROUND | USAMRICD REPLACEMENT, INCREMENT I | 23,750 | | 23,750 |
| Air Force | MARYLAND | ANDREWS AFB | ADMIN FACILITY ADDITION | 28,000 | | 28,000 |
| Air Force | MARYLAND | ANDREWS AFB | NCR RELOCATION - ADMIN FACILITY | 49,648 | | 49,648 |
| Army Reserve | MARYLAND | BALTIMORE | ARMY RESERVE CENTER | 11,600 | | 11,600 |
| Navy | MARYLAND | CADEROCK NSWC | RDT&E Support Facility Phase 1 | | 6,980 | 6,980 |
| Army Guard | MARYLAND | EDGEWOOD | AASF ADD/ALT | 28,000 | | 28,000 |
| Defense-Wide | MARYLAND | FORT DETRICK | USAMRIID STAGE I, INCREMENT III | 209,000 | | 209,000 |
| Defense-Wide | MARYLAND | FORT MEADE | SOUTH CAMPUS UTILITY PLANT PHASE 1 | 31,000 | | 31,000 |
| Navy | MARYLAND | INDIAN HEAD | SEWAGE TREATMENT PLANT UPGRADES | 13,930 | | 13,930 |
| Air Guard | MARYLAND | MARTIN STATE AIRPORT | Fire Station | | 7,900 | 7,900 |
| Navy | MARYLAND | NSWC, Indian Head | Energetics Systems and Technology Lab Complex | | 12,050 | 12,050 |
| Army Guard | MARYLAND | SALISBURY | READINESS CENTER ADD/ALT | 9,800 | | 9,800 |
| Navy | MARYLAND | SUITLAND | NATIONAL MARITIME INTEL CENTER (INCREMENT III) | 12,439 | | 12,439 |
| Army Reserve | MASSACHUSETTS | FORT DEVENS | SHOOTHOUSE | 1,900 | | 1,900 |
| Army Guard | MASSACHUSETTS | METHUEN | READINESS CENTER, ADD/ALT (ADRS) | 21,000 | | 21,000 |
| Air Guard | MASSACHUSETTS | Otis ANG Base | Digital Ground Station Phase 1 | | 14,300 | 14,300 |
| Army Guard | MICHIGAN | Camp Grayling | Barracks Replacement, Phase I | | 16,943 | 16,943 |
| Army Guard | MICHIGAN | Camp Grayling | Infantry Squad Battle Course | | 2,000 | 2,000 |
| Army Guard | MICHIGAN | CAMP GRAYLING | Live Fire Shoot House | | 2,000 | 2,000 |
| Army Guard | MICHIGAN | Camp Grayling | Urban Assault Course | | 2,000 | 2,000 |
| Army | MICHIGAN | Detroit Arsenal | Access Control Point | | 6,100 | 6,100 |
| Army Reserve | MICHIGAN | SAGINAW | ARMY RESERVE CENTER/LAND | 11,500 | | 11,500 |
| Army Guard | MINNESOTA | ARDEN HILLS | READINESS CENTER | 15,000 | | 15,000 |
| Air Guard | MINNESOTA | DULUTH | Replace Fuel Cell Hangar | | 4,500 | 4,500 |
| Air Guard | MINNESOTA | MINNEAPOLIS-ST PAUL | Aircraft Deicing Apron | | 1,500 | 1,500 |
| Air Force | MISSISSIPPI | COLUMBUS AFB | CHILD DEVELOPMENT CENTER | 8,100 | | 8,100 |
| Navy | MISSISSIPPI | GULFPORT | 25 NAVAL CONSTRUCTION REGIMENT HQ FACILITY | 6,900 | | 6,900 |
| Navy | MISSISSIPPI | Gulfport | Battalion Maintenance Facility & Equip Yard | | 5,870 | 5,870 |
| Air Guard | MISSISSIPPI | Gulfport-Biloxi IAP | Relocate Munitions Storage Complex | | 3,400 | 3,400 |
| Air Force | MISSISSIPPI | Keesler AFB | Indoor Firing Range | | 6,600 | 6,600 |
| Navy | MISSISSIPPI | NAS Meridian | Fitness Center | | 6,340 | 6,340 |
| Army | MISSOURI | FORT LEONARD WOOD | TRAINING SUPPORT CENTER | 18,500 | | 18,500 |
| Army | MISSOURI | FORT LEONARD WOOD | URBAN ASSAULT COURSE | 2,350 | | 2,350 |
| Army | MISSOURI | Fort Leonard Wood | Mine Detection Training Facility and K-9 Kennel | | 10,800 | 10,800 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army | MISSOURI | Fort Leonard Wood | Wastewater Treatment Plant | | 7,400 | 7,400 |
| Army | MISSOURI | FORT LEONARD WOOD | Chapel Complex Increment II | | 3,500 | 3,500 |
| Army | MISSOURI | FORT LEONARD WOOD | Vehicle Maintenance Shop | | | 0 |
| Defense-Wide | MISSOURI | FORT LEONARD WOOD | PRIMARY CARE CLINIC ADDITION/ALTERATION | 22,000 | | 22,000 |
| Army Reserve | MISSOURI | WELDON SPRINGS | ARMY RESERVE CENTER | 11,700 | | 11,700 |
| Air Force | MISSOURI | WHITEMAN AFB | Security Forces Animal Clinic | | 4,200 | 4,200 |
| Air Force | MONTANA | Malmstrom AFB | Upgrade Weapons Storage Area, Phase 1 | | 10,000 | 10,000 |
| Air Force | NEBRASKA | Offutt AFB | 38th Recon Squadron Facility | | | 0 |
| Air Force | NEVADA | CREECH AFB | UAS 432 WING HQ MISSION SUPT FACILITY | 7,000 | | 7,000 |
| Air Force | NEVADA | CREECH AFB | UAS DINING HALL | 9,000 | | 9,000 |
| Air Force | NEVADA | CREECH AFB | UAS FLIGHT SIM & ACADEMICS FACILITY | 9,800 | | 9,800 |
| Air Force | NEVADA | CREECH AFB | UAS MAIN GATE/SEWER TRANSFER FAC/INFRASTRUCT | 6,500 | | 6,500 |
| Air Force | NEVADA | CREECH AFB | UAS OPS FACILITY | 16,200 | | 16,200 |
| Army Guard | NEVADA | Elko | Readiness Center | | 11,375 | 11,375 |
| Army Reserve | NEVADA | LAS VEGAS | ARMY RESERVE CENTER | 33,900 | | 33,900 |
| Air Force | NEVADA | NELLIS AFB | F-16 AGGRESSOR HANGAR/AIRCRAFT MAINT UNIT | 30,800 | | 30,800 |
| Air Force | NEVADA | NELLIS AFB | F-16 AGRESSOR SQUADRON OPS/INFRASTRUCTURE | 17,500 | | 17,500 |
| Air Force | NEVADA | NELLIS AFB | F-35 AIRFIELD PAVEMENTS | 5,000 | | 5,000 |
| Air Force | NEVADA | Nellis AFB | Airfield Fire Rescue Station, Nellis | | 9,800 | 9,800 |
| Air Guard | NEW JERSEY | ATLANTIC CITY INTL AIRPORT | Operations and Training Facility | | 8,400 | 8,400 |
| Army Reserve | NEW JERSEY | FORT DIX | MODIFIED RECORD FIRE RANGE | 3,825 | | 3,825 |
| Navy | NEW JERSEY | LAKEHURST | ADVANCED ARRESTING GEAR TEST SITE | 15,440 | | 15,440 |
| Air Force | NEW JERSEY | McGUIRE AFB | Security Forces Operations Facility Phase I | | 7,200 | 7,200 |
| Navy | NEW JERSEY | NWS Earle | Main Gate Security Improvements | | 8,160 | 8,160 |
| Army | NEW JERSEY | PICATINNY ARSENAL | Ballistic Evaluation Facility Phase 1 | | 9,900 | 9,900 |
| Air Force | NEW MEXICO | Cannon AFB | CV-22 Flight Simulator Facility | | | 0 |
| Defense-Wide | NEW MEXICO | CANNON AFB | SOF MAINTENANCE HANGAR | 18,100 | | 18,100 |
| Defense-Wide | NEW MEXICO | Cannon AFB | CV-22 Flight Simulator Facility | | 8,300 | 8,300 |
| Air Force | NEW MEXICO | HOLLOMAN AFB | F-22 ALTER HANGAR FOR LO/CRF | 14,500 | | 14,500 |
| Air Force | NEW MEXICO | HOLLOMAN AFB | F-22A ADAL A/C MAINT UNIT | 1,050 | | 1,050 |
| Air Force | NEW MEXICO | HOLLOMAN AFB | F-22A ADAL FLIGHT SIMULATOR FAC | 3,150 | | 3,150 |
| Air Force | NEW MEXICO | HOLLOMAN AFB | F-22A ADAL JET ENGINE MAINTENANCE SHOP | 2,150 | | 2,150 |
| Air Force | NEW MEXICO | HOLLOMAN AFB | F-22A AEROSPACE GROUND EQUIP FAC | 4,600 | | 4,600 |
| Defense-Wide | NEW MEXICO | KIRTLAND AFB | REPLACE FUEL STORAGE TANKS | 14,400 | | 14,400 |
| Army | NEW YORK | FORT DRUM | BRIGADE COMPLEX-BARRACKS | 29,000 | | 29,000 |
| Army | NEW YORK | FORT DRUM | BRIGADE COMPLEX-BARRACKS | 24,000 | | 24,000 |
| Army | NEW YORK | FORT DRUM | Fire Station | | 6,900 | 6,900 |
| Army | NEW YORK | FORT DRUM | UNIT MAINTENANCE FACILITIES | 37,000 | | 37,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army Guard | NEW YORK | FORT DRUM | MANEUVER AREA TRAINING EQUIP SITE PH3 | 11,000 | | 11,000 |
| Air Guard | NEW YORK | Gabreski Airport, Westhampton | Pararescue Facility, 106th Rescue Wing, Phase 2 | | 7,500 | 7,500 |
| Air Guard | NEW YORK | HANCOCK FIELD | TFI - REAPER IOC/FOC BEDDOWN | 5,000 | | 5,000 |
| Air Guard | NEW YORK | HANCOCK FIELD | Upgrade ASOS Facilities | | 5,400 | 5,400 |
| Army Reserve | NEW YORK | KINGSTON | ARMY RESERVE CENTER/LAND | 13,494 | | 13,494 |
| Air Force Reserve | NEW YORK | NIAGARA FALLS ARS | Dining Facility | | 9,000 | 9,000 |
| Army Guard | NEW YORK | QUEENSBURY | FIELD MAINTENANCE SHOP | 5,900 | | 5,900 |
| Army Reserve | NEW YORK | SHOREHAM | ADD/ALT ARMY RESERVE CENTER | 15,031 | | 15,031 |
| Army Reserve | NEW YORK | STATEN ISLAND | ARMY RESERVE CENTER | 18,550 | | 18,550 |
| Army | NEW YORK | U S MILITARY ACADEMY | SCIENCE FACILITY, PHASE 1 | 67,000 | | 67,000 |
| Defense-Wide | NORTH CAROLINA | CAMP LEJEUNE | Hospital Renovation & MRI Addition | | | 0 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS - CAMP JOHNSON | 38,230 | | 38,230 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS - CAMP JOHNSON | 23,760 | | 23,760 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS - FRENCH CREEK | 33,960 | | 33,960 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS - HADNOT POINT | 39,890 | | 39,890 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS - HADNOT POINT | 39,320 | | 39,320 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS- COURTHOUSE BAY | 35,890 | | 35,890 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | BACHELOR ENLISTED QUARTERS- HADNOT POINT | 42,950 | | 42,950 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | CHILD DEVELOPMENT CENTER | 13,960 | | 13,960 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | CONSOLIDATED MESSHALL-HADNOT POINT (200 AREA) | 25,000 | | 25,000 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | INFANTRY PLATOON BATTLE COURSE - SR1 | 18,250 | | 18,250 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | MESSHALL - HADNOT POINT (400 AREA) | 21,660 | | 21,660 |
| Navy | NORTH CAROLINA | CAMP LEJEUNE | MOD K-RANGES (PHASE 2) | 20,220 | | 20,220 |
| Navy | NORTH CAROLINA | CHERRY POINT MCAS | 2ND MAW COMMAND OPERATIONS FACILITY | 30,480 | | 30,480 |
| Navy | NORTH CAROLINA | CHERRY POINT MCAS | BACHELOR ENLISTED QUARTERS | 30,100 | | 30,100 |
| Navy | NORTH CAROLINA | CHERRY POINT MCAS | ENGINEERING PRODUCT SUPPORT FACILITY | 16,840 | | 16,840 |
| Army | NORTH CAROLINA | FORT BRAGG | ACCESS ROADS PHASE 1 | 13,200 | | 13,200 |
| Army | NORTH CAROLINA | FORT BRAGG | TRAINING SUPPORT CENTER | 20,500 | | 20,500 |
| Army | NORTH CAROLINA | FORT BRAGG | UTILITY UPGRADE (CAMP MACKALL) | 3,200 | | 3,200 |
| Army | NORTH CAROLINA | FORT BRAGG | Chapel | | 11,600 | 11,600 |
| Army | NORTH CAROLINA | FORT BRAGG | Defense Access Road Funding | | 8,600 | 8,600 |
| Army | NORTH CAROLINA | FORT BRAGG | Mass Casualty Facility | | 1,300 | 1,300 |
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | NEW ELEMENTARY SCHOOL | 28,170 | | 28,170 |
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | NEW INTERMEDIATE SCHOOL (IRWIN) | 27,945 | | 27,945 |
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | NEW MIDDLE SCHOOL | 22,356 | | 22,356 |
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | SOF EXPAND TRAINING COMPOUND | 14,200 | | 14,200 |
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | SOF HEADQUARTERS FACILITY | 14,600 | | 14,600 |
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | SOF SECURITY/FORCE PROTECTION | 4,150 | | 4,150 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Defense-Wide | NORTH CAROLINA | FORT BRAGG | SOF TRAINING FACILITY | 5,300 | | 5,300 |
| Navy | NORTH CAROLINA | NEW RIVER | AIRCRAFT PARKING APRON ADDITION | 6,830 | | 6,830 |
| Navy | NORTH CAROLINA | NEW RIVER | BACHELOR ENLISTED QUARTERS | 36,740 | | 36,740 |
| Navy | NORTH CAROLINA | NEW RIVER | BACHELOR ENLISTED QUARTERS - MCAS | 25,620 | | 25,620 |
| Navy | NORTH CAROLINA | NEW RIVER | ENLISTED DINING FACILITY | 17,090 | | 17,090 |
| Army Reserve | NORTH CAROLINA | RALEIGH | ARMY RESERVE CENTER/LAND | 25,581 | | 25,581 |
| Air Force | NORTH CAROLINA | Seymour Johnson AFB | Consolidated Support Center | | 12,200 | 12,200 |
| Air Force | NORTH DAKOTA | Grand Forks AFB | Fire Station | | 13,000 | 13,000 |
| Army Guard | OHIO | CAMP PERRY | Barracks | | 2,000 | 2,000 |
| Army Guard | OHIO | RAVENNA | Barracks | | 2,000 | 2,000 |
| Air Guard | OHIO | SPRINGFIELD ANGB | Combat Communications Training Complex | | 12,800 | 12,800 |
| Air Force | OHIO | WRIGHT PATTERSON AFB | Security Forces Operations Building | | 14,000 | 14,000 |
| Air Force | OKLAHOMA | Altus AFB | Consol Digital Airport Surveill Radar (DASR)/RAPCON Facil | | 10,200 | 10,200 |
| Defense-Wide | OKLAHOMA | ALTUS AFB | REPLACE FUEL STORAGE DIKES | 2,850 | | 2,850 |
| Army | OKLAHOMA | FORT SILL | TRAINING COMPLEX UPGRADE | 63,000 | | 63,000 |
| Army | OKLAHOMA | MCALESTER AAP | AP3 Connecting Rail | | 5,800 | 5,800 |
| Air Force | OKLAHOMA | TINKER AFB | AIRCRAFT MAINTENANCE HANGAR | 48,600 | | 48,600 |
| Air Force | OKLAHOMA | TINKER AFB | Realign Street at Tinker Gate | | 5,400 | 5,400 |
| Air Force Reserve | OKLAHOMA | TINKER AFB | AFR SCHEDULED MAINTENANCE HANGAR | 9,900 | | 9,900 |
| Defense-Wide | OKLAHOMA | TINKER AFB | MEDICAL/DENTAL CLINIC REPLACEMENT | 65,000 | | 65,000 |
| Army | PENNSYLVANIA | CARLISLE BARRACKS | MUSEUM SUPPORT FACILITY | 13,400 | | 13,400 |
| Army Guard | PENNSYLVANIA | HONESDALE | Readiness Center Addition/Alteration | | 6,117 | 6,117 |
| Army | PENNSYLVANIA | LETTERKENNY ARMY DEPOT | Upgrade Munition Igloos Phase 2 | | 7,500 | 7,500 |
| Army Reserve | PENNSYLVANIA | LETTERKENNY ARMY DEPOT | ARMY RESERVE CENTER | 14,914 | | 14,914 |
| Defense-Wide | PENNSYLVANIA | PHILADELPHIA | CONVERT WAREHOUSE TO ADMIN SPACE | 1,200 | | 1,200 |
| Navy | PENNSYLVANIA | PHILADELPHIA | FULL SCALE ELECTRIC DRIVE TEST FACILITY | 22,020 | | 22,020 |
| Army | PENNSYLVANIA | TOBYHANNA ARMY DEPOT | ELECTRONICS MAINTENANCE SHOP | 15,000 | | 15,000 |
| Navy | RHODE ISLAND | NEWPORT | FITNESS FACILITY | 29,900 | | 29,900 |
| Navy | RHODE ISLAND | NEWPORT | Unmanned ASW Support Facility | | 9,900 | 9,900 |
| Army Guard | RHODE ISLAND | North Kingstown | Army Aviation Support Facility (addition to FY2008) | | 5,000 | 5,000 |
| Air Guard | RHODE ISLAND | Quonset State Airport | Construct Air Traffic Control Tower | | 7,700 | 7,700 |
| Army Guard | SOUTH CAROLINA | ANDERSON | READINESS CENTER | 12,000 | | 12,000 |
| Army Guard | SOUTH CAROLINA | BEAUFORT | READINESS CENTER ADD/ALT | 3,400 | | 3,400 |
| Navy | SOUTH CAROLINA | BEAUFORT | EOD/ORDNANCE OPERATIONS FACILITY | 5,940 | | 5,940 |
| Air Force | SOUTH CAROLINA | CHARLESTON AFB | C-17 FLIGHT SIMULATOR ADDITION | 4,500 | | 4,500 |
| Army Guard | SOUTH CAROLINA | EASTOVER | JOINT FORCES HEADQUARTERS | 28,000 | | 28,000 |
| Army | SOUTH CAROLINA | FORT JACKSON | TRAINING COMPLEX UPGRADE | 30,000 | | 30,000 |
| Army | SOUTH CAROLINA | FORT JACKSON | Student Barracks | | | |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army Guard | SOUTH CAROLINA | HEMINGWAY | Field Maintenance Shop Phase 1 | | 4,600 | 4,600 |
| Navy | SOUTH CAROLINA | PARRIS ISLAND | THIRD RECRUIT TRAINING BATTALION (PHASE 2) | 36,400 | | 36,400 |
| Navy | SOUTH CAROLINA | PARRIS ISLAND | THIRD RECRUIT TRAINING BN COMPLEX (PHASE 3) | 28,350 | | 28,350 |
| Air Force | SOUTH CAROLINA | Shaw AFB | Physical Fitness Center | | 9,900 | 9,900 |
| Army Guard | SOUTH DAKOTA | Camp Rapid | Barracks/Dining/Admin and Parking Complex Phase I | | 14,463 | 14,463 |
| Air Force | SOUTH DAKOTA | Ellsworth AFB | Base Entry and Perimeter Gates | | 11,000 | 11,000 |
| Air Guard | SOUTH DAKOTA | JOE FOSS FIELD | Aircraft Ready Shelters/AMU | | 4,500 | 4,500 |
| Army Guard | SOUTH DAKOTA | RAPID CITY | ARMED FORCES RESERVE CENTER | 29,000 | | 29,000 |
| Army Reserve | TENNESSEE | CHATTANOOGA | ARMY RESERVE CENTER | 10,600 | | 10,600 |
| Air Guard | TENNESSEE | Knoxville | Replace Squadron Operations | | 8,000 | 8,000 |
| Army Guard | TENNESSEE | TULLAHOMA | Readiness Center | | 10,372 | 10,372 |
| Army | TEXAS | CAMP BULLIS | Live Fire Shoot House | | 4,200 | 4,200 |
| Army | TEXAS | CORPUS CHRISTI | DYNAMIC COMPONENT REBUILD FACILITY | 39,000 | | 39,000 |
| Navy | TEXAS | CORPUS CHRISTI | Parking Apron Recapitalization | | 3,500 | 3,500 |
| Air Force | TEXAS | DYESS AFB | Multipurpose C-130 Maintenance Hangar | | 21,000 | 21,000 |
| Air Guard | TEXAS | ELLINGTON FIELD | ASOS Facility | | 7,600 | 7,600 |
| Army | TEXAS | FORT BLISS | BARRACKS & DINING | 148,000 | | 148,000 |
| Army | TEXAS | FORT BLISS | BARRACKS & DINING | 148,000 | | 148,000 |
| Army | TEXAS | FORT BLISS | BATTALION COMPLEX | 34,000 | | 34,000 |
| Army | TEXAS | FORT BLISS | BRIGADE/BATTALION HQS | 44,000 | | 44,000 |
| Army | TEXAS | FORT BLISS | BRIGADE/BATTALION HQS | 44,000 | | 44,000 |
| Army | TEXAS | FORT BLISS | CHAPEL | 9,000 | | 9,000 |
| Army | TEXAS | FORT BLISS | COMPANY OPERATIONS FACILITIES, BCT | 90,000 | | 90,000 |
| Army | TEXAS | FORT BLISS | COMPANY OPERATIONS FACILITIES, BCT 1 | 90,000 | | 90,000 |
| Army | TEXAS | FORT BLISS | DIGITAL MULTIPURPOSE RANGE COMPLEX | 42,000 | | 42,000 |
| Army | TEXAS | FORT BLISS | INFRASTRUCTURE, IBCT1 | 98,000 | | 98,000 |
| Army | TEXAS | FORT BLISS | INFRASTRUCTURE, IBCT2 | 100,000 | | 100,000 |
| Army | TEXAS | FORT BLISS | TRAINING SUPPORT CENTER | 12,600 | | 12,600 |
| Army | TEXAS | FORT BLISS | UNIT MAINTENANCE FACILITIES | 10,200 | | 10,200 |
| Army | TEXAS | FORT BLISS | VEHICLE MAINTENANCE SHOPS | 81,000 | | 81,000 |
| Army | TEXAS | FORT BLISS | VEHICLE MAINTENANCE SHOPS | 81,000 | | 81,000 |
| Army | TEXAS | FORT BLISS | Medical Parking Facility Phase 1 | | 12,500 | 12,500 |
| Air Force | TEXAS | FORT HOOD | TACP JOINT AIR GROUND CTR | 10,800 | | 10,800 |
| Army | TEXAS | FORT HOOD | Chapel w/ Religious Education Center | | 17,500 | 17,500 |
| Army | TEXAS | FORT HOOD | UNIT MAINTENANCE FACILITIES | 32,000 | | 32,000 |
| Army | TEXAS | FORT SAM HOUSTON | TRAINEE BARRACKS COMPLEX | 96,000 | | 96,000 |
| Army | TEXAS | FORT SAM HOUSTON | AIT Barracks | | | 0 |
| Defense-Wide | TEXAS | FORT SAM HOUSTON | MEDICAL INSTRUCTIONAL FACILITY | 13,000 | | 13,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Air Guard | TEXAS | FORT WORTH NAS JRB | Security Forces Training Facility | | 5,000 | 5,000 |
| Navy | TEXAS | KINGSVILLE | Fitness Center | | 11,580 | 11,580 |
| Air Force | TEXAS | LACKLAND AFB | BMT RECRUIT DORMITORY | 75,515 | | 75,515 |
| Army | TEXAS | RED RIVER ARMY DEPOT | MANEUVER SYSTEMS SUSTAINMENT CTR, PHASE 1 | 6,900 | | 6,900 |
| Army Reserve | TEXAS | SINTON | ARMY RESERVE CENTER | 9,700 | | 9,700 |
| Army Guard | UTAH | CAMP WILLIAMS | AMMUNITION SUPPLY POINT | 17,500 | | 17,500 |
| Air Force | UTAH | HILL AFB | F-22A HEAVY MAINT FAC & COMPOSITE BACK SHOP | 36,000 | | 36,000 |
| Air Force | UTAH | Hill AFB | Three-bay Fire Station | | 5,400 | 5,400 |
| Defense-Wide | UTAH | HILL AFB | HYDRANT FUEL SYSTEM | 20,400 | | 20,400 |
| Air Guard | VERMONT | BURLINGTON IAP | SECURITY FORCES AND COMM FACILITY | 6,600 | | 6,600 |
| Army Guard | VERMONT | Ethan Allen Firing Range Jericho | Readiness Center | | 10,200 | 10,200 |
| Army Guard | VIRGINIA | ARLINGTON | ARLINGTON HALL READINESS CENTER PHASE 2 | 15,500 | | 15,500 |
| Defense-Wide | VIRGINIA | CRANEY ISLAND | REPLACE FUEL STORAGE TANKS | 39,900 | | 39,900 |
| Defense-Wide | VIRGINIA | DAM NECK | SOF OPERATIONAL FACILITY INCREMENT II | 31,000 | | 31,000 |
| Army | VIRGINIA | FORT BELVOIR | EMERGENCY SERVICES CENTER | 7,200 | | 7,200 |
| Army | VIRGINIA | FORT EUSTIS | UNIT OPERATIONS FACILITIES | 14,400 | | 14,400 |
| Army | VIRGINIA | FORT EUSTIS | Training Support Center, Phase 1 | | 13,600 | 13,600 |
| Army | VIRGINIA | FORT EUSTIS | Vehicle Paint Facility | | 3,900 | 3,900 |
| Army | VIRGINIA | FORT LEE | DINING FACILITY | 10,600 | | 10,600 |
| Army | VIRGINIA | FORT LEE | TRAINEE BARRACKS COMPLEX | 90,000 | | 90,000 |
| Army | VIRGINIA | FORT MYER | BARRACKS | 14,000 | | 14,000 |
| Army Guard | VIRGINIA | FORT PICKETT | MULTIPURPOSE MACHINE GUN RANGE | 2,950 | | 2,950 |
| Defense-Wide | VIRGINIA | FORT STORY | SOF SMALL ARMS RANGE | 11,600 | | 11,600 |
| Naval Reserve | VIRGINIA | NORFOLK | EODMU 10 OPERATIONS FACILITY | 8,170 | | 8,170 |
| Navy | VIRGINIA | NORFOLK | CHILD DEVELOPMENT CENTER | 10,500 | | 10,500 |
| Navy | VIRGINIA | NORFOLK | NORFOLK HARBOR CHANNEL DREDGING | 42,830 | | 42,830 |
| Navy | VIRGINIA | NORFOLK | Fire Station | | 9,960 | 9,960 |
| Navy | VIRGINIA | NORFOLK | Industrial Access Improvements | | 9,990 | 9,990 |
| Defense-Wide | VIRGINIA | PENTAGON | PENTAGON ATHLETIC CENTER PHASE 2 | 6,967 | | 6,967 |
| Defense-Wide | VIRGINIA | PENTAGON | PFPA HAZMAT FACILITY | 16,401 | | 16,401 |
| Defense-Wide | VIRGINIA | PENTAGON | RAVEN ROCK WEST POWER PLANT | 15,572 | | 15,572 |
| Navy | VIRGINIA | QUANTICO | AIRCRAFT MAINTENANCE HANGAR, TYPE II | 27,750 | | 27,750 |
| Navy | VIRGINIA | QUANTICO | AIRCRAFT PARKING APRON (GREEN SIDE) | 36,280 | | 36,280 |
| Navy | VIRGINIA | QUANTICO | Marine Corps Officer Candidate School HQ Facility | | 5,980 | 5,980 |
| Navy | VIRGINIA | QUANTICO | INFRASTRUCTURE - RUSSELL ROAD (PHASE 1) | 7,450 | | 7,450 |
| Navy | VIRGINIA | QUANTICO | INSTRUCTION FACILITY ADDITION - TBS | 6,350 | | 6,350 |
| Navy | VIRGINIA | QUANTICO | INSTRUCTION FACILITY TBS (PHASE I) | 25,200 | | 25,200 |
| Navy | VIRGINIA | QUANTICO | MESS HALL - OCS | 13,750 | | 13,750 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Navy | VIRGINIA | QUANTICO | STUDENT QUARTERS - TBS (PHASE 3) | 27,530 | | 27,530 |
| Naval Reserve | VIRGINIA | WILLIAMSBURG | ORDNANCE HANDLING CARGO OPS TRAINING SUPPORT | 12,320 | | 12,320 |
| Navy | WASHINGTON | BANGOR | LIMITED AREA PROD & STORAGE COMPLEX (INCR V) | 50,700 | | 50,700 |
| Army | WASHINGTON | FORT LEWIS | BATTALION COMPLEX | 54,000 | | 54,000 |
| Army | WASHINGTON | FORT LEWIS | BATTALION COMPLEX | 47,000 | | 47,000 |
| Army | WASHINGTON | FORT LEWIS | BRIGADE COMPLEX | 30,000 | | 30,000 |
| Army | WASHINGTON | FORT LEWIS | BRIGADE COMPLEX, INCREMENT III | 102,000 | | 102,000 |
| Army | WASHINGTON | FORT LEWIS | CHILD DEVELOPMENT CENTER | 27,000 | | 27,000 |
| Army Guard | WASHINGTON | FORT LEWIS | AVIATION READINESS CENTER | 32,000 | | 32,000 |
| Defense-Wide | WASHINGTON | FORT LEWIS | SOF RANGER BATTALION COMPLEX | 38,000 | | 38,000 |
| Navy | WASHINGTON | KITSAP NB | Saltwater Cooling and Fire Protection Improvements | | 5,110 | 5,110 |
| Air Force | WASHINGTON | MCCHORD AFB | C-17 ADAL FLIGHT SIMULATOR | 5,500 | | 5,500 |
| Air Guard | WASHINGTON | McChord AFB | 262 Information Warfare Aggressor SQ (IWAS) Facility | | 8,600 | 8,600 |
| Army Reserve | WASHINGTON | SEATTLE | ARMY RESERVE CENTER | 37,500 | | 37,500 |
| Navy | WASHINGTON | WHIDBEY ISLAND | Firefighting Facility | | 6,160 | 6,160 |
| Navy | WASHINGTON | WHIDBEY ISLAND | HANGAR 5 RECAPITALIZATION (INCREMENT II) | 34,000 | | 34,000 |
| Army Guard | WEST VIRGINIA | CAMP DAWSON | Access Control Point | | 2,000 | 2,000 |
| Army Guard | WEST VIRGINIA | CAMP DAWSON | Multi-Purpose Building Phase 2 | | 5,000 | 5,000 |
| Army Guard | WEST VIRGINIA | CAMP DAWSON | Shoot House | | 2,000 | 2,000 |
| Air Guard | WEST VIRGINIA | Yeager Airport, Charleston | Fuel System/Corrosion Control Hangar | | 27,000 | 27,000 |
| Army Reserve | WISCONSIN | FORT MCCOY | AUTO QUALIFICATION TRAINING RANGE | 4,000 | | 4,000 |
| Air Guard | WISCONSIN | Truax Field | Communications and Audio Visual Training Facility | | 6,300 | 6,300 |
| Air Guard | WYOMING | CHEYENNE MAP | TFI - C-130 SQDN OPERATIONS FACILITY | 7,000 | | 7,000 |
| Air Force | WYOMING | F E. WARREN AFB | RENOVATE HISTORIC DORMITORY | 8,600 | | 8,600 |
| Army | AFGHANISTAN | BAGRAM AIR BASE | BULK FUEL STORAGE & SUPPLY, PHASE 8 | 26,000 | | 26,000 |
| Army | AFGHANISTAN | BAGRAM AIR BASE | BULK FUEL STORAGE & SUPPLY, PHASE 5 | 22,000 | | 22,000 |
| Army | AFGHANISTAN | BAGRAM AIR BASE | SOF HQ COMPLEX | 19,000 | | 19,000 |
| Air Force | AFGHANISTAN | BAGRAM AIR BASE | C-130 MAINTENANCE HANGAR | 27,400 | | 27,400 |
| Air Force | AFGHANISTAN | BAGRAM AIR BASE | CARGO HANDLING AREA EXPANSION | 8,800 | | 8,800 |
| Air Force | AFGHANISTAN | BAGRAM AIR BASE | REFUELER RAMP | 21,000 | | 21,000 |
| Navy | CUBA | GUANTANAMO BAY NS | CONSOLIDATED FITNESS COMPLEX | 20,600 | | 20,600 |
| Defense-Wide | CZECH REPUBLIC | VARIOUS LOCATIONS | BMDS-EUROPEAN MIDCOURSE RADAR SITE | 108,560 | | 108,560 |
| Navy | DIEGO GARCIA | DIEGO GARCIA | WHARF UPGRADE AND WAREHOUSE | 35,060 | | 35,060 |
| Navy | DJIBOUTI | CAMP LEMONIER | AIRCRAFT MAINTENANCE HANGAR | 12,830 | | 12,830 |
| Navy | DJIBOUTI | CAMP LEMONIER | AIRCRAFT PARKING APRON | 15,250 | | 15,250 |
| Navy | DJIBOUTI | CAMP LEMONIER | TELECOM FACILITY | 3,330 | | 3,330 |
| Army | GERMANY | KATTERBACH | AIRCRAFT/VEHICLE MAINTENANCE COMPLEX | 19,000 | | 19,000 |

**FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS**

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Army | GERMANY | WIESBADEN MIL CMTY | COMMAND & BATTLE CENTER | 119,000 | -59,500 | 59,500 |
| Defense-Wide | GERMANY | GERMERSHEIM | LOGISTICS DISTRIBUTION CENTER EUROPE | 48,000 | | 48,000 |
| Defense-Wide | GREECE | SOUDA BAY | FUEL STORAGE TANKS AND PIPELINE REPL | 27,761 | -19,761 | 8,000 |
| Navy | GUAM | GUAM | BACHELOR ENLISTED QUARTERS, MAIN BASE | 62,360 | | 62,360 |
| Navy | GUAM | GUAM | KILO WHARF EXTENSION (INCREMENT II) | 50,912 | | 50,912 |
| Navy | GUAM | GUAM | WASTEWATER COLLECTION SYSTEM & UPGRADE | 26,070 | | 26,070 |
| Air Force | GUAM | ANDERSEN AFB | COMBAT COMM MAINTENANCE FACILITY | 5,200 | | 5,200 |
| Air Force | GUAM | ANDERSEN AFB | ISR/STF Realign Arc Light Blvd | | 5,400 | 5,400 |
| Defense-Wide | GUAM | GUAM | CENTRAL UTILITY PLANT | 30,000 | | 30,000 |
| Army | ITALY | VICENZA | BRIGADE COMPLEX-BARRACKS/COMMUNITY, INCR II | 15,000 | 0 | 15,000 |
| Army | ITALY | VICENZA | BRIGADE COMPLEX-OPERATIONS SPT FAC, INCR II | 15,000 | 0 | 15,000 |
| Army | JAPAN | CAMP ZAMA | SENSITIVE COMPARTMENTED INFORMATION FACILITY | 2,350 | | 2,350 |
| Army | JAPAN | SAGAMIHARA | BATTLE COMMAND TRAINING CENTER | 17,500 | | 17,500 |
| Army | KOREA | CAMP HUMPHREYS | VEHICLE MAINTENANCE SHOP | 20,000 | | 20,000 |
| Air Force | KYRGYZSTAN | MANAS AIR BASE | HOT CARGO PAD | 6,000 | | 6,000 |
| Defense-Wide | POLAND | VARIOUS LOCATIONS | BMDS-EUROPEAN INTERCEPTOR SITE | 132,600 | -90,000 | 42,600 |
| Air Force | QATAR | AL UDEID | CAS PARKING APRON | 59,638 | -59,638 | 0 |
| Defense-Wide | QATAR | AL UDEID | SOF TRAINING RANGE | 9,200 | | 9,200 |
| Air Force | UNITED KINGDOM | RAF LAKENHEATH | LARGE VEHICLE INSPECTION STATION | 7,400 | | 7,400 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | SPECIAL EVALUATION PROJECT | 891 | | 891 |
| Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | DATA CENTER | 28,000 | 7,000 | 35,000 |
| Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | JOINT OPERATIONS & SUPPORT COMPLEX, PHASE 1 | 17,800 | | 17,800 |
| Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | P-8A INTEGRATED TRAINING CENTER | 48,220 | | 48,220 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | COMMON BATTLEFIELD AIRMAN TRAINING COMPLEX | 15,000 | -15,000 | 0 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UAS FIELD TRAINING UNIT MAINT COMPLEX | 22,000 | | 22,000 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UAS FIELD TRAINING UNIT OPS COMPLEX | 15,500 | | 15,500 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | ARMY-NAVY/TRANSPORT RADAR SURVEILLANCE-2 #3 | 25,500 | -25,500 | 0 |
| NSIP | WORLDWIDE UNSPEC | NATO | NATO SECURITY INVESTMENT PROGRAM | 240,867 | -10,000 | 230,867 |
| NSIP | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | NATO Headquarters | | | |
| Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | HOST NATION SUPPORT | 24,000 | | 24,000 |
| Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 23,000 | | 23,000 |
| Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 176,807 | -22,122 | 154,685 |
| Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 239,128 | 7,400 | 246,528 |
| Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 13,670 | | 13,670 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 70,494 | 12,942 | 83,436 |
| Naval Reserve | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | | | |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 15,000 | | 15,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | CONTINGENCY CONSTRUCTION | 10,000 | -5,000 | 5,000 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | ENERGY CONSERVATION IMPROVEMENT PROGRAM | 80,000 | 10,000 | 90,000 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (TMA) | 3,990 | | 3,990 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN (NSA) | 20,221 | -2,500 | 17,721 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN (MDA) | 14,889 | | 14,889 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN (SOCOM) | 16,833 | -2,300 | 14,533 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN (OSD) | 43,768 | -17,768 | 26,000 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN (DODEA) | 1,830 | | 1,830 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (SOCOM) | 7,697 | | 7,697 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (MDA) | 3,457 | | 3,457 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (OSD) | 3,000 | -3,000 | 0 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (DODEA) | 382 | | 382 |
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (JCS) | 9,228 | | 9,228 |
| Defense-Wide | WORLDWIDE UNSPEC | VARIOUS WORLDWIDE | PLANNING AND DESIGN (TMA) | 58,252 | | 58,252 |
| Defense-Wide | WORLDWIDE UNSPEC | VARIOUS WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION (DLA) | 4,099 | | 4,099 |
| Army Guard | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 48,796 | 10,029 | 58,825 |
| Army Guard | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 11,800 | 7,220 | 19,020 |
| Air Guard | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 7,200 | 5,000 | 12,200 |
| Air Guard | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 5,374 | 10,350 | 15,724 |
| Army Reserve | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 13,963 | 920 | 14,883 |
| Army Reserve | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 3,100 | | 3,100 |
| Naval Reserve | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 2,045 | | 2,045 |
| Air Force Reserve | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN | 3,922 | 2,243 | 6,165 |
| Air Force Reserve | WORLDWIDE UNSPEC | VARIOUS WORLDWIDE | UNSPECIFIED MINOR CONSTRUCTION | 5,443 | | 5,443 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Stratcom Replacement Facility Design | | 10,000 | 10,000 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| FamHouse Con Navy | CUBA | GUANTANAMO BAY NS | REPLACE BARGO HOUSING (48) | 22,385 | -950 | 21,435 |
| FamHouse Con Navy | CUBA | GUANTANAMO BAY NS | REPLACE GRANADILLO CIRCLE HOUSING (38) | 16,547 | -701 | 15,846 |
| FamHouse Con Navy | CUBA | GUANTANAMO BAY NS | REPLACE GRANADILLO POINT HOUSING (60) | 23,666 | -1,004 | 22,662 |
| FamHouse Con Army | GERMANY | WEISBADEN | FAMILY HOUSING REPLACEMENT CONSTRUCTION | 32,000 | | 32,000 |
| FamHouse Con Army | GERMANY | WIESBADEN AB | FAMILY HOUSING REPLACEMENT CONSTRUCTION | 20,000 | -10,000 | 10,000 |
| FamHouse Con Army | GERMANY | WIESBADEN AB | FAMILY HOUSING REPLACEMENT CONSTRUCTION | 43,000 | -11,000 | 32,000 |
| FamHouse Con Army | GERMANY | WIESBADEN AB | FAMILY HOUSING REPLACEMENT CONSTRUCTION | 38,000 | -11,000 | 27,000 |
| FamHouse Con Army | KOREA | CAMP HUMPHREYS | FAMILY HOUSING NEW CONSTRUCTION | 125,000 | | 125,000 |
| FamHouse Con AF | UNITED KINGDOM | RAF LAKENHEATH | REPLACE FAMILY HOUSING (182 UNITS) | 71,828 | | 71,828 |
| FamHouse Con Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | CONSTRUCTION IMPROVEMENTS (1608 UNITS) | 420,001 | | 420,001 |
| FamHouse Con Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FAMILY HOUSING PLANNING AND DESIGN | 579 | | 579 |
| FamHouse Ops Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UTILITIES ACCOUNT | 113,017 | | 113,017 |
| FamHouse Ops Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | OPERATIONS | 124,780 | | 124,780 |
| FamHouse Ops Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MISCELLANEOUS ACCOUNT | 1,241 | | 1,241 |
| FamHouse Ops Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | LEASING | 192,849 | | 192,849 |
| FamHouse Ops Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MAINTENANCE OF REAL PROPERTY | 252,189 | | 252,189 |
| FamHouse Ops Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PRIVATIZATION SUPPORT COSTS | 32,034 | | 32,034 |
| FamHouse Con Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | CONSTRUCTION IMPROVEMENTS | 318,011 | | 318,011 |
| FamHouse Con Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FAMILY HOUSING PLANNING AND DESIGN | 2,169 | | 2,169 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UTILITIES ACCOUNT | 44,068 | | 44,068 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FURNISHINGS ACCOUNT | 15,036 | | 15,036 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MANAGEMENT ACCOUNT | 60,063 | | 60,063 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MISCELLANEOUS ACCOUNT | 655 | | 655 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | SERVICES ACCOUNT | 13,347 | | 13,347 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | LEASING | 130,261 | | 130,261 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MAINTENANCE OF REAL PROPERTY | 87,074 | | 87,074 |
| FamHouse Ops Navy | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | PRIVATIZATION SUPPORT COSTS | 25,558 | | 25,558 |
| FamHouse Con AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | CONSTRUCTION IMPROVEMENTS | 316,343 | | 316,343 |
| FamHouse Con AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FAMILY HOUSING PLANNING AND DESIGN | 7,708 | | 7,708 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UTILITIES ACCOUNT | 100,997 | | 100,997 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MANAGEMENT ACCOUNT | 1,559 | | 1,559 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MANAGEMENT ACCOUNT | 56,837 | -5,000 | 51,837 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | SERVICES ACCOUNT | 20,166 | | 20,166 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FURNISHINGS ACCOUNT | 42,189 | | 42,189 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MISCELLANEOUS ACCOUNT | 1,999 | | 1,999 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | LEASING ACCOUNT | 565 | | 565 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | LEASING ACCOUNT | 93,681 | | 93,681 |

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MAINTENANCE ACCOUNT | 2,142 | | 2,142 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MAINTENANCE (RMPA & RMPC) | 225,770 | | 225,770 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | DEBT ACCOUNT | 1 | | 1 |
| FamHouse Ops AF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | HOUSING PRIVATIZATION | 53,559 | | 53,559 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | OPERATIONS | 35 | | 35 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | LEASING (NSA) | 10,407 | | 10,407 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MAINTENANCE OF REAL PROPERTY | 70 | | 70 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FURNISHINGS ACCOUNT (DIA) | 4,359 | | 4,359 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | LEASING (DIA) | 33,066 | | 33,066 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | UTILITIES ACCOUNT | 346 | | 346 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FURNISHINGS ACCOUNT (DLA) | 38 | | 38 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | SERVICES ACCOUNT | 33 | | 33 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MANAGEMENT ACCOUNT | 382 | | 382 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | MAINTENANCE OF REAL PROPERTY | 495 | | 495 |
| FHIF | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | FAMILY HOUSING IMPROVEMENT FUND | 850 | | 850 |
| HOAP | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | HOMEOWNERS ASSISTANCE PROGRAM | 4,500 | | 4,500 |
| BRAC IV | WORLDWIDE UNSPEC | ARMY VARIOUS | BASE REALIGNMENT & CLOSURE IV, ARMY | 72,855 | 15,000 | 87,855 |
| BRAC IV | WORLDWIDE UNSPEC | NAVY VARIOUS | BASE REALIGNMENT & CLOSURE IV, NAVY | 178,700 | 50,000 | 228,700 |
| BRAC IV | WORLDWIDE UNSPEC | AIR FORCE VARIOUS | BASE REALIGNMENT & CLOSURE IV, AIR FORCE | 139,155 | | 139,155 |
| BRAC IV | WORLDWIDE UNSPEC | DEF-WIDE VARIOUS | BASE REALIGNMENT & CLOSURE IV, DEFENSE-WIDE | 2,667 | | 2,667 |
| BRAC 05 | WORLDWIDE UNSPEC | ARMY VARIOUS | BASE REALIGNMENT & CLOSURE 2005, ARMY | 4,486,178 | | 4,486,178 |
| BRAC 05 | WORLDWIDE UNSPEC | NAVY VARIOUS | BASE REALIGNMENT & CLOSURE 2005, NAVY | 871,492 | | 871,492 |
| BRAC 05 | WORLDWIDE UNSPEC | AIR FORCE VARIOUS | BASE REALIGNMENT & CLOSURE 2005, AIR FORCE | 1,072,925 | | 1,072,925 |
| BRAC 05 | WORLDWIDE UNSPEC | DEF-WIDE VARIOUS | BASE REALIGNMENT & CLOSURE 2005, DEFENSE-WIDE | 2,634,791 | | 2,634,791 |
| | | | **TOTAL FY2009 AUTHORIZATIONS** | **24,400,239** | **621,402** | **25,021,641** |
| Army Guard | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 110-161) | | -1,400 | -1,400 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 110-161) | | -20,821 | -20,821 |
| Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 110-5) | | -34,720 | -34,720 |
| Army | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 110-161) | | -16,600 | -16,600 |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 110-5) | | | |
| Air Force | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 109-114) | | | |

**FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS**

| Account Title | State/Country | Installation | Project Title | Budget Request | Agreement vs Request | Agreement |
|---|---|---|---|---|---|---|
| Defense-Wide | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Rescission (Public Law 110-324) | | -3,589 | -3,589 |
| Fam House Ops DW | WORLDWIDE UNSPEC | UNSPECIFIED WORLDWIDE | Recission (Public Law 110-5) | | -6040 | -6,040 |
| | | | **Prior Year Savings** | **0** | **-83,170** | **-83,170** |
| | | | **GRAND TOTAL** | **24,400,239** | **538,232** | **24,938,471** |

The agreement includes this provision.

*Expiration of authorizations and amounts required to be specified by law (sec. 2002)*

The House bill contained a provision (sec. 2002) that would establish the expiration date for authorizations in this Act for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization infrastructure program, as October 1, 2011, or the date of enactment of an act authorizing funds for military construction for fiscal year 2012, whichever is later.

The Senate bill contained an identical provision (sec. 2002).

The agreement includes this provision.

*Effective date (sec. 2003)*

The Senate bill contained a provision that would provide that titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX of this Act take effect on October 1, 2008, or the date of enactment of this Act, whichever is later.

The House bill contained no similar provision.

The agreement includes the Senate provision.

TITLE XXI—ARMY

LEGISLATIVE PROVISIONS ADOPTED

*Authorized Army construction and land acquisition projects (sec. 2101)*

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2101).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Family housing (sec. 2102)*

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2009. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate bill contained an identical provision (sec. 2102).

The agreement includes this provision.

*Improvements to military family housing units (sec. 2103)*

The House bill contained a provision (sec. 2103) that would authorize funding for fiscal year 2009 to improve existing Army family housing units.

The Senate bill contained an identical provision (sec. 2103).

The agreement includes this provision.

*Authorization of appropriations, Army (sec. 2104)*

The House bill contained a provision (sec. 2104) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2009. This provision would also provide an overall limit on the cost of the fiscal year 2009 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate bill contained a similar provision (sec. 2104).

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2008 projects (sec. 2105)*

The House bill contained a provision (sec. 2105) that would cancel the authorization for several fiscal year 2008 military construction projects.

The Senate bill contained no similar provision.

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2007 projects (sec. 2106)*

The House bill contained a provision (sec. 2106) that would modify the authorization for several fiscal year 2007 military construction projects.

The Senate bill contained no similar provision.

The agreement includes this provision.

*Extension of authorizations of certain fiscal year 2006 projects (sec. 2107)*

The House bill contained a provision (sec. 2107) that would extend the authorization for certain Army fiscal year 2006 military construction projects until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained a similar provision (sec. 2105).

The agreement includes the House provision.

*Extension of authorizations of certain fiscal year 2005 project (sec. 2108)*

The House bill contained a provision (sec. 2108) that would extend the authorization for an Army fiscal year 2005 military construction project at Schofield Barracks, Hawaii, until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained a similar provision (sec. 2106).

The agreement includes the House provision.

TITLE XXII—NAVY

LEGISLATIVE PROVISIONS ADOPTED

*Authorized Navy construction and land acquisition projects (sec. 2201)*

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy and Marine Corps for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2201).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Family housing (sec. 2202)*

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2009. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate bill contained a similar provision (sec. 2202).

The agreement includes the Senate provision.

*Improvements to military family housing units (sec. 2203)*

The House bill contained a provision (sec. 2203) that would authorize funding for fiscal year 2009 to improve existing Navy and Marine Corps family housing units.

The Senate bill contained an identical provision (sec. 2203).

The agreement includes this provision.

*Authorization of appropriations, Navy (sec. 2204)*

The House bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Department of the Navy for fiscal year 2009. This provision would also provide an overall limit on the cost of the fiscal year 2009 military construction and family housing projects authorized for the active-duty component of the Navy and Marine Corps.

The Senate bill contained a similar provision (sec. 2204).

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2005 project (sec. 2205)*

The House bill contained a provision (sec. 2205) that would increase the authorization for a Strategic Weapons Facility Pacific project at Bangor, Washington.

The Senate bill contained an identical provision (sec. 2205).

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2007 projects (sec. 2206)*

The House bill contained a provision (sec. 2206) that would increase the authorization for projects at the Naval Support Activity, Suitland, Maryland, and at Naval Air Station, Whidbey Island, Washington.

The Senate bill contained an identical provision (sec. 2206).

The agreement includes this provision.

LEGISLATIVE PROVISION NOT ADOPTED

*Report on impacts of surface ship homeporting alternatives*

The House bill contained a provision (sec. 2207) that would prohibit the Secretary of the Navy from issuing a record of decision for the proposed homeporting of additional ships at Naval Station Mayport until at least 30 days after the date on which the Secretary submits a report on the socio-economic impact and economic justification of the preferred alternatives identified in the final environmental impact statement.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

TITLE XXIII—AIR FORCE

LEGISLATIVE PROVISIONS ADOPTED

*Authorized Air Force construction and land acquisition projects (sec. 2301)*

The House bill contained a provision (sec. 2301) that would authorize Air Force military construction projects for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2301).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Family housing (sec. 2302)*

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2009. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate bill contained an identical provision (sec. 2302).

The agreement includes this provision.

*Improvements to military family housing units (sec. 2303)*

The House bill contained a provision (sec. 2303) that would authorize funding for fiscal year 2009 to improve existing Air Force family housing units.

The Senate bill contained an identical provision (sec. 2303).

The agreement includes this provision.

*Authorization of appropriations, Air Force (sec. 2304)*

The House bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2009. This provision would also provide an overall limit on the cost of the fiscal year 2009 military construction and family housing projects authorized for the active-duty component of the Air Force.

The Senate bill contained a similar provision (sec. 2304).

The agreement includes this provision.

*Extension of authorizations of certain fiscal year 2006 projects (sec. 2305)*

The House bill contained a provision (sec. 2305) that would extend the authorizations for certain Air Force fiscal year 2006 military construction projects until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained an identical provision (sec. 2305).

The agreement includes this provision.

*Extension of authorizations of certain fiscal year 2005 projects (sec. 2306)*

The House bill contained a provision (sec. 2306) that would extend the authorizations for certain Air Force fiscal year 2005 military construction projects until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained a similar provision (sec. 2306).

The agreement includes the Senate provision.

## TITLE XXIV—DEFENSE AGENCIES

### SUBTITLE A—DEFENSE AGENCY AUTHORIZATIONS

*Authorized defense agencies construction and land acquisition projects (sec. 2401)*

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2401).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Energy conservation projects (sec. 2402)*

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects.

The Senate bill contained a similar provision (sec. 2402).

The agreement includes the Senate provision.

*Authorization of appropriations, defense agencies (sec. 2403)*

The House bill contained a provision (sec. 2403) that would authorize appropriations for the military construction projects of the defense agencies for fiscal year 2009. This provision would also provide an overall limit on the cost of the fiscal year 2009 military construction projects authorized for the defense agencies.

The Senate bill contained a similar provision (sec. 2403).

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2007 projects (sec. 2404)*

The House bill contained a provision (sec. 2404) that would amend section 2401 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364) to increase the construction authorization for a project at Fort Detrick, Maryland by $133.0 million.

The Senate bill contained a similar provision (sec. 2404)

The agreement includes the House provision.

*Modification of authority to carry out certain fiscal year 2005 projects (sec. 2405)*

The House bill contained a provision (sec. 2405) that would terminate the military construction authorization provided in the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375) for a project at the Defense Fuel Supply Point at Naval Air Station Oceana, Virginia.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Extension of authorization of certain fiscal year 2006 project (sec. 2406)*

The House bill contained a provision (sec. 2406) that would extend the authorization for a fiscal year 2006 military construction project for the Defense Logistics Agency until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained an identical provision (sec. 2405).

The agreement includes this provision.

### SUBTITLE B—CHEMICAL DEMILITARIZATION AUTHORIZATIONS

*Authorized chemical demilitarization program construction and land acquisition projects (sec. 2411)*

The House bill contained a provision (sec. 2411) that would authorize military construction projects for the chemical demilitarization program for fiscal year 2009.

The Senate bill contained an identical provision (sec. 2411).

The agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis in this provision.

*Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2412)*

The House bill contained a provision (sec. 2412) that would authorize specific appropriations for each line item contained in the budget request for fiscal year 2009 for the chemical demilitarization construction. This section would also provide overall limit on the amount the chemical demilitarization office may spend on military construction projects.

The Senate bill contained a similar provision (sec. 2412).

The agreement includes the Senate provision with an amendment making a technical correction.

*Modification of authority to carry out certain fiscal year 1997 project (sec. 2413)*

The House bill contained a provision (sec. 2413) that would modify the authorization for a chemical demilitarization construction project at Pueblo Army Depot, Colorado.

The Senate bill contained an identical provision (sec. 2413).

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2000 project (sec. 2414)*

The House bill contained a provision (sec. 2414) that would modify the authorization for a chemical demilitarization construction project at Blue Grass Army Depot, Kentucky.

The Senate bill contained an identical provision (sec. 2414).

The agreement includes this provision.

## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

### LEGISLATIVE PROVISIONS ADOPTED

*Authorized NATO construction and land acquisition projects (sec. 2501)*

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate bill contained an identical provision (sec. 2501).

The agreement includes this provision.

*Authorization of appropriations, NATO (sec. 2502)*

The House bill contained a provision (sec. 2502) that would authorize appropriations for the United States' contribution to the North Atlantic Treaty Organization Security Investment Program for fiscal year 2009.

The Senate bill contained an identical provision (sec. 2502).

The agreement includes this provision.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### LEGISLATIVE PROVISIONS ADOPTED

*Authorized Army National Guard construction and land acquisition projects (sec. 2601)*

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2601).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Authorized Army Reserve construction and land acquisition projects (sec. 2602)*

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2602).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)*

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and Marine Corps Reserve for fiscal year 2009.

The Senate bill contained an identical provision (sec. 2603).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Authorized Air National Guard construction and land acquisition projects (sec. 2604)*

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2604).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)*

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2605).

The agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table included in the joint explanatory statement provides the binding list of specific construction projects authorized at each location.

*Authorization of appropriations, National Guard and Reserve (sec. 2606)*

The House bill contained a provision (sec. 2606) that would authorize appropriations for reserve component military construction projects for fiscal year 2009.

The Senate bill contained a similar provision (sec. 2606).

The agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2008 project (sec. 2607)*

The Senate bill contained a provision (sec. 2609) that would amend section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181) to increase the authorization for a project for the Army National Guard at North Kingstown, Rhode Island, by $5.0 million.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Extension of authorizations of certain fiscal year 2006 projects (sec. 2608)*

The House bill contained a provision (sec. 2607) that would extend the authorizations for certain Guard and reserve fiscal year 2006 military construction projects until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained an identical provision (sec. 2607).

The agreement includes that provision.

*Extension of authorization of certain fiscal year 2005 project (sec. 2609)*

The House bill contained a provision (sec. 2608) that would extend the authorization for an Army National Guard fiscal year 2005 military construction project in California until October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later.

The Senate bill contained an identical provision (sec. 2608).

The agreement includes this provision.

## TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

### SUBTITLE A—AUTHORIZATIONS

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Air Force | 80,110 | Elmendorf AFB | AK | Aircraft Support Equip Shop | 3,000 | 3,000 |
| Air Force | 80,110 | Elmendorf AFB | AK | Add to Aerial Port | 1,900 | 1,900 |
| Air Force | 80,110 | Elmendorf AFB | AK | Add to and Alter for Squad Ops and AMU | 8,200 | 8,200 |
| Air Force | 80 | Elmendorf AFB | AK | Add to Combat Arms Maint. and Training Simulator | 1,000 | 1,000 |
| Air Force | 80 | Elmendorf AFB | AK | Alter Bldg 8515 for Supply and Security Forces | 5,600 | 5,600 |
| Air Force | 80 | Elmendorf AFB | AK | Base Engineer Complex | 500 | 500 |
| Air Force | 80,110 | Elmendorf AFB | AK | Fuel Cell/Corrosion Control Facility | 22,000 | 22,000 |
| Air Force | 80 | Elmendorf AFB | AK | Medical Training Facility | 5,400 | 5,400 |
| Air Force | 80 | Elmendorf AFB | AK | Operations and Training Facility | 8,900 | 8,900 |
| Air Force | 80 | Elmendorf AFB | AK | Training Fire Station | 2,500 | 2,500 |
| Air Force | 80 | Elmendorf AFB | AK | Vehicle Maintenance Shop | 1,500 | 1,500 |
| Army | 189 | Redstone Arsenal | AL | Rotary Wing Center | 46,000 | 46,000 |
| Army | 148 | Redstone Arsenal | AL | AMC & USASAC Headquarters, Increment II | 0 | 98,000 |
| MDA | 134 | Redstone Arsenal | AL | Von Braun Complex Phase 3 Increment II | 0 | 127,000 |
| Army | 13 | Jonesboro | AR | Armed Forces Reserve Center | 23,000 | 23,000 |
| Army | 13 | NW Arkansas (Fayetteville) | AR | Armed Forces Reserve Center | 25,000 | 25,000 |
| Navy | 137B | MCAS Miramar | CA | HRSC Consolidation | 20,940 | 20,940 |
| Navy | 138 | MCAS Miramar | CA | Construct & Alter Regional Confinement Facility | 31,950 | 31,950 |
| Navy | 184 | NAWS China Lake | CA | Weapons and Armament Facility #1 | 32,870 | 32,870 |
| Navy | 184 | NAWS China Lake | CA | Renovate Facilities, Ordnance Area | 9,270 | 9,270 |
| Navy | 184 | NAWS China Lake | CA | Lab Renovation, Building 5 | 25,520 | 25,520 |
| Navy | 184 | NAWS China Lake | CA | Ordnance Storage Facilities | 12,110 | 12,110 |
| Air Force | 91 | Buckley AFB | CO | BRAC AFR Training Facility | 7,200 | 7,200 |
| Air Force | 143B | Buckley AFB | CO | BRAC ARPC Administrative | 25,000 | 25,000 |
| Army | 15 | AFRC Middletown | CT | Armed Forces Reserve Center | 68,000 | 68,000 |
| Army | 15 | Newtown Armory | CT | Armed Forces Reserve Center | 66,800 | 66,800 |
| Air Force | 85 | Bradley IAP AGS | CT | Upgrade A-10 Engine CIRF | 1,100 | 1,100 |
| Navy | 149 | Washington | DC | Navy Systems Management Activity Relocation | 14,963 | 14,963 |
| Navy | 149 | Washington | DC | Navy Systems Management Activity Warehouse | 7,610 | 7,610 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Army | 169 | Dover AFB | DE | Joint Medical Examiner Facility | 52,000 | 52,000 |
| Army | 16 | AFRC Newark | DE | Armed Forces Reserve Center | 26,000 | 26,000 |
| Army | 4 | Eglin AFB | FL | Special Forces Complex | 148,000 | 148,000 |
| Air Force | 125 | Eglin AFB | FL | BRAC F-35 Construction Haul Road | 810 | 810 |
| Air Force | 125 | Eglin AFB | FL | BRAC F-35 Duke Field Barriers | 1,550 | 1,550 |
| Air Force | 125 | Eglin AFB | FL | F-35 (JSF) Renovate Maintenance Dock B1318 | 3,810 | 3,810 |
| Air Force | 125 | Eglin AFB | FL | F-35 (JSF) Renovate Maintenance Dock B1344 | 2,006 | 2,006 |
| Air Force | 125 | Eglin AFB | FL | F-35 (JSF) Renovate Warehouse B1404 | 1,050 | 1,050 |
| Air Force | 125 | Eglin AFB | FL | F-35 (JSF) Utility Infrastructure Upgrades | 10,400 | 10,400 |
| Air Force | 125 | Eglin AFB | FL | JSF IFT Dining Facility | 5,000 | 5,000 |
| Air Force | 125 | Eglin AFB | FL | JSF Marine Corps/Navy Hangar (Increment II) | 0 | 21,800 |
| Air Force | 125 | Eglin AFB | FL | JSF Munition Maintenance | 8,900 | 8,900 |
| Air Force | 128 | NAS Pensacola | FL | BRAC-CSO Bachelor Quarters | 39,600 | 39,600 |
| Army | 9 | Fort Benning | GA | Medical Facility, Increment I | 157,000 | 80,000 |
| Army | 9 | Fort Benning | GA | Heaquarters Bldg, Armor Officer Basic Crs | 7,700 | 7,700 |
| Army | 9 | Fort Benning | GA | General Instruction Complex 2, Increment I | 77,000 | 39,000 |
| Army | 9 | Fort Benning | GA | Vehicle Maintenance Instruction Facility | 63,000 | 63,000 |
| Army | 2 | Fort Benning | GA | CIDC Field Operations Bldg | 3,050 | 3,050 |
| Army | 9 | Fort Benning | GA | Infrastructure Support, Increment II | 0 | 74,000 |
| Army | 2 | Fort Gillem | GA | Armed Forces Reserve Center, Add/Alt | 12,000 | 12,000 |
| Air Force | 79,103 | Moody AFB | GA | BRAC Add/Alter Dental Clinic | 1,000 | 1,000 |
| Air Force | 79,103 | Moody AFB | GA | BRAC Child Development Center | 4,000 | 4,000 |
| Air Force | 79,103 | Moody AFB | GA | BRAC Community Activity Center | 4,400 | 4,400 |
| Air Force | 79,103 | Moody AFB | GA | BRAC Transient Lodging Facility | 1,800 | 1,800 |
| Air Force | 79,103 | Moody AFB | GA | BRAC Visiting Quarters | 2,600 | 2,600 |
| Air Force | 79,103 | Moody AFB | GA | LOLA/Ramp/Gun Berm | 2,550 | 2,550 |
| Air Force | 104 | Hickam AFB | HI | Flight Simulator Training Facility | 5,000 | 5,000 |
| Air Force | 116 | Sioux Gateway APT | IA | KC-135 Test Apron and Taxiway | 3,000 | 3,000 |
| Army | 19 | Carbondale | IL | Armed Forces Reserve Center | 11,800 | 11,800 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Air Force | 90 | Capital APT AGS | IL | F-16 CIRF Sound Suppressor Foundation | 1,600 | 1,600 |
| Air Force | 90 | Capital APT AGS | IL | Upgrade F-16 Engine CIRF | 6,200 | 6,200 |
| Army | 20 | Greenwood (Indianapolis) | IN | Armed Forces Reserve Center | 39,000 | 39,000 |
| Air Force | 112 | McConnell AFB | KS | Munitions Delivery Road | 1,450 | 1,450 |
| Air Force | 112 | McConnell AFB | KS | STAMP Relocation | 4,900 | 4,900 |
| Air Force | 112 | McConnell AFB | KS | STRAPP Relocation | 1,800 | 1,800 |
| Army | 143 | Fort Knox | KY | Human Resources Command Complex, Increment III | 0 | 55,400 |
| Army | 9 | Fort Knox | KY | Army Reserve Center, Phase 2 | 28,000 | 28,000 |
| Army | 23 | Shreveport | LA | Armed Forces Reserve Center | 16,500 | 16,500 |
| Air Force | 119 | New Orleans ARS | LA | Establish F-15 CIRF | 5,100 | 5,100 |
| Air Force | 119 | New Orleans ARS | LA | F-15 CIRF Sound Suppressor Foundation | 1,500 | 1,500 |
| Air Force | 94 | Barnes MPT AGS | MA | EOD Facility | 1,750 | 1,750 |
| Army | 169 | Aberdeen Proving Ground | MD | Medical Research Lab, Chem Bio Defense | 27,000 | 27,000 |
| Army | 174 | Aberdeen Proving Ground | MD | Non-Medical Chem Bio Fac | 27,000 | 27,000 |
| Army | 136 | Aberdeen Proving Ground | MD | Headquarters Bldg, Army Test and Eval Cmd | 43,000 | 43,000 |
| Army | 5 | Aberdeen Proving Ground | MD | C4ISR, Phase 2, Increment I | 251,000 | 99,000 |
| Army | 5 | Aberdeen Proving Ground | MD | C4ISR, Phase 1, Increment III | 0 | 142,000 |
| Army | 187 | Aberdeen Proving Ground | MD | Army Research Lab Vehicle Technology | 35,000 | 35,000 |
| Army | 169 | Bethesda | MD | Community Support Facilities | 11,200 | 11,200 |
| Army | 130 | Fort Meade | MD | MILDEP Adjudication Activities | 51,000 | 51,000 |
| Army | 141 | Fort Meade | MD | Defense Media Activity, Increment I | 61,000 | 44,000 |
| Air Force | 129 | Andrews AFB | MD | BRAC Construct Administrative Facility | 53,000 | 53,000 |
| Air Force | 129 | Andrews AFB | MD | BRAC Construct POV Lane, Pearl Harbor Gate | 1,350 | 1,350 |
| DISA | 140 | Fort Meade | MD | Construct DISA Building | 130,128 | 130,128 |
| TMA | 169 | Bethesda (WRNMMC) | MD | Medical Center Addition - Increment II | 200,500 | 201,350 |
| Navy | 65 | Inspector-Instructor Bath | ME | Facility Renovation Project | 540 | 540 |
| Navy | 65 | Portsmouth | ME | Special Purpose BN Ops Facility | 2,900 | 2,900 |
| Army | 176 | Detroit Arsenal | MI | Administrative Office Buildings, Increment I | 99,000 | 56,000 |
| Army | 176 | Detroit Arsenal | MI | Weapons Maintenance and Operations Fac | 6,400 | 6,400 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Air Force | 95 | Selfridge ANGB | MI | Add To Alert Complex | 870 | 870 |
| Army | 127 | Leonard Wood | MO | Prime Power School Complex | 29,000 | 29,000 |
| Air Force | 94 | Lambert - St. Louis IAP AGS | MO | Relocate 157 AOG | 4,000 | 4,000 |
| TMA | 173G | Keesler AFB | MS | Community Hospital | 67,700 | 67,700 |
| Army | 3 | Fort Bragg | NC | Headquarters Bldg, FORSCOM/USARC, Increment II | 0 | 150,000 |
| Army | 30 | Beatrice Readiness Center | NE | Armed Forces Reserve Center | 13,290 | 13,290 |
| Army | 31 | Pease AFRC | NH | Armed Forces Reserve Center | 34,000 | 34,000 |
| Army | 53 | Lakehurst AFRC | NJ | Equipment Concentration Site | 27,000 | 27,000 |
| Army | 186 | Picatinny Arsenal | NJ | Packaging, Handling, Shipping & Trans Ctr | 26,000 | 26,000 |
| Army | 186 | Picatinny Arsenal | NJ | Fuze Eng Cmplx/Explosive Magazines | 25,000 | 25,000 |
| Army | 186 | Picatinny Arsenal | NJ | Guns & Weapons Systems Lab (Turret) | 12,000 | 12,000 |
| Army | 186 | Picatinny Arsenal | NJ | Guns & Weapons Systems Tech Data | 13,000 | 13,000 |
| Navy | 68 | McGuire AFB (Cookstown) | NJ | Aviation Supply Dept & AIMD Ops Facility | 37,010 | 37,010 |
| Navy | 68 | McGuire AFB (Cookstown) | NJ | Munitions Maintenance Facility | 1,800 | 1,800 |
| Navy | 68 | McGuire AFB (Cookstown) | NJ | NAVY VR Fleet Logistics Ops Facility (INCR II of II) | 0 | 28,882 |
| Navy | 68 | McGuire AFB (Cookstown) | NJ | Aviation Support Facility Hangar Renovation | 12,000 | 12,000 |
| Navy | 68 | McGuire AFB (Cookstown) | NJ | C-130 Flight Simulator Facility | 4,260 | 4,260 |
| Navy | 68 | McGuire AFB (Cookstown) | NJ | Helicopters Hangars & MAG HQ (INCR II of II) | 0 | 41,941 |
| Air Force | 89,100 | Nellis AFB | NV | Construct Airfield Pavements | 7,800 | 7,800 |
| Army | 34 | AFRC Farmingdale | NY | Armed Forces Reserve Center, Increment II | 0 | 27,000 |
| Army | 5 | West Point | NY | US Military Academy Prep School, Increment I | 198,000 | 100,000 |
| Army | 37 | Columbus | OH | Armed Forces Reserve Center | 65,218 | 65,218 |
| Army | 37 | Mansfield | OH | Armed Forces Reserve Center | 30,714 | 30,714 |
| Air Force | 187 | Wright-Patterson AFB | OH | Add to and Alter Sensors Laboratory (AFRL/SN) | 40,000 | 40,000 |
| Air Force | 170 | Wright-Patterson AFB | OH | Pipeline Dormitory | 12,600 | 12,600 |
| Air Force | 170 | Wright-Patterson AFB | OH | USAFSAM (Increment II) | 0 | 30,000 |
| Army | 73 | Broken Arrow | OK | Armed Forces Reserve Center | 12,100 | 12,100 |
| Army | 38 | Broken Arrow | OK | Armed Forces Reserve Center | 54,900 | 54,900 |
| Army | 38 | Muskogee | OK | Armed Forces Reserve Center | 23,000 | 23,000 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Army | 10 | Fort Sill | OK | ADA Brigade Complex, Increment II | 0 | 47,000 |
| Army | 39 | Camp Wythcombe | OR | Armed Forces Reserve Center | 45,500 | 45,500 |
| Army | 40 | AFRC Lewisburg | PA | Armed Forces Reserve Center | 24,000 | 24,000 |
| Army | 40 | AFRC Williamsport | PA | Armed Forces Reserve Center | 18,500 | 18,500 |
| Army | 40 | AFRC Willow Grove | PA | Armed Forces Reserve Center | 30,000 | 30,000 |
| Navy | 137B | Philadelphia | PA | Renovate Building 9 | 20,570 | 20,570 |
| Navy | 57 | Tobyhanna Army Depot | PA | Radar Maintenance Facility | 2,450 | 2,450 |
| Navy | 73 | NMCRC Pittsburgh | PA | NMCRC Moundsville to NMCRC Pittsburgh, PA | 4,920 | 4,920 |
| Army | 41 | AFRC Fort Allen | PR | Armed Forces Reserve Center | 19,500 | 19,500 |
| Army | 41 | AFRC Fort Buchanan | PR | Armed Forces Reserve Center | 28,000 | 28,000 |
| Army | 41 | Ceiba | PR | Armed Forces Reserve Center | 36,000 | 36,000 |
| Army | 41 | Mayaguez | PR | Armed Forces Reserve Center | 37,000 | 37,000 |
| Navy | 181 | NS Newport | RI | Maritime Subsurface Sensor Operations Facility | 15,320 | 15,320 |
| Army | 3 | Shaw AFB | SC | Headquarters Building, Third US Army | 102,000 | 102,000 |
| Air Force | 3A | Shaw AFB | SC | Dormitory Renovation for HQ 3rd Army | 2,350 | 2,350 |
| Army | 43 | Kingsport | TN | Armed Forces Reserve Center | 19,300 | 19,300 |
| Air Force | 92 | McGhee Tyson APT AGS | TN | Expand Parking Apron & Hydrant Sys | 5,200 | 5,200 |
| Army | 44 | AFRC Amarillo | TX | Armed Forces Reserve Center | 24,000 | 24,000 |
| Army | 10 | Fort Bliss | TX | Division Headquarters Building | 25,000 | 25,000 |
| Army | 10 | Fort Bliss | TX | Combat Aviation Brigade Complex, Increment III | 0 | 103,000 |
| Army | 10 | Fort Bliss | TX | Brigade Combat Team Complex #3, Increment II | 0 | 145,000 |
| Army | 10 | Fort Bliss | TX | Tactical Equipment Maintenance Facility 1 | 79,000 | 79,000 |
| Army | 10 | Fort Bliss | TX | Community Infrastructure | 32,000 | 32,000 |
| Army | 44 | AFRC Dyess AFB | TX | Armed Forces Reserve Center | 40,000 | 40,000 |
| Army | 44 | AFRC Lewisville | TX | Armed Forces Reserve Center | 22,000 | 22,000 |
| Army | 44 | AFRC Round Rock | TX | Armed Forces Reserve Center | 41,000 | 41,000 |
| Army | 44 | AFRC San Marcos | TX | Armed Forces Reserve Center | 29,000 | 29,000 |
| Army | 44 | AFRC Tyler | TX | Armed Forces Reserve Center | 29,000 | 29,000 |
| Air Force | 113 | NAS-JRB Fort Worth | TX | BRAC AFR Add Avionics Shop | 1,050 | 1,050 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Air Force | 113 | NAS-JRB Fort Worth | TX | BRAC AFR ECM Shop | 1,150 | 1,150 |
| Air Force | 111 | Ellington Field | TX | Relocate 272 EIS HQ | 2,650 | 2,650 |
| Air Force | 172 | Fort Sam Houston | TX | Medical Field Training Complex | 18,000 | 18,000 |
| Air Force | 172 | Fort Sam Houston | TX | METC Medical Instructional Facility (Increment II) | 0 | 96,400 |
| Air Force | 172 | Fort Sam Houston | TX | METC Student Dorm #1 (Increment II) | 0 | 41,200 |
| Air Force | 172 | Fort Sam Houston | TX | METC Student Dorm #2 (Increment II | 0 | 33,700 |
| Air Force | 172 | Fort Sam Houston | TX | METC Student Dorm #3 (Increment I) | 48,000 | 48,000 |
| Air Force | 170 | Fort Sam Houston | TX | Tri-Service Research Facility | 79,500 | 79,500 |
| Air Force | 170 | Randolph AFB | TX | AF Audit Agency Relocation | 1,336 | 1,336 |
| TMA | 172 | Fort Sam Houston | TX | San Antonio Military Medical Center (North) Incr II | 162,700 | 294,074 |
| TMA | 172 | Lackland AFB | TX | WHMC Rennovation of Ambulatory Care Center | 51,000 | 51,000 |
| Air Force | 113 | Hill AFB | UT | Renovate LANTIRN CIRF Bldgs 584 & 578 | 2,500 | 2,500 |
| Army | 129 | Arlington Hall | VA | Armed Forces Reserve Center, Add/Alt | 80,100 | 80,100 |
| Army | 5 | Fort Belvoir | VA | Network Operations Center | 8,300 | 8,300 |
| Army | 132 | Fort Belvoir | VA | Infrastructure Support, Increment II | 0 | 23,000 |
| Army | 168 | Fort Belvoir | VA | Infrastructure Support, Increment II | 0 | 48,000 |
| Army | 169 | Fort Belvoir | VA | Infrastructure Support, Increment II | 0 | 20,000 |
| Army | 168 | Fort Belvoir | VA | Defense Access Roads, EPG | 36,000 | 36,000 |
| Army | 8 | Fort Eustis | VA | Headquarters Building, TRADOC | 113,000 | 113,000 |
| Army | 122 | Fort Lee | VA | USAF Transportation Management School | 16,500 | 16,500 |
| Army | 121 | Fort Lee | VA | Warrior Training Facilities | 12,000 | 12,000 |
| Army | 121 | Fort Lee | VA | Combat Service Support School, Ph 1, Increment III | 0 | 6,348 |
| Army | 133 | Fort Lee | VA | Administrative Building (DCMA) | 23,000 | 23,000 |
| Army | 121 | Fort Lee | VA | Combat Service Support School, Ph 2, Increment II | 0 | 143,000 |
| Army | 123 | Fort Lee | VA | JCOE for Culinary Training | 17,000 | 17,000 |
| NGA | 168 | Fort Belvoir | VA | NGA Headquarters Facility | 324,900 | 743,868 |
| TMA | 169 | Fort Belvoir | VA | Hospital Replacement - Increment III | 249,000 | 197,750 |
| WHS | 133 | Fort Belvoir | VA | Office Complex | 0 | 274,330 |
| Navy | 131 | MCB Quantico | VA | Collocate MILDEP Invest Agencies (INCR II of II) | 0 | 213,109 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Navy | 138 | Chesapeake | VA | Joint Regional Correctional Facility (INCR I of II) | 33,000 | 33,000 |
| Navy | 138 | MCB Quantico | VA | Pre-trial Detainee Facility | 5,570 | 5,570 |
| Navy | 8 | NS Norfolk | VA | Renovate V47 for Combat Craft Facility | 7,140 | 7,140 |
| DIA | 167 | Rivanna Sta (Charlottesville) | VA | Joint Use Intelligence Analysis Facility - Phase 2 | 3,000 | 21,000 |
| Army | 45 | AFRC White River Junction | VT | Armed Forces Reserve Center | 28,000 | 28,000 |
| Army | 46 | AFRC Everett | WA | Armed Forces Reserve Center | 28,000 | 28,000 |
| Air Force | 116 | Fairchild AFB | WA | Relocate Combat Communications | 12,800 | 12,800 |
| Army | 48 | Madison | WI | Armed Forces Reserve Center | 25,375 | 25,375 |
| Army | 73 | Madison | WI | Armed Forces Reserve Center | 6,600 | 6,600 |
| Air Force | 97 | Gen Mitchell IAP AGS | WI | Add Hydrant Refueling Outlet | 1,150 | 1,150 |
| Air Force | - | Various | Worldwide | Planning and Design | 4,173 | 4,173 |
| Army | - | Various | Worldwide | Planning and Design | 12,000 | 12,000 |
| Army | - | Various | Worldwide | Planning and Design (GDPR) | 3,700 | 3,700 |
| | | | | **Total Military Construction and P&D** | **5,141,743** | **7,224,795** |
| Army | - | Various | Various | Environmental | 54,831 | 54,831 |
| Navy | - | Various | Various | Environmental | 8,627 | 8,627 |
| Air Force | - | Various | Various | Environmental | 11,486 | 11,486 |
| Defense Wide | - | Various | Various | Environmental | 0 | 0 |
| | | | | **Total Environmental** | **74,944** | **74,944** |
| Army | - | Various | Various | Operation and Maintenance | 481,561 | 481,561 |
| Navy | - | Various | Various | Operation and Maintenance | 254,336 | 254,336 |
| Air Force | - | Various | Various | Operation and Maintenance | 253,272 | 253,272 |
| Defense Wide | - | Various | Various | Operation and Maintenance | 340,152 | 340,152 |
| | | | | **Total Operation and Maintenance** | **1,329,321** | **1,329,321** |
| Army | - | Various | Various | MilPers PCS | 0 | 0 |
| Navy | - | Various | Various | MilPers PCS | 9,785 | 9,785 |

**TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND**
**Fiscal Year 2009 Project Listing**
**(Dollars in Thousands)**

| Agency | Commission Recommendation | Location | State | Project Title | Project Authorization | Authorization of Appropriation |
|---|---|---|---|---|---|---|
| Air Force | - | Various | Various | MilPers PCS | 6,786 | 6,786 |
| Defense Wide | - | Various | Various | MilPers PCS | 0 | 0 |
| | | | | **Total MilPers PCS** | **16,571** | **16,571** |
| Army | - | Various | Various | Other | 157,991 | 157,991 |
| Navy | - | Various | Various | Other | 12,099 | 12,099 |
| Air Force | - | Various | Various | Other | 63,226 | 63,226 |
| Defense Wide | - | Various | Various | Other | 186,439 | 186,439 |
| | | | | **Total Other** | **419,755** | **419,755** |
| | | | | **TOTAL FY 2009 FUNDING FOR BRAC 2005** | **6,982,334** | **9,065,386** |

*Authorization of appropriations for base closure and realignment activities funded through Department of Defense base closure account 1990 (sec. 2701)*

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2009 for ongoing activities that are required to implement the decisions of the 1988, 1991, 1993, and 1995 base realignment and closure (BRAC) rounds.

The Senate bill contained an identical provision (sec. 2701).

The agreement includes this provision.

*Authorized base closure and realignment activities funded through Department of Defense base closure account 2005 (sec. 2702)*

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2009 that are required to implement the decisions of the 2005 Base Realignment and Closure (BRAC) round.

The Senate bill included a similar provision (sec. 2702).

The agreement includes the Senate provision.

The table included in the joint explanatory statement lists the specific projects authorized at each location.

*Authorization of appropriations for base closure and realignment activities funded through Department of Defense base closure account 2005 (sec. 2703)*

The House bill contained a provision (sec. 2703) that would authorize appropriations for military construction projects for fiscal year 2009 that are required to implement the decisions of the 2005 Base Realignment and Closure (BRAC) round. This provision would also provide an overall limit on the amount authorized for BRAC military construction projects.

The Senate bill contained a similar provision (sec. 2703).

The agreement includes this provision.

The State list contained in this joint explanatory statement is the binding list of the specific amounts authorized at each location.

SUBTITLE B—AMENDMENTS TO BASE CLOSURE AND RELATED LAWS

*Modification of annual base closure and realignment reporting requirements (sec. 2711)*

The House bill contained a provision (sec. 2712) that would modify the annual reporting requirements associated with the 2005 round of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510).

The Senate bill contained a similar provision (sec. 2704)

The agreement includes the House provision.

*Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments (sec. 2712)*

The House bill contained a provision (sec. 2713) that would make technical corrections to the Base Closure and Realignment Act notification requirements for cost and scope of work variations.

The Senate bill contained a similar provision (sec. 2705)

The agreement includes the House provision.

SUBTITLE C—OTHER MATTERS

*Independent design review of National Naval Medical Center and military hospital at Fort Belvoir (sec. 2721)*

The House bill contained a provision (sec. 2721) that would direct the Department of Defense to cease construction of the replacement facilities until the Secretary of Defense certifies the following items have been completed: a 90 percent construction design; an independent cost estimate to complete the realignment of the Walter Reed Army Medical Center; and a milestone schedule to complete the proposed realignment.

The Senate bill contained no similar provision.

The agreement includes a provision that would state congressional findings and would require an independent design review of the new medical facilities, a new cost estimate, and a schedule for the transition of operations to the new facilities. The agreement is not intended to cease construction of replacement facilities related to the closure of Walter Reed Army Medical Center.

*Report on use of BRAC properties as sites for refineries or nuclear power plants (sec. 2722)*

The House bill contained a provision (sec. 2722) that would require a study 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.

The Senate bill contained no similar provision.

The agreement includes the House provision.

LEGISLATIVE PROVISION NOT ADOPTED

*Repeal of commission approach for development of recommendations in any future round of base closures and realignments*

The House bill contained a provision (sec. 2711) that would, with respect to any future base closure round, repeal the independent commission that is provided for under the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510).

The Senate bill contained no similar provision.

The agreement does not include the provision.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

*Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects (sec. 2801)*

The House bill contained a provision (sec. 2801) that would require the Department of Defense to incorporate sustainable design concepts and life cycle analysis into a review of options that would be submitted with the annual budget documents.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount (sec. 2802)*

The House bill contained a provision (sec. 2803) that would increase the maximum lease amount available to Army family housing leases from $18,620 per unit to $35,000 per unit.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Use of military family housing constructed under build and lease authority to house members without dependents (sec. 2803)*

The House bill contained a provision (sec. 2804) that would allow service members without dependents to be assigned to quarters leased pursuant to section 2835 of title 10, United States Code. This authority would also allow the conversion of the family housing units, previously provided by the build-to-lease authority, to military unaccompanied housing.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Leasing of military family housing to Secretary of Defense (sec. 2804)*

The House bill contained a provision (sec. 2805) that would allow the Secretary of Defense to lease military family housing in the National Capital Region.

The Senate bill contained a similar provision (sec. 2804).

The agreement includes the Senate provision.

*Improved oversight and accountability for military housing privatization initiative projects (sec. 2805)*

The House bill contained a provision (sec. 2807) that would modify the existing privatization authorities and provide better visibility over, and management of privatization projects. Specifically, it would: require the Department of Defense to partner with the family housing developer; require 100 percent performance and payment bonds; require competition for conveyance actions; repeal the authority to assign service members to privatized family housing; and require additional reporting associated with general and flag officer quarters.

The House bill also contained a provision (sec. 2808) that would require a report on best business practices for the execution of housing privatization initiatives.

The Senate bill contained a provision (sec. 2803) that would require enhanced oversight of, and reporting on, housing privatization projects. The provision would require greater interaction among the government and private entities involved in these projects, establish minimum bonding levels of 50 percent, specify procedures to be used in the case of significant schedule or performance deficiencies, ensure that the Department of Defense maintains a database of entities that achieve unsatisfactory performance ratings on such projects, and require the Department to identify and establish regulations to implement best practices for monitoring the progress and performance of housing privatization projects.

The agreement includes elements of the House and the Senate provisions.

*Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility (sec. 2806)*

The House bill contained a provision (sec. 2802) that would extend the current use of operations and maintenance funds to meet urgent military construction requirements outside the United States for 1 year, through fiscal year 2009.

The Senate bill contained a similar provision (sec. 2802) that would exempt projects in Afghanistan from the restriction against the use of this authority at installations where the Department of Defense anticipates having a long term presence. The Senate bill would also modify the quarterly reporting requirement on the use of this authority.

The agreement includes the Senate provision with an amendment that would provide an additional of $300.0 million of authority for fiscal year 2009 that would be available only for urgent operational requirements in Afghanistan. The agreement would also restrict the use of this authority to the Central Command and Africa Command areas of responsibility.

*Cost-benefit analysis of dissolution of Patrick Family Housing LLC (sec. 2807)*

The Senate bill contained a provision (sec. 2805) that would require the Secretary of the

Air Force to submit to the congressional defense committees a cost-benefit analysis regarding the dissolution of the Patrick Family Housing LLC created in connection with the privatization of military family housing at Patrick Air Force Base, Florida, and would prohibit the Secretary from dissolving that entity until this analysis has been submitted.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that requires the cost-benefit analysis be submitted within 30 days of the date of enactment of this Act, but would not restrict the dissolution of the LLC.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

*Clarification of congressional reporting requirements for certain real property transactions (sec. 2811)*

The House bill contained a provision (sec. 2811) that would clarify reporting requirements associated with civil works and other real estate transactions.

The Senate bill contained a similar provision (sec. 2812).

The agreement contains the Senate provision.

*Authority to lease non-excess property of military departments and Defense Agencies (sec. 2812)*

The House bill contained a provision (sec. 2812) that would modify the Department of Defense's leasing authority and restrict certain uses of that authority. Specifically, the Department would be limited to leases of less than 50 years, and would be limited on the use of proceeds derived from leases. Also, the secretaries concerned would be required to determine that property is not excess and would be required to provide expanded notifications to the congressional defense committees during the course of the lease review process. The House bill would also prohibit the acceptance of in-kind consideration for morale, welfare and recreation activities. Finally, the secretary would be required to submit a report 30 days before the secretary enters into a lease that describes the agreement reached with the local municipality on taxation issues and further describes the proposed lessee payment.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that removes the restrictions on leases over 50 years and on receipt of in-kind consideration related to morale, welfare and recreation activities and makes other technical changes.

*Modification of utility system conveyance authority (sec. 2813)*

The House bill contained a provision (sec. 2813) that would modify the existing utility privatization authorities and provide the secretary concerned the discretion to convey additional, discrete utility elements without competition to an existing utility privatization interest, if certain criteria are met.

The Senate bill contained no similar provision.

The agreement contains the House provision with an amendment to the criteria for conveyances of additional elements of a utility system.

*Defense access roads (sec. 2814)*

The House bill included a provision (sec. 2815) that would require a needs assessment of the improvements needed in cases where the Secretary of Defense determines that a Department of Defense action has caused a significant transportation impact. The House bill would also require the Secretary of Defense to 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.

The Senate bill contained no similar provision.

The agreement includes the House provision.

The current Defense Access Road (DAR) eligibility criteria contained in the Federal-aid Policy Guide of the Federal Highway Administration do not consider the full range of transportation impacts or requirements. We are aware that the criteria currently do not account for safety and security concerns for local roads, even though certain DAR projects have been carried out in the past 5 years in order to correct significant deficiencies threatening the safety of military personnel. The Department of Defense is strongly encouraged to consider incorporating the standards put forth by the Transportation Research Board, which serves as an independent adviser to the President, Congress, and federal agencies on scientific and technical questions, in the Highway Capacity Manual. This manual contains state-of-the-art techniques for estimating road capacity and determining levels of service for transportation facilities and modes. These techniques have been adopted by the Federal Highway Administration as a basis for assessing road requirements based on current congestion and saturation levels for traffic flows on public roads.

*Report on application of force protection and anti-terrorism standards to gates and entry points on military installations (sec. 2815)*

The Senate bill contained a provision (sec. 2841) that would require the Secretary of Defense to submit to the congressional defense committees, not later than February 1, 2009, a report on the implementation of Department of Defense anti-terrorism/force protection (AT/FP) standards for main gates or entry points of military installations.

The House bill contained no similar provision.

The agreement includes the Senate provision.

We recognize the importance of AT/FP measures for Department of Defense installations and facilities. We are concerned that adequate funding has not been requested to construct permanent facilities and infrastructure, including fences, physical anti-terrorism barriers, large vehicle inspection stations, and reinforced, blast-protected facilities for guards since updated AT/FP standards were adopted by the Department of Defense in 2003. Timely funding of these requirements is necessary to protect the safety and welfare of service members and their families. We expect the Department of Defense to include, in conjunction with this report, funding in the fiscal year 2010 budget and future-years defense program to ensure that main gates and entry points at military installations comply with AT/FP standards.

SUBTITLE C—PROVISIONS RELATED TO GUAM REALIGNMENT

*Sense of Congress regarding military housing and utilities related to Guam realignment (sec. 2821)*

The House bill contained a provision (sec. 2822) that would express the sense of Congress that the Special Purpose Entities proposed to support military family members in Guam should closely follow the model and standards associated with the privatized family housing initiative authorized by subchapter IV of chapter 169 of title 10, United States Code. Furthermore, it would express the sense of Congress that the military and civilian utility systems on Guam should be integrated to maximize effectiveness of the overall system.

The Senate bill contained no similar provision.

The agreement contains the House provision with an amendment that would modify the sense of Congress to state that any integration of the utility infrastructure should be subject to appropriate cost-sharing and quality standards.

*Federal assistance to Guam (sec. 2822)*

The House bill contained a provision (sec. 2823) that would express the sense of Congress that the Secretary of Defense, in coordination with the Interagency Group on Insular Affairs, should enter into a memorandum of understanding with the Government of Guam to identify civilian infrastructure associated with the capabilities expansion on Guam.

The House bill also contained a provision (sec. 2824) that would require the Comptroller General to submit a report on the status of interagency coordination related to the realignment of military forces in Guam.

The Senate bill contained no similar provisions.

The agreement modifies and combines the House provisions.

*Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance (sec. 2823)*

The House bill contained a provision (sec. 2827) that would authorize the Commonwealth of the Northern Mariana Islands to be eligible to receive military base reuse studies and community planning assistance.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Support for realignment of military installations and relocation of military personnel on Guam (sec. 2824)*

The House bill contained a provision (sec. 2821) that would establish an account for the purposes of centralizing management and oversight of funding related to the realignment of military installations on Guam and the relocation of military personnel to Guam.

The Senate bill contained no similar provision.

The agreement contains the House provision with amendments to the procedures under which the fund would operate. The agreement also states the sense of Congress regarding the participation of United States firms in projects related to this relocation.

SUBTITLE D—ENERGY SECURITY

*Certification of enhanced use leases for energy-related projects (sec. 2831)*

The House bill contained a provision (sec. 2841) that would require that, if a proposed enhanced use lease involves a project related to energy production, and the term of the lease exceeds 20 years, the secretary of a military department may not enter into the lease until 30 days after the Secretary of Defense certifies to the congressional defense committees that the lease is consistent with the Department of Defense energy performance goals and the plan required by section 2911 of title 10, United States Code.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Annual report on Department of Defense installations energy management (sec. 2832)*

The House bill contained a provision (sec. 2842) that would require the Secretary of Defense to report on efforts taken to meet the

new energy goals set forth in the Energy Independence and Security Act of 2007 (Public Law 110–140) and on efforts to meet certification requirements for sustainable green-building standards for construction and major renovations.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the report should describe Department of Defense efforts to meet the requirements in section 433 of Public Law 110–140.

SUBTITLE E—LAND CONVEYANCES

*Land conveyance, former Naval Air Station, Alameda, California (sec. 2841)*

The House bill contained a provision (sec. 2851) that would require the Secretary of the Navy to convey the Former Naval Air Station, Alameda, California, to the Alameda Reuse and Redevelopment Authority, except those lands designated as public benefit conveyances and certain other surplus lands.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would permit rather than require the conveyance of the property and would make other technical changes regarding the form of the consideration for the property to be conveyed.

*Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California (sec. 2842)*

The House bill contained a provision (sec. 2860) that would direct the Secretary of the Navy and the Secretary of the Interior to negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California would 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.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia (sec. 2843)*

The Senate bill contained a provision (sec. 2821) that would allow the Secretary of Defense to transfer the proceeds from the sale of the Boyett Village Housing Complex at the Marine Corps Logistics Base Albany, Georgia, into the Family Housing Improvement Fund for carrying out military family housing privatization activities.

The House bill contained no similar provision.

The agreement includes the Senate provision, but does not direct the Department of Defense to comply with the use of proceeds suggested in the Senate report.

*Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio (sec. 2844)*

The House bill contained a provision (sec. 2855) that would authorize the Secretary of the Army to convey the Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio to the City of Springfield, Ohio for use for municipal government services.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Land conveyance, John Sevier Range, Knox county, Tennessee (sec. 2845)*

The House bill contained a provision (sec. 2856) that would authorize the Secretary of the Army to convey 124 acres known as the John Sevier Range in Knox County, Tennessee, to the State of Tennessee for use as a public firing range and for associated recreational activities.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

*Land conveyance, Army property, Camp Williams, Utah (sec. 2846)*

The House bill contained a provision (sec. 2858) that would authorize the Secretary of the Army to convey 608 acres and 308 acres, respectively, to the State of Utah for military use by the Utah National Guard at Camp Williams, Utah.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would add a condition to the conveyance and make other technical changes.

*Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia (sec. 2847)*

The House bill contained a provision (sec. 2859) that would authorize the Secretary of the Army to 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 to extend the Potomac Heritage National Scenic Trail.

The Senate bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

SUBTITLE F—OTHER MATTERS

*Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery (sec. 2851)*

The House bill contained a provision (sec. 2871) that would extend the current deadline for the transfer of approximately 36 acres of land at the Arlington Naval Annex to the Secretary of the Army for incorporation into Arlington National Cemetery from January 1, 2011, to no later than January 1, 2012.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*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. 2852)*

The House bill contained a provision (sec. 2873) that would authorize the Secretary of the Air Force to accept a gift from the Air Force Museum Foundation that would allow construction of the fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio.

The Senate bill contained no similar provision.

The agreement contains the House provision with an amendment that would require all funds used for design, construction, and contract management of the fourth building to come from gifts, or the proceeds of the investment of those gifts.

*Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii (sec. 2853)*

The House bill contained a provision (sec. 2875) that would direct the Secretary of the Navy to enter into a 2 year lease with the USS Missouri Memorial Association to use a pier on Ford Island, Hawaii.

The Senate bill contained no similar provision.

The agreement contains the House provision with an amendment that would require as a condition of the lease that the Navy be allowed the use of the ex-USS Missouri, and of the property leased to the Association, at no cost.

*Use of runway at NASJRB Willow Grove, Pennsylvania (sec. 2854)*

The House bill contained a provision (sec. 1076) that would limit commercial use of the airfield at NASJRB Willow Grove, Pennsylvania.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Naming of health facility, Fort Rucker, Alabama (sec. 2855)*

The House bill contained a provision (sec. 2876) that would designate a health facility at Fort Rucker, Alabama, as the ''Lyster Army/VA Health Clinic.''

The Senate bill contained no similar provision.

The agreement includes the House provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Increase in threshold for unspecified minor military construction projects*

The Senate bill contained a provision (sec. 2801) that would amend section 2805(a)(1) of title 10, United States Code, by raising the cost ceiling of a construction project authorized by this section from $2.0 million to $3.0 million. This provision would also eliminate the separate threshold for projects intended solely to correct deficiencies that are life-threatening, health-threatening, or safety-threatening.

The House bill contained no similar provision.

The agreement does not include the Senate provision.

*Repeal of reporting requirement in connection with installation vulnerability assessments*

The House bill contained a provision (sec. 2806) that would repeal a reporting requirement regarding installation vulnerability assessments.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Modification of land management restrictions applicable to Utah national defense lands*

The Senate bill contained a provision (sec. 2813) that would sunset the restrictions contained in section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) on October 1, 2013, and would also clarify the definition of Utah national defense lands in that Act.

The House bill contained no similar provision.

The agreement does not include the provision.

*Permanent authority to purchase municipal services for military installations*

The House bill contained a provision (sec. 2814) that would extend the authority of the Secretary of the Army to purchase local government services for Department of Defense installations from the neighboring local governments to the other military departments. This provision would also make this authority permanent and would restrict the services that could be purchased to refuse collection and disposal.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Protecting private property rights during Department of Defense land acquisitions*

The House bill contained a provision (sec. 2816) that would direct officials of the Department of Defense to make every effort to acquire real property by negotiation.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Energy and environmental design initiatives in Guam military construction and installations*

The House bill contained a provision (sec. 2825) that would require that facilities constructed to support the military expansion at Guam have energy efficiencies and energy conservation measures incorporated into the overall design process. Specifically, this section would require that military construction projects on Guam incorporate Leadership in Energy and Environmental Design to achieve not less than the U.S. Green Building Council silver standard for new construction.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Department of Defense Inspector General report regarding Guam realignment*

The House bill contained a provision (sec. 2826) that would require the Inspector General of the Department of Defense to submit a report to Congress within 180 days of the date of enactment of this Act on the efforts of the Inspector General to address potential waste and fraud associated with the realignment of military forces in Guam.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Prevailing wage applicable to Guam*

The House bill contained a provision (sec. 2828) that would make the requirements of subchapter IV of chapter 31 of title 40, United States Code, applicable to military construction of any facilities on Guam.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Expansion of authority of the military departments to develop energy on military lands*

The Senate bill contained a provision (sec. 2831) that would enable the Secretary of Defense to enter long-term contracts for renewable energy from resources developed on military lands.

The House bill contained no similar provision.

The agreement does not include the provision.

*Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California*

The House bill contained a provision (sec. 2852) that would authorize the Secretary of the Air Force to convey 10 acres at the Norwalk Defense Fuel Supply Point to the City of Norwalk, California, for recreational purposes.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Land conveyance, former Naval Station, Treasure Island, California*

The House bill contained a provision (sec. 2853) that would direct the Secretary of the Navy to convey the former Naval Station Treasure Island, California, to the Treasure Island redevelopment authority.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Condition on lease involving Naval Air Station, Barbers Point, Hawaii*

The House bill contained a provision (sec. 2854) that would require the Secretary of the Navy and Ford Island Properties/ Hunt Development to enter into a memorandum of understanding with the Hawaii Community Development Authority to ensure that the development plan for real property to be conveyed at Barbers Point, Hawaii, conforms to Hawaii Community Development Authority land use controls.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

*Land conveyance, Bureau of Land Management land, Camp Williams, Utah*

The House bill contained a provision (sec. 2857) that would direct the Secretary of the Interior to convey 431 acres to the State of Utah for military use by the Utah National Guard at Camp Williams, Utah.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Decontamination and use of former bombardment area on island of Culebra*

The House bill contained a provision (sec. 2872) that would amend the Military Construction Authorization Act of 1974 (Public Law 93–166) to remove restrictions on environmental remediation of the former bombardment area on the island of Culebra, Puerto Rico.

The Senate bill contained no similar provision.

The agreement does not include this provision.

*Establishment of memorial to American Rangers at Fort Belvoir, Virginia*

The House bill contained a provision (sec. 2874) that would authorize the Secretary of the Army to permit the American Ranger Memorial Association, Inc., to establish and maintain a memorial at a suitable location at Fort Belvoir, Virginia.

The Senate bill contained no similar provision.

The agreement does not include the House provision.

TITLE XXIX—WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS

SUBTITLE A—FISCAL YEAR 2008 PROJECTS

*Authorized Army construction and land acquisition projects (sec. 2901)*

The House bill contained a provision (sec. 2901) that would authorize war-related military construction projects for the Army.

The Senate bill contained a similar provision (sec. 2901).

The agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis in this provision. These authorizations are in addition to the projects and amounts authorized in title XXIX of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181).

*Authorized Navy construction and land acquisition projects (sec. 2902)*

The House bill contained a provision (sec. 2902) that would authorize war-related military construction projects for the Navy.

The Senate bill contained a similar provision (sec. 2902).

The agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis in this provision. These authorizations are in addition to the projects and amounts authorized in title XXIX of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181).

*Authorized Air Force construction and land acquisition projects (sec. 2903)*

The House bill contained a provision (sec. 2903) that would authorize war-related military construction projects of the Air Force.

The Senate bill contained a similar provision (sec. 2903).

The agreement includes the Senate provision.

The authorized amounts are listed on an installation-by-installation basis in this provision. These authorizations are in addition to the projects and amounts authorized in title XXIX of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181).

TITLE XXIX
SUBTITLE A - FY2008 AUTHORIZATIONS

| State / Country | Service | Installation | Project Title | Previous FY2008 Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|---|
| | | | **Projects Inside the United States** | | | |
| ALASKA | ARMY | FORT WAINWRIGHT | CHILD DEVELOPMENT CENTER | 0 | 17,000 | 17,000 |
| CALIFORNIA | ARMY | FORT IRWIN | CHILD DEVELOPMENT CENTER | 0 | 11,800 | 11,800 |
| CALIFORNIA | NAVY | SAN DIEGO | CHILD DEVELOPMENT CENTER | 0 | 12,299 | 12,299 |
| CALIFORNIA | AIR FORCE | BEALE AFB | CHILD DEVELOPMENT CENTER | 0 | 17,600 | 17,600 |
| COLORADO | ARMY | FORT CARSON | CHILD DEVELOPMENT CENTER | 0 | 8,400 | 8,400 |
| FLORIDA | AIR FORCE | EGLIN AFB | CHILD DEVELOPMENT CENTER | 0 | 11,000 | 11,000 |
| GEORGIA | ARMY | FORT GORDON | CHILD DEVELOPMENT CENTER | 0 | 7,800 | 7,800 |
| HAWAII | ARMY | SCHOFIELD BARRACKS | CHILD DEVELOPMENT CENTER | 0 | 12,500 | 12,500 |
| KENTUCKY | ARMY | FORT CAMPBELL | CHILD DEVELOPMENT CENTER | 0 | 9,900 | 9,900 |
| KENTUCKY | ARMY | FORT KNOX | CHILD DEVELOPMENT CENTER | 0 | 7,400 | 7,400 |
| NEW MEXICO | AIR FORCE | CANNON AFB | CHILD DEVELOPMENT CENTER | 0 | 8,000 | 8,000 |
| NORTH CAROLINA | ARMY | FORT BRAGG | CHILD DEVELOPMENT CENTER | 0 | 8,500 | 8,500 |
| NORTH CAROLINA | NAVY | CAMP LEJEUNE | CHILD DEVELOPMENT CENTER | 0 | 16,000 | 16,000 |
| OKLAHOMA | ARMY | FORT SILL | CHILD DEVELOPMENT CENTER | 0 | 9,000 | 9,000 |
| TEXAS | ARMY | FORT BLISS | CHILD DEVELOPMENT CENTER | 0 | 5,700 | 5,700 |
| TEXAS | ARMY | FORT BLISS | CHILD DEVELOPMENT CENTER | 0 | 5,900 | 5,900 |
| TEXAS | ARMY | FORT BLISS | CHILD DEVELOPMENT CENTER | 0 | 5,700 | 5,700 |
| TEXAS | ARMY | FORT HOOD | CHILD DEVELOPMENT CENTER | 0 | 7,200 | 7,200 |
| TEXAS | ARMY | FORT SAM HOUSTON | CHILD DEVELOPMENT CENTER | 0 | 7,000 | 7,000 |
| VIRGINIA | ARMY | FORT LEE | CHILD DEVELOPMENT CENTER | 0 | 7,400 | 7,400 |
| WORLDWIDE UNSPE | ARMY | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN - CDCs | 0 | 6,000 | 6,000 |
| WORLDWIDE UNSPE | NAVY | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN - CDCs | 0 | 1,052 | 1,052 |
| WORLDWIDE UNSPE | AIR FORCE | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN - CDCs | 0 | 1,427 | 1,427 |

TITLE XXIX
SUBTITLE A - FY2008 AUTHORIZATIONS

| State / Country | Service | Installation | Project Title | Previous FY2008 Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|---|
| | | | **Subtotal Child Development Centers** | **0** | **204,578** | **204,578** |
| CALIFORNIA | NAVY | CAMP PENDLETON | JIEDDO BATTLE COURSES | 0 | 9,270 | 9,270 |
| CALIFORNIA | NAVY | CHINA LAKE | JIEDDO BATTLE COURSES | 0 | 7,210 | 7,210 |
| CALIFORNIA | NAVY | POINT MUGU | JIEDDO BATTLE COURSES | 0 | 7,250 | 7,250 |
| CALIFORNIA | NAVY | TWENTYNINE PALMS | JIEDDO BATTLE COURSES | 0 | 11,250 | 11,250 |
| FLORIDA | NAVY | EGLIN AFB | JIEDDO BATTLE COURSE ADDITIONS | 0 | 780 | 780 |
| MISSISSIPPI | NAVY | GULFPORT | JIEDDO BATTLE COURSES | 0 | 6,570 | 6,570 |
| NORTH CAROLINA | NAVY | CAMP LEJEUNE | JIEDDO BATTLE COURSES | 0 | 11,980 | 11,980 |
| VIRGINIA | NAVY | YORKTOWN | JIEDDO BATTLE COURSES | 0 | 8,070 | 8,070 |
| WORLDWIDE UNSPE | NAVY | UNSPECIFIED WORLDWIDE | PLANNING AND DESIGN - JIEDDO | 0 | 3,000 | 3,000 |
| | | | **Subtotal JIEDDO Battle Courses** | **0** | **65,380** | **65,380** |
| CALIFORNIA | NAVY | SAN DIEGO MCRD | Recruit Barracks | 0 | 43,200 | 43,200 |
| GEORGIA | ARMY | FORT GORDON | AIT Complex I, Phase I | 0 | 32,000 | 32,000 |
| NORTH CAROLINA | TMA | CAMP LEJEUNE | Hospital Addition/Alteration | 0 | 57,900 | 57,900 |
| TEXAS | ARMY | FORT SAM HOUSTON | AIT Barracks | 0 | 47,000 | 47,000 |
| WORLDWIDE UNSPE | TMA | UNSPECIFIED WORLDWIDE | Planning and Design-TMA | 0 | 52,835 | 52,835 |
| | | | **Subtotal Various** | **0** | **232,935** | **232,935** |
| | | | **United States Total** | **0** | **502,893** | **502,893** |

TITLE XXIX
SUBTITLE A - FY2008 AUTHORIZATIONS

| State / Country | Service | Installation | Project Title | Previous FY2008 Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|---|
| | | | **Projects Outside the United States** | | | |
| IRAQ | ARMY | CAMP ADDER | CORPS SUPPORT CENTER PHASE 3 | 0 | 13,200 | 13,200 |
| IRAQ | ARMY | CAMP RAMADI | INCINERATOR | 0 | 6,200 | 6,200 |
| IRAQ | ARMY | FALLUJAH | INCINERATORS | 0 | 5,500 | 5,500 |
| QATAR | AIR FORCE | AL UDEID | CLOSE AIR SUPPORT PARKING APRON | 0 | 60,400 | 60,400 |
| | | | **Overseas Total** | **0** | **85,300** | **85,300** |
| | | | **Subtotal New FY 2008 Authorizations** | **0** | **588,193** | **588,193** |
| | | | **Repeal of Previous Authorizations** | | | |
| IRAQ | ARMY | CAMP ADDER | ENTRY CONTROL POINT | 4,850 | -4,850 | 0 |
| IRAQ | ARMY | CAMP ANACONDA | URBAN BYPASS ROAD | 43,000 | -43,000 | 0 |
| IRAQ | ARMY | CAMP SPEICHER | WASTE WATER TREATMENT & COLLECTION S | 9,800 | -9,800 | 0 |
| IRAQ | ARMY | CAMP VICTORY | ENTRY CONTROL POINT | 5,000 | -5,000 | 0 |
| IRAQ | ARMY | TIKRIT | URBAN BYPASS ROAD | 43,000 | -43,000 | 0 |
| | | | **Subtotal Repeal of Previous Authorizations** | **105,650** | **-105,650** | **0** |
| | | | **Grand Total FY2008 Authorization Changes** | **105,650** | **482,543** | **588,193** |

*Authorized Defense Agencies construction and land acquisition projects (sec. 2904)*

The House bill contained a provision (sec. 2904) that would authorize war-related military construction projects for the defense agencies.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that reduces the amounts authorized.

*Termination of authority to carry out fiscal year 2008 Army projects (sec. 2905)*

The House bill contained a provision (sec. 2905) that would repeal the project authorizations for military construction projects authorized in fiscal year 2008 for which no funds were appropriated.

The Senate bill contained a similar provision (sec. 2904).

The agreement includes this provision.

SUBTITLE B—FISCAL YEAR 2009 PROJECTS

Authorized Army Construction and land acquisition projects (sec. 2911)

The Senate bill contained a provision (sec. 2911) that would authorize $450.0 million for military construction projects for the Army for fiscal year 2009. The Senate provision would provide additional funding for warrior transition unit facilities, primarily barracks. The funding would be available 14 days after the Secretary of Defense submits a report to Congress with a description and justification of the specific projects to be funded.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Authorized Navy construction and land acquisition projects (sec. 2912)*

The Senate bill contained a provision (sec. 2912) that would authorize $50.0 million in military construction projects for the Navy for fiscal year 2009. The Senate provision would provide additional funding for warrior transition unit facilities, primarily barracks. The funding would be available 14 days after the Secretary of Defense submits a report to Congress with a description and justification of the specific projects to be funded.

The House bill contained no similar provision.

The agreement includes this provision.

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

*Overview*

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2009, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). This title authorizes appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance.

The budget request for atomic energy defense activities at the Department of Energy included $16.0 billion for atomic energy defense activities, a 5.6 percent increase above the fiscal year 2008 appropriated level. Of the total amount requested:

(1) $9.1 billion is for NNSA, of which

(a) $6.6 billion is for weapons activities,

(b) $1.2 billion is for defense nuclear nonproliferation activities,

(c) $828.1 million is for naval reactors, and

(d) $404.1 million is for the Office of the Administrator;

(2) $5.3 billion is for defense environmental cleanup;

(3) $1.3 billion is for other defense activities; and

(4) $247.4 million is for defense nuclear waste disposal.

The budget request also included $7.6 million for energy security and assurance within energy supply.

We agree to authorize $16.1 billion for atomic energy defense activities, an increase of $143.2 million above the budget request.

Of this amount, we authorize:

(1) $9.8 billion for NNSA, of which

(a) $6.6 billion would be for weapons activities, a decrease of $7.0 million below the budget request,

(b) $1.9 billion would be for defense nuclear nonproliferation, an increase of $648.2 million above the budget request,

(c) $828.1 million would be for naval reactors, the amount of the budget request, and

(d) $404.0 million would be for the Office of the Administrator, the amount of the budget request;

(2) $5.3 billion would be for defense environmental cleanup activities, the amount of the budget request;

(3) $826.5 million would be for other defense activities, a decrease of $487.0 million below the amount of the budget request; and

(4) $222.4 million would be for defense nuclear waste disposal, a reduction of $25.0 million below the amount of the budget request.

We agree to authorize $7.6 million for energy security and assurance, the amount of the budget request.

The following table summarizes the budget request and the authorizations:

LEGISLATIVE PROVISIONS ADOPTED

*National Nuclear Security Administration (sec. 3101)*

The House bill contained a provision (sec. 3101) that would authorize $9.3 billion for the activities of the National Nuclear Security Administration (NNSA) for fiscal year 2009, an increase of $204.7 million above the budget request.

The Senate bill contained a similar provision (sec. 3101) that would authorize $9.6 billion for the activities of the NNSA for fiscal year 2009, an increase of $544.6 million above the budget request.

The agreement includes a provision (sec. 3101) that would authorize $9.8 billion, an increase of $655.2 million above the budget request.

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Discretionary Summary By Appropriation** | | | | | |
| **Appropriation Summary:** | | | | | |
| **Electricity Delivery and Energy Reliability** | 7,622 | 7,622 | | | 7,622 |
| **Atomic Energy Defense Activities** | | | | | |
| **National Nuclear Security Administration:** | | | | | |
| **Weapons activities** | 6,618,079 | 6,646,739 | 6,610,701 | 7,032 | 6,625,111 |
| **Defense nuclear nonproliferation** | 1,247,048 | 1,443,248 | 1,799,056 | 648,213 | 1,895,261 |
| **Naval reactors** | 828,054 | 828,054 | 828,054 | | 828,054 |
| **Office of the administrator** | 404,081 | 409,081 | 404,081 | | 404,081 |
| **Total, National Nuclear Security Administration** | 9,097,262 | 9,327,122 | 9,641,892 | 655,245 | 9,752,507 |
| **Environmental and Other Defense Activities:** | | | | | |
| **Defense Environmental Cleanup** | 5,297,256 | 5,317,256 | 5,297,256 | | 5,297,256 |
| **Other Defense Activities** | 1,313,461 | 1,321,461 | 826,453 | -487,008 | 826,453 |
| **Defense Nuclear Waste Disposal** | 247,371 | 247,371 | 197,371 | -25,000 | 222,371 |
| **Total, Environmental and Other Defense Activities** | 6,858,088 | 6,886,088 | 6,321,080 | -512,008 | 6,346,080 |
| **Total, Atomic Energy Defense Activities** | 15,955,350 | 16,213,210 | 15,962,972 | 143,237 | 16,098,587 |
| **Total, Discretionary Funding** | 15,962,972 | 16,220,832 | 15,962,972 | 143,237 | 16,106,209 |
| **Electricity Delivery & Energy Reliability** | | | | | |
| **Operations and analysis** | | | | | |
| Infrastructure security & energy restoration | 7,622 | 7,622 | | | 7,622 |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Weapons Activities** | | | | | |
| **Directed stockpile work** | | | | | |
| **Life extension programs** | | | | | |
| B61 Life extension program | 2,189 | 2,189 | 2,189 | | 2,189 |
| W76 Life extension program | 209,196 | 209,196 | 191,196 | | 209,196 |
| **Total, Life extension programs** | **211,385** | **211,385** | **193,385** | | **211,385** |
| **Stockpile systems** | | | | | |
| B61 Stockpile systems | 80,434 | 80,434 | 80,434 | | 80,434 |
| W62 Stockpile systems | 1,645 | 1,645 | 1,645 | | 1,645 |
| W76 Stockpile systems | 68,418 | 68,418 | 68,418 | | 68,418 |
| W78 Stockpile systems | 43,349 | 43,349 | 43,349 | | 43,349 |
| W80 Stockpile systems | 32,034 | 32,034 | 32,034 | | 32,034 |
| B83 Stockpile systems | 25,759 | 25,759 | 25,759 | | 25,759 |
| W87 Stockpile systems | 37,189 | 37,189 | 37,189 | | 37,189 |
| W88 Stockpile systems | 49,854 | 49,854 | 49,854 | | 49,854 |
| **Total, Stockpile systems** | **338,682** | **338,682** | **338,682** | | **338,682** |
| **Reliable replacement warhead** | **10,000** | | **10,000** | **-10,000** | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Weapons dismantlement and disposition** | | | | | |
| **Operations and maintenance** | 116,822 | 109,322 | 128,822 | **5,000** | **121,822** |
| Pit Disassembly and Conversion Facility OPC | | -7,500 | | | |
| **Construction:** | | | | | |
| 99-D-141 Pit disassembly and conversion facility, SRS | 66,890 | 66,890 | 66,890 | | 66,890 |
| **Total, Weapons dismantlement and disposition** | **183,712** | **168,712** | **195,712** | **5,000** | **188,712** |
| **Stockpile services** | | | | | |
| Production support | 302,126 | 302,126 | 302,126 | | 302,126 |
| Research and development support | 36,231 | 32,691 | 36,231 | | 36,231 |
| R&D certification and safety | 193,375 | 198,375 | 193,375 | | 193,375 |
| Facility free hydro-dynamic test capabilities | | 5,000 | | | |
| Management, technology, and production | 201,375 | 201,375 | 201,375 | | 201,375 |
| Pit manufacturing | 145,269 | 110,269 | 125,269 | -20,000 | 125,269 |
| Pit manufacturing capability | 53,560 | 38,560 | 53,560 | | 53,560 |
| **Total, Stockpile services** | **931,936** | **888,396** | **911,936** | **-20,000** | **911,936** |
| **Total, Directed stockpile work** | **1,675,715** | **1,607,175** | **1,649,715** | **-25,000** | **1,650,715** |
| **Campaigns:** | | | | | |
| **Science campaign** | | | | | |
| Advanced certification | 20,000 | 30,000 | 20,000 | | 20,000 |
| Primary assessment technologies | 74,413 | 74,413 | 74,413 | | 74,413 |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Dynamic plutonium experiments | 23,734 | 23,734 | 23,734 | | 23,734 |
| Dynamic materials properties | 85,805 | 85,805 | 85,805 | | 85,805 |
| Advanced radiography | 29,418 | 29,418 | 29,418 | | 29,418 |
| Secondary assessment technologies | 79,292 | 79,292 | 79,292 | | 79,292 |
| Test readiness | 10,408 | 10,408 | 10,408 | -5,000 | 5,408 |
| **Total, Science campaign** | **323,070** | **333,070** | **323,070** | **-5,000** | **318,070** |
| **Engineering campaign** | | | | | |
| Enhanced surety | 35,641 | 40,641 | 35,641 | 5,000 | 40,641 |
| Weapons Systems Engineering Assessment Technology | 17,105 | 17,105 | 17,105 | | 17,105 |
| Nuclear survivability | 21,753 | 21,753 | 21,753 | | 21,753 |
| Enhanced surveillance | 68,243 | 71,243 | 68,243 | 3,000 | 71,243 |
| **Total, Engineering campaign** | **142,742** | **150,742** | **142,742** | **8,000** | **150,742** |
| **Inertial confinement fusion ignition and high yield campaign** | | | | | |
| Ignition | 103,644 | 103,644 | 103,644 | | 103,644 |
| NIF diagnostics, cryogenics and experimental support | 68,248 | 68,248 | 68,248 | | 68,248 |
| Pulsed power inertial confinement fusion | 8,920 | 8,920 | 8,920 | | 8,920 |
| Joint Program in High Energy Density Laboratory Plasmas | 3,147 | 3,147 | 3,147 | | 3,147 |
| Facility operations and target production | 180,384 | 194,984 | 180,384 | 14,600 | 194,984 |
| Fully fund NIC baseline plan | | 4,600 | | | |
| NIC risk mitigation | | 10,000 | | | |
| Inertial fusion technology | | | | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Naval Research Laboratory | | | | | |
| NIF assembly and installation | 56,899 | 56,899 | 56,899 | | 56,899 |
| **Total, Inertial confinement fusion and high yield campaign** | **421,242** | **450,442** | **421,242** | 14,600 | **435,842** |
| **Advanced simulation and computing campaign** | | | | | |
| Operations and maintenance | 561,742 | 561,742 | 561,742 | | 561,742 |
| **Readiness Campaign** | | | | | |
| Stockpile readiness | 28,731 | 28,731 | 28,731 | | 28,731 |
| High explosives and weapon operations | 8,927 | 8,927 | 8,927 | | 8,927 |
| Nonnuclear readiness | 40,165 | 40,165 | 40,165 | | 40,165 |
| Tritium readiness | 82,265 | 72,265 | 54,665 | -10,000 | 72,265 |
| Operation and Maintenance | | | | | |
| Advanced design and production technologies | 22,949 | 22,949 | 22,949 | | 22,949 |
| **Total, Readiness campaign** | **183,037** | **173,037** | **155,437** | -10,000 | **173,037** |
| **Total, Campaigns** | **1,631,833** | **1,669,033** | **1,604,233** | 7,600 | **1,639,433** |
| **Readiness in technical base and facilities (RTBF)** | | | | | |
| **Operations of facilities** | | | | | |
| Kansas City Plant | 122,389 | 122,389 | 122,389 | -19,000 | 103,389 |
| Lawrence Livermore National Laboratory | 85,160 | 95,160 | 85,160 | 10,000 | 95,160 |
| De-Inventory SNM from LLNL | | 10,000 | | | |
| Los Alamos National Laboratory | 298,112 | 298,112 | 298,112 | | 298,112 |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Nevada Test Site | 92,203 | 92,203 | 92,203 | | 92,203 |
| Pantex | 104,361 | 114,361 | 104,361 | 10,000 | 114,361 |
| Sandia National Laboratory | 127,827 | 127,827 | 127,827 | | 127,827 |
| Savannah River Site | 108,114 | 108,114 | 108,114 | | 108,114 |
| Y-12 National Security Complex | 216,904 | 223,904 | 216,904 | | 216,904 |
| Maintenance of facilities | | 5,000 | | | |
| Storage/HEUMF | | 2,000 | | | |
| Institutional site support | 57,837 | 57,837 | 57,837 | | 57,837 |
| **Total, Operations of facilities** | **1,212,907** | **1,256,907** | **1,212,907** | 1,000 | **1,213,907** |
| **Program readiness** | 73,841 | 73,841 | 73,841 | | 73,841 |
| **Material recycle and recovery** | 72,509 | 72,509 | 72,509 | | 72,509 |
| **Containers** | 23,398 | 23,398 | 23,398 | | 23,398 |
| **Storage** | 29,846 | 29,846 | 29,846 | | 29,846 |
| **Subtotal, Readiness in technical base and facilities (RTBF)** | **1,412,501** | **1,456,501** | **1,412,501** | 1,000 | **1,413,501** |
| **Construction:** | | | | | |
| 09-D-404, Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM | 3,200 | 3,200 | 3,200 | | 3,200 |
| 08-D-801 High pressure fire loop (HPFL), Pantex Plant, Amarillo, TX | 2,000 | 2,000 | 2,000 | | 2,000 |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| 08-D-802 High explosive pressing facility, Pantex Plant, Amarillo, TX | 28,233 | 28,233 | 28,233 | | 28,233 |
| 08-D-804 TA-55 Reinvestment project, Los Alamos National Laboratory, Los Alamos, NM | 7,900 | 7,900 | 7,900 | | 7,900 |
| 08-D-806 Ion beam laboratory refurbishment, Sandia National Laboratories, Albuquerque, NM | 10,014 | 10,014 | 10,014 | | 10,014 |
| 07-D-140 Project engineering and design (PED), various locations | 7,446 | 7,446 | 7,446 | | 7,446 |
| 07-D-220 Radioactive liquid waste treatment facility upgrade project, Los Alamos National Laboratory, Los Alamos, NM | 19,660 | 19,660 | 19,660 | | 19,660 |
| 06-D-140 Project engineering design (PED), various locations | 104,661 | 104,661 | 104,661 | | 104,661 |
| 06-D-402 NTS replace fire stations 1 & 2, Nevada Test Site, Las Vegas, NV | 9,340 | 9,340 | 9,340 | | 9,340 |
| 05-D-402 Beryllium capability (BEC) project | | | | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Y-12 National Security Complex, Oak Ridge, TN | 5,015 | 5,015 | 5,015 | | 5,015 |
| 04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM | 100,200 | 100,200 | 50,200 | | 100,200 |
| 04-D-128 TA-18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Los Alamos, NM; Nevada Test Site, Las Vegas, NV | 10,353 | 10,353 | 10,353 | | 10,353 |
| **Total, Construction** | **308,022** | **308,022** | **258,022** | | **308,022** |
| **Total, Readiness in technical base and facilities** | **1,720,523** | **1,764,523** | **1,670,523** | 1,000 | **1,721,523** |
| **Secure transportation asset** | | | | | |
| Operations and equipment | 131,651 | 131,651 | 131,651 | | 131,651 |
| Program direction | 89,421 | 89,421 | 89,421 | | 89,421 |
| **Total, Secure transportation asset** | **221,072** | **221,072** | **221,072** | | **221,072** |
| **Nuclear weapons incident response** | **221,936** | **226,936** | **221,936** | | **221,936** |
| National technical nuclear forensics | | 5,000 | | | |
| **Facilities and infrastructure recapitalization program** | | | | | |
| **Operations and maintenance** | **99,550** | **99,550** | **163,772** | | **99,550** |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Construction:** | | | | | |
| 08-D-601 Mercury highway Nevada Test Site, Las Vegas, NV | 11,700 | 11,700 | 11,700 | | 11,700 |
| 08-D-602 Portable water system upgrades Y-12 Plant, Oak Ridge, TN | 27,666 | 27,666 | 27,666 | | 27,666 |
| 07-D-253 TA 1 heating systems modernization (HSM) Sandia National Laboratories, Albuquerque, NM | 15,755 | 15,755 | 15,755 | | 15,755 |
| 06-D-601 Electrical distribution system upgrade, Pantex Plant, Amarillo, TX | 4,000 | 4,000 | 4,000 | | 4,000 |
| 06-D-603 Steam plant life extension project (SLEP), Y-12 National Security Complex, Oak Ridge, TN | 10,878 | 10,878 | 10,878 | | 10,878 |
| **Total, Construction** | **69,999** | **69,999** | **69,999** | | **69,999** |
| **Total, Facilities and infrastructure recapitalization program** | **169,549** | **169,549** | **233,771** | | **169,549** |
| **Environmental projects and operations** | | | | | |
| Long term stewardship | 40,587 | 40,587 | 40,587 | | 40,587 |
| **Transformation disposition** | **77,391** | **77,391** | **77,391** | | **77,391** |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Safeguards and Security** | | | | | |
| **Defense nuclear security** | | | | | |
| **Operations and maintenance** | **690,217** | **693,217** | **730,217** | 23,432 | **713,649** |
| Physical Security Systems - Y-12, Oak Ridge, TN | | 3,000 | | | |
| **Construction:** | | | | | |
| 08-D-701 Nuclear materials S&S upgrade project, Los Alamos National Laboratory, Los Alamos, NM | 46,000 | 46,000 | 46,000 | | 46,000 |
| 05-D-170 Project engineering and design, various locations | 1,111 | 1,111 | 1,111 | | 1,111 |
| **Total, Construction** | **47,111** | **47,111** | **47,111** | | **47,111** |
| **Total, Defense nuclear security** | **737,328** | **743,328** | **777,328** | 23,432 | **760,760** |
| **Cyber security** | 122,511 | 122,511 | 122,511 | | 122,511 |
| **Total, Safeguards and Security** | **859,839** | **865,839** | **899,839** | 23,432 | **883,271** |
| **Subtotal, Weapons Activities** | **6,618,445** | **6,647,105** | **6,619,067** | 7,032 | **6,625,477** |
| **Adjustments** | | | | | |
| Use of prior year balances | -366 | -366 | -8,366 | | -366 |
| Rescission of prior year balances | | | | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Total, Adjustments** | **-366** | **-366** | **-8,366** | | **-366** |
| **Total, Weapons Activities** | **6,618,079** | **6,646,739** | **6,610,701** | 7,032 | **6,625,111** |
| **Defense Nuclear Nonproliferation** | | | | | |
| **Nonproliferation and verification R&D** | | | | | |
| **Operations and maintenance** | 261,944 | 261,944 | 286,944 | 25,000 | 286,944 |
| **Construction:** | | | | | |
| 07-SC-05 Physical Science Facility Pacific Northwest National Laboratory, Richland, WA | 13,147 | 13,147 | 13,147 | | 13,147 |
| **Total, Construction** | **13,147** | **13,147** | **13,147** | | **13,147** |
| **Total, Nonproliferation & verification R&D** | **275,091** | **275,091** | **300,091** | 25,000 | **300,091** |
| **Nonproliferation and international security** | 140,467 | 128,567 | 120,467 | -5,795 | 134,672 |
| Global Nuclear Energy Partnership | | -6,900 | -15,000 | | |
| Global Initiatives for Proliferation Prevention | | -5,000 | -5,000 | | |
| **International nuclear materials protection and cooperation** | 429,694 | 479,694 | 479,694 | 22,000 | 451,694 |
| North Korea denuclearization | | | 50,000 | | |
| **Elimination of weapons-grade plutonium production program** | 141,299 | 141,299 | 141,299 | | 141,299 |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Fissile materials disposition** | | | | | |
| U S. surplus fissile materials disposition | | | | | |
| Operations and maintenance | 40,774 | 40,774 | 59,974 | 19,200 | 59,974 |
| Construction | | | | | |
| 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC | | | 467,808 | 467,808 | 467,808 |
| Total, U.S Surplus Fissile Materials Disposition | | | 527,782 | 487,008 | 527,782 |
| Russian surplus materials disposition | 1,000 | 1,000 | 11,000 | | 1,000 |
| **Total, Fissile materials disposition** | **41,774** | **41,774** | **538,782** | 487,008 | **528,782** |
| **Global threat reduction initiative** | 219,641 | 389,641 | 219,641 | 120,000 | 339,641 |
| **Subtotal, Defense Nuclear Nonproliferation** | **1,247,966** | **1,444,166** | **1,799,974** | 648,213 | **1,896,179** |
| Use of prior year balances (NN) | -918 | -918 | -918 | — | -918 |
| **Total, Defense Nuclear Nonproliferation** | **1,247,048** | **1,443,248** | **1,799,056** | 648,213 | **1,895,261** |
| **Naval Reactors** | | | | | |
| **Naval reactors development** | | | | | |
| **Operation and maintenance** | 771,600 | 771,600 | 771,600 | | 771,600 |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Construction:** | | | | | |
| 09-D-190, PED, Infrastructure upgrades, KAPL | 1,000 | 1,000 | 1,000 | | 1,000 |
| 09-D-902, Production Support Complex, NRF, Idaho Falls, ID | 8,300 | 8,300 | 8,300 | | 8,300 |
| 08-D-190 Project engineering and design Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, Idaho Falls, ID | 300 | 300 | 300 | | 300 |
| 07-D-190 Materials research technology complex (MRTC) | 12,400 | 12,400 | 12,400 | | 12,400 |
| **Total, Construction** | **22,000** | **22,000** | **22,000** | | **22,000** |
| **Total, Naval reactors development** | **793,600** | **793,600** | **793,600** | | **793,600** |
| **Program direction** | 34,454 | 34,454 | 34,454 | | 34,454 |
| **Total, Naval Reactors** | **828,054** | **828,054** | **828,054** | | **828,054** |
| **Office of the Administrator** | | | | | |
| Office of the administrator | 404,081 | 409,081 | 404,081 | | 404,081 |
| **Total, Office of the Administrator** | **404,081** | **409,081** | **404,081** | | **404,081** |
| **Defense Environmental Cleanup** | | | | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Closure sites:** | | | | | |
| Closure sites administration | 13,209 | 13,209 | 13,209 | | 13,209 |
| Fernald | 2,100 | 2,100 | 15,600 | 13,500 | 15,600 |
| Miamisburg | 30,574 | 40,574 | 30,574 | | 30,574 |
| **Total, Closure sites** | **45,883** | **55,883** | **59,383** | **13,500** | **59,383** |
| **Hanford Site:** | | | | | |
| Program increase for high risk cleanup activities | | 10,000 | | | |
| **2012 completion projects** | | | | | |
| Nuclear facility D&D river corridor closure project | 165,248 | 165,248 | 245,825 | | |
| NM stabilization and disposition PFP | 113,483 | 113,483 | 122,455 | | |
| SNF stabilization and disposition | 122,171 | 122,171 | 122,171 | | |
| **Total, 2012 completion projects** | **400,902** | **400,902** | **490,451** | 89,549 | **490,451** |
| **2035 completion projects** | | | | | |
| Nuclear facility D&D - remainder of Hanford | 85,653 | 85,653 | 85,653 | | |
| Richland community and regulatory support | 19,620 | 19,620 | 19,620 | | |
| Soil and water remediation - groundwater vadose zone | 169,682 | 169,682 | 169,682 | | |
| Solid waste stabilization and disposition 200 area | 175,930 | 175,930 | 220,930 | | |
| **Total, 2035 completion projects** | **450,885** | **450,885** | **495,885** | 45,000 | 495,885 |
| **Total, Hanford Site** | **851,787** | **861,787** | **986,336** | **134,549** | **986,336** |
| **Idaho National Laboratory:** | | | | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Nuclear material stabilization and disposition | 2,030 | 2,030 | 2,030 | | |
| SNF stabilization and disposition - 2012 | 20,334 | 20,334 | 27,334 | | |
| Solid waste stabilization and disposition | 178,767 | 178,767 | 178,767 | | |
| Radioactive liquid tank waste stabilization and disposition | 46,025 | 46,025 | 46,025 | | |
| Construction | | | | | |
| 06-D-401 Sodium bearing waste treatment project, Idaho | 86,700 | 86,700 | 86,700 | | |
| Soil and water remediation - 2012 | 70,268 | 70,268 | 102,268 | | |
| Nuclear facility D & D | 24,133 | 24,133 | 32,133 | | |
| Idaho community and regulatory support | 3,867 | 3,867 | 3,867 | | |
| **Total, Idaho National Laboratory** | **432,124** | **432,124** | **479,124** | 40,000 | **472,124** |
| **NNSA sites** | | | | | |
| NNSA Service Center/SPRU | 16,943 | 16,943 | 34,199 | 5,000 | 21,943 |
| Nevada | 65,674 | 65,674 | 75,674 | 10,000 | 75,674 |
| Sandia National Laboratories | | | 3,000 | 3,000 | 3,000 |
| Pantex | | | 5,000 | | |
| Los Alamos National Laboratory | 162,467 | 162,467 | 229,568 | 67,101 | 229,568 |
| **Total, NNSA sites and Nevada off-sites** | **245,084** | **245,084** | **347,441** | **85,101** | **330,185** |
| **Oak Ridge Reservation:** | | | | | |
| Building 3019 | 58,000 | 58,000 | 58,000 | | |
| Nuclear facility D & D ORNL | 58,160 | 58,160 | 65,160 | | |
| Nuclear facility D & D Y-12 | 32,392 | 32,392 | 52,392 | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Nuclear facility D & D East Tennessee Technology Park | 105 | 105 | 105 | | |
| OR reservation community and regulatory support | 6,100 | 6,100 | 6,100 | | |
| Soil and water remediation - offsites | 4,730 | 4,730 | 4,730 | | |
| Solid waste stabilization and disposition - 2012 | 78,183 | 78,183 | 82,183 | | |
| **Total, Oak Ridge Reservation** | **237,670** | **237,670** | **268,670** | 25,000 | **262,670** |
| **Office of River Protection:** | | | | | |
| **Waste treatment and immobilization plant** | | | | | |
| Construction | | | | | |
| 01-D-416 Waste treatment and immobilization plant | | | | | |
| 01-D-16A Low activity waste facility | 160,000 | 160,000 | 160,000 | | |
| 01-D-16B Analytical laboratory | 65,000 | 65,000 | 65,000 | | |
| 01-D-16C Balance of facilities | 75,000 | 75,000 | 75,000 | | |
| 01-D-16D High level waste facility | 125,000 | 125,000 | 125,000 | | |
| 01-D-16E Pretreatment facility | 265,000 | 265,000 | 265,000 | | |
| **Total, Waste treatment and immobilization plant** | **690,000** | **690,000** | **690,000** | | **690,000** |
| **Tank farm activities** | | | | | |
| Rad liquid tank waste stabilization and disposition | 288,443 | 288,443 | 341,886 | 53,000 | 341,443 |
| **Total, Tank farm activities** | **288,443** | **288,443** | **341,886** | **53,000** | **341,443** |
| **Total, Office of River protection** | **978,443** | **978,443** | **1,031,886** | **53,000** | **1,031,443** |
| **Savannah River Site:** | | | | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **2012 completion projects** | | | | | |
| 04-D-414 Container surveillance capability in 105K | 2,032 | 2,032 | 2,032 | | 2,032 |
| **Total, 2012 completion projects** | **2,032** | **2,032** | **2,032** | | **2,032** |
| **2035 completion projects** | | | | | |
| SR community and regulatory support | 12,500 | 12,500 | 12,500 | | |
| Nuclear material stabilization and disposition | 339,311 | 339,311 | 347,311 | | |
| Spent nuclear fuel stabilization and disposition | 24,108 | 24,108 | 27,608 | | |
| Solid waste stabilization and disposition | 53,559 | 53,559 | 53,559 | | |
| Soil and water remediation | 67,121 | 67,121 | 83,121 | | |
| Nuclear facility D & D | 2,052 | 2,052 | 48,552 | | |
| **Total, 2035 completion projects** | **498,651** | **498,651** | **572,651** | 58,536 | **557,187** |
| **Tank farm activities** | | | | | |
| Radioactive liquid tank waste stabilization and disposition | 578,218 | 578,218 | 578,218 | | 578,218 |
| **Construction:** | | | | | |
| 05-D-405 Salt waste processing facility, Savannah River | 127,524 | 127,524 | 127,524 | | 127,524 |
| **Total, Construction** | **127,524** | **127,524** | **127,524** | | **127,524** |
| **Total, Tank farm activities** | **705,742** | **705,742** | **705,742** | | **705,742** |
| **Total, Savannah River Site** | **1,206,425** | **1,206,425** | **1,280,425** | **58,536** | **1,264,961** |
| **Waste Isolation Pilot Plant** | | | | | |
| Waste isolation pilot plant | 126,425 | 126,425 | 136,425 | | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| Central characterization project | 29,069 | 29,069 | 37,763 | | |
| Transportation | 28,170 | 28,170 | 28,170 | | |
| Community and regulatory support | 27,860 | 27,860 | 27,860 | | |
| **Total, Waste Isolation Pilot Plant** | **211,524** | **211,524** | **230,218** | 18,694 | **230,218** |
| **Program direction** | 308,765 | 308,765 | 318,765 | | 308,765 |
| **Program support** | 33,930 | 33,930 | 42,430 | | 33,930 |
| **Safeguards and Security:** | | | | | |
| Waste Isolation Pilot Project | 5,124 | 5,124 | 5,124 | | 5,124 |
| Oak Ridge Reservation | 27,020 | 27,020 | 27,020 | | 27,020 |
| West Valley | 1,400 | 1,400 | 1,400 | | 1,400 |
| Paducah | 8,196 | 8,196 | 8,196 | | 8,196 |
| Richland/Hanford Site | 75,265 | 75,265 | 83,435 | 8,170 | 83,435 |
| Savannah River Site | 134,336 | 134,336 | 134,336 | | 134,336 |
| **Total, Safeguards and Security** | **251,341** | **251,341** | **259,511** | **8,170** | **259,511** |
| **Technology development** | 32,389 | 32,389 | 32,389 | | 32,389 |
| **Uranium enrichment D&D fund contribution** | 463,000 | 463,000 | 463,000 | | 463,000 |
| **Subtotal, Defense environmental cleanup** | **5,298,365** | **5,318,365** | **5,799,578** | **495,933** | **5,794,298** |
| Use of prior year balances | -1,109 | -1,109 | -502,322 | -495,933 | -497,042 |
| **Total, Defense Environmental Cleanup** | **5,297,256** | **5,317,256** | **5,297,256** | | **5,297,256** |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Other Defense Activities** | | | | | |
| **Health, Safety and Security** | | | | | |
| Health, safety, and security | 347,271 | 355,271 | 347,271 | | 347,271 |
| Program direction | 99,597 | 99,597 | 99,597 | | 99,597 |
| **Total, Health, Safety and Security** | **446,868** | **454,868** | **446,868** | | **446,868** |
| **Office of Legacy Management** | | | | | |
| Legacy management | 174,397 | 174,397 | 174,397 | | 174,397 |
| Program direction | 11,584 | 11,584 | 11,584 | | 11,584 |
| **Total, Office of Legacy Management** | **185,981** | **185,981** | **185,981** | | **185,981** |
| **Nuclear Energy** | | | | | |
| **Infrastructure** | | | | | |
| Idaho sitewide safeguards and security | 78,811 | 78,811 | 78,811 | | 78,811 |
| **Total, Infrastructure** | **78,811** | **78,811** | **78,811** | | **78,811** |
| **Mixed oxide fuel fabrication facility** | | | | | |
| Operations and maintenance | 19,200 | 19,200 | | -19,200 | |
| Construction and other project costs | | | | | |
| 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC | 467,808 | 467,808 | | -467,808 | |
| **Total, Mixed oxide fuel fabrication facility** | **487,008** | **487,008** | | **-487,008** | |

## Title XXXI -- DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(Dollars in Thousands)

| Program | FY2009 Request | House Authorized | Senate Authorized | Conference Change | Conference Authorized |
|---|---|---|---|---|---|
| **Total, Nuclear Energy** | **565,819** | **565,819** | **78,811** | **-487,008** | **78,811** |
| **Defense related administrative support** | 108,190 | 108,190 | 108,190 | | 108,190 |
| **Office of hearings and appeals** | 6,603 | 6,603 | 6,603 | | 6,603 |
| **Subtotal, Other Defense Activities** | **1,313,461** | **1,321,461** | **826,453** | **-487,008** | **826,453** |
| Congressionally directed projects | | | | | |
| **Total, Other Defense Activities** | **1,313,461** | **1,321,461** | **826,453** | **-487,008** | **826,453** |
| **Defense Nuclear Waste Disposal** | 247,371 | 247,371 | 197,371 | -25,000 | 222,371 |
| **Total, Department of Energy** | **15,962,972** | **16,220,832** | **15,962,972** | **143,237** | **16,106,209** |

Within NNSA, the provision would authorize $6.6 billion for weapons activities, a decrease of $7.0 million; $1.9 billion for defense nuclear nonproliferation, an increase of $648.2 million; $828.1 million for naval reactors, the amount of the budget request, and $404.1 million for the Office of the Administrator, the amount of the request.

The budget request included $6.6 billion for weapons activities. The provision would authorize $6.6 billion, a decrease of $7.0 million below the budget request. The budget request included $10.0 million for the Reliable Replacement Warhead, no funds are provided for this item. The provision would authorize an increase of $5.0 million above the budget request for weapons dismantlement and disposition and a decrease of $20.0 million below the budget request for pit manufacturing. Within campaigns, the provision would authorize a reduction of $5.0 million below the budget request for test readiness, an increase of $5.0 million above the budget request for enhanced surety, an increase of $3.0 million above the budget request for enhanced surveillance, an increase of $14.6 million above the budget request for inertial confinement fusion, and a decrease of $10.0 million below the budget request for tritium readiness. Within readiness in technical base and facilities, the provision would authorize an increase of $1.0 million above the budget request, which includes an increase of $10.0 million above the budget request for the Lawrence Livermore National Laboratory, an increase of $10.0 million above the budget request for the Pantex Plant, and a decrease of $19.0 million for the Kansas City Plant. We note that the $19.0 million reduction for the Kansas City Plant is without prejudice. The provision provides an additional $23.4 million above the budget request for defense nuclear security.

The budget request included $1.2 billion for defense nuclear nonproliferation. The provision would authorize $1.9 billion for defense nuclear nonproliferation, an increase of $648.2 million, including $487.0 million transferred from nuclear energy for the mixed oxide fuel fabrication facility. The provision would include an increase of $25.0 million above the budget request for the Nonproliferation and Verification Research and Development program including technologies to support improved nuclear material forensic and attribution capabilities and seismic research. The provision would authorize a reduction of $5.8 million for the Nonproliferation and International Security (NIS) program, of which $5.0 million shall be applied to the Global Initiatives for Proliferation (GIPP) Prevention and the balance shall be applied across the NIS as a reduction for Global Nuclear Energy Partnership activities including GIPP. The provision would authorize an increase of $22.0 million above the budget request for the International Nuclear Materials and Cooperation program to secure nuclear weapons and weapons materials outside the United States. Funding for the mixed oxide fuel fabrication facility, $467.8 million, and $19.2 million for operations and maintenance for the U.S. surplus fissile materials disposition, has been moved from nuclear energy back to the NNSA to reflect that this is a nonproliferation program. The NNSA is the responsible entity within the Department of Energy to manage nonproliferation programs. The provision would authorize an increase of $120.0 million above the budget request for the Global Threat Reduction Initiative for highly enriched uranium reactor conversion, to secure domestic research and test reactors, to secure and remove U.S. origin high risk radiological sources, to secure and remove international high risk radiological sources, and to dispose of U.S. origin highly enriched uranium located outside the United States.

The budget request included $828.1 million for naval reactors. The provision would authorize the amount of the budget request.

The budget request included $404.1 million for the Office of the Administrator. The provision would authorize the amount of the budget request.

*Defense environmental cleanup (sec. 3102)*

The Senate bill contained a provision (sec. 3102) that would authorize $5.3 billion for environmental defense cleanup activities, the amount of the budget request.

The House bill contained a similar provision (sec. 3102) that would authorize $5.3 billion, an increase of $20 million above the budget request.

The agreement includes the Senate provision that would authorize $5.3 billion, the amount of the budget request.

The agreement would authorize a number of projects not included in the budget request. The Department of Energy (DOE) has identified these projects as unfunded and not included in the budget request but necessary to meet environmental cleanup commitments and requirements. Due to the uncertainty of the appropriations process for fiscal year 2009, the agreement would authorize these additional projects but offset the amount of the cost of the additional projects through the use of prior year balances. This will allow the DOE discretion and flexibility in implementing these additional projects should additional appropriated funds be available. In the event that additional funds are not available, the DOE would retain the flexibility to implement these projects with prior year balances, or through reprogramming actions should the decision be made to do so. We view implementation of the additional projects as being within the discretion of the Secretary.

Funding for these projects is authorized by site and by account. The increases for the sites and accounts are as follows: Fernald, $13.5 million; 2012 completion projects at the Hanford Site, $89.5 million; 2035 completion projects at the Hanford Site, $45.0 million; Idaho National Laboratory, $40.0 million; National Nuclear Security Administration (NNSA) sites $85.101, which includes $5.0 million for NNSA/SPRU, $10.0 million for Nevada, $3.0 million for Sandia National Laboratory, and $67.1 million for Los Alamos National Laboratory; Oak Ridge reservation, $25.0 million; Office of River Protection, $53.0 million; 2035 completion projects at the Savannah River Site, $58.5 million; Waste Isolation Pilot Project, $18.7 million; and safeguards and security at the Hanford Site, $8.2 million.

*Other defense activities (sec. 3103)*

The Senate bill contained a provision (sec. 3103) that would authorize $826.5 million for other defense activities, a decrease of $487.0 million.

The House bill contained a similar provision (sec. 3103) that would authorize $1.3 billion for other defense activities, an increase of $8.0 million.

The agreement includes the Senate provision.

The amount authorized is a decrease of $487.0 million from the amount of the budget request. We recommend: $446.9 million for health, safety, and security, the amount of the budget request; $186.0 million for legacy management, the amount of the request; $6.6 million for the Office of Hearings and Appeals; and $78.8 million for nuclear energy, a decrease of $487.0 million from the budget request. We recommend that the $487.0 million included in the budget request for other defense activities for the mixed oxide fuel fabrication facility be transferred to the National Nuclear Security Administration.

*Defense nuclear waste disposal (sec. 3104)*

The House bill contained a provision (sec. 3104) that would authorize $247.4 million for defense nuclear waste disposal, the amount of the budget request.

The Senate bill contained a similar provision (sec. 3104) that would authorize $197.4 million for defense nuclear waste disposal, a reduction of $50.0 million below the budget request.

The agreement includes the House provision with an amendment that would authorize $222.4 million for defense nuclear waste disposal, a reduction of $25.0 million below the budget request.

*Energy security and assurance (sec. 3105)*

The House bill contained a provision (sec. 3105) that would authorize $7.6 million for energy security and assurance at the Department of Energy.

The Senate bill contained no similar provision.

The agreement includes the House provision.

SUBTITLE B—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

*Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons (sec. 3111)*

The Senate bill contained a provision (sec. 3111) that would amend section 2402(b)(1) of title 50, United States Code, by adding a new paragraph assigning responsibility for elimination of surplus fissile materials usable for nuclear weapons to the Administrator for Nuclear Security.

The House bill contained no similar provision.

The agreement includes the Senate provision.

*Limitation on funding for project 04–D–125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico (sec. 3112)*

The House bill provided full funding for project 04–D–125, the chemistry and metallurgy research replacement (CMRR) facility project at the Department of Energy Los Alamos National Laboratory.

The Senate bill provided $50.2 million for CMRR, a reduction of $50.0 million from the budget request.

The agreement includes a provision that would authorize $100.2 million for the CMRR, the amount of the budget request, but would prohibit the Administrator of the National Nuclear Security Administration (NNSA) from obligating more than $50.2 million of the CMRR funding until 15 days after the Administrator and the Defense Nuclear Facilities Safety Board have each certified to the congressional defense committees that the issues associated with the design of the safety class systems at the CMRR and seismic related design issues have been resolved.

*Nonproliferation and national security scholarship and fellowship program (sec. 3113)*

The Senate bill contained a provision (sec. 3114) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to establish a nonproliferation scholarship program. The scholarship program would be available to both undergraduate and graduate students in disciplines to be determined by the NNSA administrator. A student would be required to work as a Federal Government employee or as a laboratory employee for 1 year for each year that the student received support under the program.

The House bill contained a similar provision (sec. 3113(a)) that would establish a fellowship program for graduate students in nuclear chemistry.

The agreement includes the Senate provision with an amendment that would direct the NNSA Administrator to establish a scholarship program for nonproliferation and national security programs at the Department of Energy. The provision would authorize $3.0 million from funds available to the Administrator to be used for the scholarship program in fiscal year 2009.

There is concern that experts in certain technical areas critical to nonproliferation and national security programs, such as radio-chemistry, are increasingly difficult for the NNSA and the Department of Energy laboratories to attract and retain.

*Enhancing nuclear forensics capabilities (sec. 3114)*

The House bill contained a provision (sec. 3113) that would establish a fellowship program for graduate students in nuclear chemistry and direct the Administrator of the National Nuclear Security Administration (NNSA) to prepare and carry out a research and development plan to improve the speed and accuracy of nuclear forensics radiation measurement equipment. In addition, the provision would direct the Secretary of Energy to prepare a research and development plan to support technical forensics and attribution capabilities, including an international database on nuclear material to allow prompt attribution of material or weapons.

The provision would also amend the report on nuclear forensics capabilities required to be submitted by section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to include a requirement to identify any treaty, legislative, or regulatory actions needed to establish the international database. The provision would also direct the Secretary of Defense, in consultation with the Secretary of Energy and Homeland Security, to submit a report with respect to a nuclear forensics advisory panel.

The provision would also require a series of reports including, a report on the costs of the fellowship program; a research and development plan with the costs to implement the plan; a report on the research and development plan for technical capabilities to enhance forensics and attribution; and a report on the involvement of senior Executive Branch leadership in nuclear terrorism preparedness exercises.

The Senate bill contained a provision (sec. 3114) that would establish a nonproliferation scholarship and fellowship program.

The agreement includes the House provision with an amendment that would direct the Secretary of Energy to establish, prepare and implement a research and development plan to improve nuclear forensics capabilities in the Department of Energy (DOE) and at the DOE national laboratories. The Secretary of Energy should ensure that the House Committee on Science and Technology receives a copy of the report.

In addition, the amendment would amend the report on nuclear forensics capabilities required to be submitted by section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to include a requirement to identify any treaty, legislative, or regulatory actions needed to establish the international database.

The amendment would also direct the President to submit a report to the appropriate congressional committees on the involvement of senior level Executive Branch leadership in nuclear terrorism exercises including nuclear forensics analysis.

Elsewhere in the agreement there is a separate provision that would establish a scholarship and fellowship program for nonproliferation and national security.

*Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium Disposition program (sec. 3115)*

The House bill contained a provision (sec. 3111) that would establish the authority of the Secretary of Energy, in consultation with the Secretary of State, to enter into agreements with any person, including a foreign government or entity, which the Secretary of Energy considers appropriate, to accept funds to assist with the disposition of excess Russian plutonium as part of the Russian Plutonium Disposition program. Contributed funds would be maintained in a separate account in the Treasury, and would be returned to the donor if not used in 5 years. The provision would also require the Secretary of Energy to submit a report on the receipt and use of funds. The authority provided in the provision would terminate on December 31, 2013.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that would modify existing authority that allows the Department of Energy (DOE) to accept contributions for other nonproliferation programs to allow DOE to accept contributions for the Russian Plutonium Disposition Program and for the International Nuclear Materials Protection and Cooperation Program. The DOE authority to accept contributions for these nonproliferation programs would expire on December 31, 2015.

*Review of and reports on Global Initiatives for Proliferation Prevention program (sec. 3116)*

The Senate bill contained a provision (sec. 3115) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to conduct a review of the Global Initiatives for Proliferation Prevention (GIPP) program and submit a report on the review to the congressional defense committees no later than February 1, 2009.

The report would include a description of the goals for the GIPP program and the criteria for partnership projects together with recommendations regarding the future of projects in Russia and the other countries of the former Soviet Union as well as plans for projects in countries other than the former Soviet Union. In addition, the report would include a plan for completing all projects in the countries of the former Soviet Union by 2012.

The provision would also restrict funds associated with the Global Nuclear Energy Partnership (GNEP).

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would change the due date of the report to October 1, 2009, and that would require a plan and criteria for completing all partnership projects under the program, not just in the countries of the former Soviet Union. In addition, recognizing that each country has different needs and presents different opportunities for partnerships, the agreement does not include a deadline by which projects have to be completed.

The GNEP funding restriction is addressed in a separate provision.

We appreciate the GIPP program information recently provided by the NNSA and the NNSA efforts to continue to strengthen the management, implementation and oversight of the program. This additional attention and oversight by the NNSA will ensure that the GIPP program achieves its intended nonproliferation objectives, and will address the concerns the Government Accountability Office has raised about the GIPP program. We also are encouraged that NNSA is reducing unobligated and uncosted balances in GIPP program funding and will re-baseline the program by December 2008 as part of its Strategic Plan.

*Limitation on availability of funds for Global Nuclear Energy Partnership (sec. 3117)*

The Senate bill contained a provision (sec. 3115(c)) that would prohibit funds authorized to be appropriated for defense nuclear nonproliferation and available for use in the Global Initiatives for Proliferation Prevention program from being used to support the Global Nuclear Energy Partnership (GNEP).

The House bill contained no similar provision. House Report 110–652 did not support using any defense nuclear nonproliferation funds for GNEP.

The agreement includes the Senate provision with an amendment that would allow no more than $3.0 million of the funds authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation to be used for projects specifically designed for the GNEP. None of the $3.0 million amount shall be obligated until 30 days after the Administrator of the National Nuclear Security Administration (NNSA) submits to Congress a report describing in detail the amount proposed to be used for GNEP and the specific activities that would be funded.

The agreement specifies that the $3.0 million is available to be used for nonproliferation risk assessments relating to the GNEP and related work on export control reviews.

SUBTITLE C—REPORTS

*Extension of deadline for Comptroller General report on Department of Energy protective force management (sec. 3121)*

The House bill contained a provision (sec. 3112) that would extend the due date for the Comptroller General to complete a report on the management of the Department of Energy protective forces to March 1, 2009.

The Senate bill contained no similar provision.

The agreement contains the House provision.

*Report on compliance with Design Basis Threat issued by the Department of Energy in 2005 (sec. 3122)*

The Senate amendment contained a provision (sec. 3112) that would direct the Secretary of Energy to submit a report on the progress made by the Department of Energy (DOE) to achieve compliance with the requirements of the 2005 design basis threat (DBT) for each DOE site with Category I nuclear materials. The DBT establishes the physical security requirements for each DOE site. This report would be a follow-on report to the 2006 DBT report, which laid out a plan for each site to either be compliant by 2008 or obtain a waiver. The provision would also direct the Secretary to conduct an assessment of the 2005 DBT and to identify any necessary modifications, updates, or revisions to the 2005 DBT. The committee is concerned that several sites may not be in compliance with the 2005 DBT by the end of 2008.

The House bill contained no similar provision.

The agreement contains the Senate provision.

*Modification of submittal of reports on inadvertent releases of restricted data (sec. 3123)*

The Senate bill (sec. 3113) contained a provision that would amend section 2672 of title 50, United States Code, to make the annual report on inadvertent releases of restricted data due every other year rather than annually. The provision would further amend section 2672 to change the frequency of the report that the Secretary of Energy submits to Congress to identify the plans of various federal agencies to prevent the inadvertent release of restricted data. The provision would

modify the frequency of the Department of Energy review of the agencies' plans from periodic, which has been treated by the Secretary as an annual requirement, to once every 2 years.

The House bill contained no similar provision.

The agreement contains the provision.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

*Authorization (sec. 3201)*

The House bill contained a provision (sec. 3201) that would authorize $25.5 million for the activities of the Defense Nuclear Facilities Safety Board, the amount of the budget request.

The Senate bill contained a similar provision (sec. 3201) that would authorize $29.0 million for the activities of the Defense Nuclear Facilities Safety Board, an increase of $3.5 million above the amount of the budget request.

The agreement includes the House provision.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

*Authorization of appropriations (sec. 3401)*

The House bill contained a provision (sec. 3401) that would authorize $19.1 million for the operation and maintenance of the Naval Petroleum and Oil Shale Reserves.

The Senate bill contained no similar provision.

The agreement includes the House provision.

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS ADOPTED

*Authorization of appropriations for fiscal year 2009 (sec. 3501)*

The House bill contained a provision (sec. 3501) for the authorization of appropriations for the Maritime Administration of the Department of Transportation for fiscal year 2009.

The Senate bill contained no similar provision.

The agreement includes the House provision with clarifying amendments for capital improvements at the United States Merchant Marine Academy and maintenance and repair of school ships of the various State Maritime Academies.

*Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping. (sec. 3502)*

The House bill contained a provision (sec. 3502) that would place limits on the export of vessels owned by the United States government for the purpose of scrapping or recycling in foreign shipyards.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Student incentive payment agreements. (sec. 3503)*

The House bill contained a provision (sec. 3503) that would raise the maximum yearly incentive payment for students at the various state maritime academies from $4,000 to $8,000 per year.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Riding gang member requirements (sec. 3504)*

The House bill contained a provision (sec. 3504) that would amend section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) to require that riding gang members of vessels engaged in the carriage of cargo for the Department of Defense possess a merchant mariners' document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title. In addition, the provision clarifies those personnel onboard such vessels at the direction of the Secretary of Defense shall not be classified as riding gang members under section 8106 of title 46, United States Code.

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Maintenance and repair reimbursement program for the maritime security fleet (sec. 3505)*

The House bill contained a provision (sec. 3505) that would direct the Administrator of the Maritime Administration to seek to enter into agreements for the maintenance and repair pilot program as authorized by section 5301 of title 46 United States Code, as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

The Senate bill contained no similar provision.

The agreement includes the House provision.

*Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy (sec. 3506)*

The House bill contained a provision (sec. 3506) that would grant temporary authority to the Administrator of the Maritime Administration to enter into contracts with Adjunct Professors at the United States Merchant Marine Academy.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment that grants temporary authority to the Administrator to transition employees of the Academy's Non-Appropriated Funded Instrumentalities (NAFIs) to the General Schedule. In addition, the amendment would grant authority to the Administrator to accept and use conditional or unconditional gifts of money or property for the benefit of the Academy.

*Actions to address sexual harassment and violence at the Untied States Merchant Marine Academy (sec. 3507)*

The agreement includes a provision that would direct the Secretary of Transportation to direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable tot he cadets and other personnel of the Academy.

*Assistance for small shipyards and maritime communities (sec. 3508)*

The agreement includes a provision that would repeal section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) and add a new section in chapter 541 of title 46, United States Code, for assistance to small shipyards and maritime communities clarifying the program's intent to provide assistance to projects that would be effective in fostering efficiencies and enhancing employee technical skills.

*Marine war risk insurance (sec. 3509)*

The agreement includes a provision that would extend the authorities granted in section 53912 of title 46, United States Code, to December 31, 2015.

*MARAD consultation on Jones Act Waivers (sec. 3510)*

The agreement includes a provision that would require that the head of any agency responsible for the administration of the navigation or vessel-inspection laws to obtain a determination from the Administrator of the Maritime Administration, acting in the capacity as Director, National Shipping Authority, that sufficient United States flag capacity does not exist to meet national defense requirements prior to any waiver of those laws.

*Transportation in American vessels of government personnel and certain cargoes (sec. 3511)*

The agreement includes a provision to amend section 55305 of title 46, United States Code, top clarify the requirements of that section with respect to the transportation of government personnel and cargo in American vessels.

*Port of Guam improvement enterprise program (sec. 3512)*

The House bill contained a provision (sec. 2829) that would create a Port of Guam Improvement Enterprise Program to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

The Senate bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **TITLE: 1** | | | | | | |
| **Procurement of ammunition, Army** | | | | | | |
| 26 | | Grenades, all types | 5,000 | Lincoln | Pine Bluff Arsenal | Pine Bluff, AR |
| 26 | | Grenades, all types | 5,000 | Pryor | Pine Bluff Arsenal | Pine Bluff, AR |
| **Other procurement, Army** | | | | | | |
| 54 | | Information technology upgrades | 2,000 | Levin | Detroit Arsenal | Warren, MI |
| 169 | | Combat Arms Training System | 2,000 | Chambliss | Meggitt Training Systems | Suwanee, GA |
| 169 | | Combat Arms Training System | 2,000 | Isakson | GA Army National Guard, Meggitt Training Systems | Suwanee, GA |
| 169 | | Laser collective combat training | 4,000 | Reed | MPRI/L-3 | Middletown, RI |
| **Aircraft procurement, Navy** | | | | | | |
| 32 | | Integrated mechanical diagnostics health & usage management system (IMDS) | 5,000 | Thune | Goodrich Corporation | Vergennes, VT |
| 51 | | AN/AAR-47 hostile fire improvements | 4,000 | Nelson, Bill | ATK Mission Systems, Integrated Systems Division | Clearwater, FL |
| 51 | | AN/AAR-47 hostile fire improvements | 4,000 | Collins | University of Maine | Orono, ME |
| **Weapons procurement, Navy** | | | | | | |
| 16 | | Accelerate facility restoration program | 30,000 | Byrd | NAVSEA | ABL, Rocket Ctr,WV |
| **Procurement of ammunition, Navy and Marine Corps** | | | | | | |
| 28 | | Grenades, all types | 2,000 | Lincoln | Pine Bluff Arsenal | Pine Bluff, AR |
| 28 | | Grenades, all types | 2,000 | Pryor | Pine Bluff Arsenal | Pine Bluff, AR |
| **Other procurement, Navy** | | | | | | |
| 119 | | Standardize metrics assessment of readiness & training | 3,500 | Reed | MIKEL, Inc. | Middletown, RI |
| 134 | | Man overboard indicators (MOBI) | 3,500 | Akaka | Briar Tek | Alexandria, VA |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Other procurement, Navy** | | | | | | |
| 134 | | Man overboard indicators (MOBI) | 3,500 | Bayh | BriarTek, Inc | Indianapolis, IN |
| 134 | | Man overboard indicators (MOBI) | 3,500 | Warner | BriarTek, Inc | Arlington, VA |
| 134 | | Man overboard indicators (MOBI) | 3,500 | Webb | BriarTek, Inc | Arlington, VA |
| **Aircraft procurement, Air Force** | | | | | | |
| 2 | | F136 engine advance procurement | 35,000 | Bayh | Rolls-Royce | Cincinnati, OH |
| 2 | | F136 engine advance procurement | 35,000 | McConnell | General Electric | Evendale, Ohio and Lynn, MA |
| 2 | | F136 engine advance procurement | 35,000 | Kennedy | General Electric and Rolls Royce Naval Marine | Lynn and Walpole, MA |
| 48 | | Accelerate LAIRCM upgrades for C-130 aircraft | 4,000 | Martinez | L-3 Crestview Aerospace | Crestview, FL |
| 48 | | Accelerate LAIRCM upgrades for C-130 aircraft | 4,000 | Chambliss | Georgia National Guard | Savannah, GA |
| 48 | | Accelerate LAIRCM upgrades for C-130 aircraft | 4,000 | Isakson | GA Air National Guard; Northrop Grumman Corporation | Savannah, GA |
| 80 | | Litening targeting pod upgrades | 20,000 | Lincoln | USAF Targeting Pod Programs Office | WPAFB, OH |
| 80 | | Litening targeting pod upgrades | 20,000 | Pryor | USAF Targeting Pod Programs Office | WPAFB, OH |
| 80 | | Litening targeting pod upgrades | 20,000 | Lieberman | Rafael USA | Rolling Meadows, IL |
| 80 | | Litening targeting pod upgrades | 20,000 | Nelson, Bill | Northrop Grumman Corporation | Homestead, FL |
| 80 | | Litening targeting pod upgrades | 20,000 | Craig | Northrop Grumman Corporation | Arlington, VA |
| 80 | | Litening targeting pod upgrades | 20,000 | Thune | Northrop Grumman | Rolling Meadows, IL |
| **Missile procurement, Air Force** | | | | | | |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Missile procurement, Air Force** | | | | | | |
| 16 | | Advance procurement of AEHF 4 | 100,000 | CI | N/A | N/A |
| **Other procurement, Air Force** | | | | | | |
| 16 | | Eagle Vision one meter SAR upgrades | 3,500 | Akaka | Hawaii Air National Guard | State of HI |
| 28 | | Unmanned threat emitter (UMTE) modernization | 5,000 | Reid | 98 Range Wing | Nellis AFB, NV |
| 28 | | Unmanned threat emitter (UMTE) modernization | 5,000 | Schumer | DRS-Electronic Warfare and Network | Buffalo, NY |
| **Procurement, Defense-wide** | | | | | | |
| 65 | | MK 17 rifle | 3,000 | Graham | FN | Columbia, SC |
| 87 | | M53 joint chemical biological protective mask | 2,000 | Levin | Avon Protection Systems | Cadillac, MI |
| 94 | | Joint bio standoff detection system (JBSDS) | 5,000 | Sessions | Science & Engineering Services, Inc. | Huntsville, AL |
| 94 | | Joint chemical agent detector (JCAD) | 5,000 | Lincoln | Smith's Detection | Edgewood, MD |
| 94 | | Joint chemical agent detector (JCAD) | 5,000 | Pryor | Smith's Detection | Edgewood, MD |
| 94 | | Joint chemical agent detector (JCAD) | 5,000 | Bayh | Smiths Detection | Edgewood, MD |
| **TITLE: 2** | | | | | | |
| **Research, development, test, and evaluation, Army** | | | | | | |
| 2 | 0601102A | Advanced energy storage research | 2,000 | Levin | Michigan State University | East Lansing, MI |
| 2 | 0601102A | Advanced energy storage research | 2,000 | Stabenow | Michigan State University | East Lansing, MI |
| 2 | 0601102A | Drug resistant infections research | 1,500 | Nelson, Ben | University of Nebraska Medial Center | Omaha, NE |
| 2 | 0601102A | Military operating environments research | 1,500 | Ensign | Defense Research Institute | Las Vegas, NV |
| 2 | 0601102A | Military operating environments research | 1,500 | Reid | Desert Research Institute (DRI) | Reno, NV |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 2 | 0601102A | Organic semiconductor modeling and simulation | 1,000 | Cornyn | University of Texas at Tyler | Tyler, TX |
| 3 | 0601103A | Low temperature vehicle performance research | 2,000 | Levin | Wayne State University | Detroit, MI |
| 3 | 0601103A | Nanocomposite materials research | 2,000 | Martinez | Florida State University | Tallahassee, FL |
| 3 | 0601103A | Nanocomposite materials research | 2,000 | Nelson, Bill | Florida State University | Tallahassee, FL |
| 3 | 0601103A | Nanoscale biosensor research | 1,500 | Lincoln | University of Arkansas at Fayetteville | Fayetteville, AR |
| 3 | 0601103A | Nanoscale biosensor research | 1,500 | Pryor | University of Arkansas at Fayetteville | Fayetteville, AR |
| 3 | 0601103A | Urban simulation and training research | 1,200 | McConnell | University of Kentucky Research Foundation | Lexington, KY and Fort Knox, KY |
| 5 | 0602105A | Composite materials applied research and technology | 2,000 | Carper | University of Delaware | Newark, DE |
| 5 | 0602105A | Improvised explosive device blast simulations | 475 | Thune | South Dakota School of Mines and Technology | Rapid City, SD |
| 5 | 0602105A | Magnetic nanosensor development | 2,000 | Nelson, Ben | University of Nebraska - Lincoln | Lincoln, NE |
| 5 | 0602105A | Nanosensor manufacturing research | 1,000 | Kennedy | University of Massachusetts Lowell | Lowell, MA |
| 5 | 0602105A | Nanosensor manufacturing research | 1,000 | Kerry | University of Massachusetts Lowell | Lowell, MA |
| 5 | 0602105A | Ultrasonic consolidation for armor applications | 1,500 | Levin | Solidica Inc. | Ann Arbor, MI |
| 5 | 0602105A | Ultrasonic consolidation for armor applications | 1,500 | Stabenow | Solidica, Inc. | Ann Arbor, MI |
| 6 | 0602120A | Hydrogen battery research | 2,000 | Graham | Gecko Energy Technologies | Columbia, SC |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 12 | 0602308A | Photonics research for sniper detection | 3,000 | Kennedy | Boston University Photonics Center | Boston, MA |
| 12 | 0602308A | Photonics research for sniper detection | 3,000 | Kerry | Boston University Photonics Center | Boston, MA |
| 13 | 0602601A | Advanced vehicle technology and fuel development | 1,000 | Levin | Central Michigan University | Mt. Pleasant, MI |
| 13 | 0602601A | Condition based maintenance simulation tools | 3,000 | Isakson | Ricardo US | Georgia Tech and other various universities |
| 13 | 0602601A | Condition based maintenance simulation tools | 3,000 | Levin | Ricardo Inc. | Van Buren Township, MI |
| 13 | 0602601A | Condition based maintenance simulation tools | 3,000 | Stabenow | Ricardo US | Belleville, MI |
| 13 | 0602601A | DOD hydrogen PEM fuel cell medium | 3,000 | Lieberman | UTC Power | South Windsor, CT |
| 13 | 0602601A | Ground vehicle reliability modeling | 1,000 | Levin | Western Michigan University | Kalamazoo, MI |
| 13 | 0602601A | Hybrid electric vehicle batteries for FCS | 2,000 | Bayh | EnerDel, Inc | Indianapolis, IN |
| 13 | 0602601A | Hybrid electric vehicle batteries for FCS | 2,000 | Lugar | EnerDel | Indianapolis, IN |
| 13 | 0602601A | Military fuels research program | 2,000 | McConnell | University of Kentucky Research Foundation | Lexington, KY |
| 17 | 0602624A | UGV weaponization | 1,500 | Collins | Howe and Howe Technologies, Inc. | North Berwick, ME |
| 17 | 0602624A | UGV weaponization | 1,500 | Snowe | Howe and Howe Technologies | North Berwick, ME |
| 18 | 0602705A | Soldier portable power pack technologies | 2,000 | Dodd | Ensign Bickford | Simsbury, CT |
| 18 | 0602705A | Soldier portable power pack technologies | 2,000 | Lieberman | Ensign Bickford Aerospace and Defense | Simsbury, CT |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 18 | 0602705A | Soldier portable power pack technologies | 2,000 | Dole | INI Power Systems | Morrisville, NC |
| 20 | 0602712A | Standoff IED detection technologies | 3,000 | Lincoln | Arkansas State University | Jonesboro, AR |
| 20 | 0602712A | Standoff IED detection technologies | 3,000 | Pryor | Arkansas State University | Jonesboro, AR |
| 20 | 0602712A | Standoff IED detection technologies | 3,000 | Akaka | University of Hawaii, Arkansas State University; Florida A&M | Honolulu, HI; Jonesboro, AR; Tallahassee, FL |
| 23 | 0602782A | Portable compass/positioning/timing device development | 2,000 | Collins | CrossRate Technologies, LLC | Standish, ME |
| 23 | 0602782A | Portable compass/positioning/timing device development | 2,000 | Snowe | Cross Rate Technologies | Standish, ME |
| 25 | 0602784A | Geosciences and atmospheric research | 2,000 | Allard | Colorado State University | Fort Collins, CO |
| 25 | 0602784A | Geosciences and atmospheric research | 2,000 | Salazar | Colorado State University | Fort Collins, CO |
| 25 | 0602784A | Nanocomposite panels for blast and ballistic protection | 1,500 | Collins | University of Maine | Orono, ME |
| 25 | 0602784A | Nanocomposite panels for blast and ballistic protection | 1,500 | Snowe | University of Maine | Orono, ME |
| 27 | 0602786A | Ballistic materials for force protection | 1,000 | Collins | University of Maine | Orono, ME |
| 27 | 0602786A | Ballistic materials for force protection | 1,000 | Snowe | University of Maine | Orono, ME |
| 28 | 0602787A | Advanced functional nanomaterials for biological processes | 2,000 | Lincoln | University of Arkansas at Little Rock | Little Rock, AR |
| 28 | 0602787A | Advanced functional nanomaterials for biological processes | 2,000 | Pryor | University of Arkansas at Little Rock | Little Rock, AR |
| 28 | 0602787A | Biomechanics research | 1,000 | Warner | Virginia Tech, Wake Forest | Blacksburg, VA |
| 28 | 0602787A | Biomechanics research | 1,000 | Webb | Virginia Tech, Wake Forest | Blacksburg, VA |
| 28 | 0602787A | Dried blood technology clinical research | 2,000 | Cardin | Core Dynamics, Inc. | Ft. Detrick, MD |
| 28 | 0602787A | Dried blood technology clinical research | 2,000 | Inhofe | Core Dynamics | Rockville, MD |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 28 | 0602787A | Extremity war Injuries research program | 5,000 | Cornyn | Medical Research and Materiel Command, US Army Institute of Surgical Research, Ft. Sam Houston | San Antonio, TX |
| 28 | 0602787A | Genetics research for soldier survivability | 2,000 | Nelson, Ben | University of Nebraska Medical Center | Omaha, NE |
| 28 | 0602787A | Military photomedicine program | 3,500 | Kennedy | Administered by Air Force Office of Scientific Research | Competitive |
| 28 | 0602787A | Military photomedicine program | 3,500 | Dole | Military Photomedicine Program (Fort Detrick, MD) | Peer reviewed competitive process to university research centers. |
| 29 | 0603001A | Biosensor controller systems development | 3,500 | Reid | Eye-Com Corporation | Reno, NV |
| 30 | 0603002A | Advanced fibrin dressings | 3,000 | Cardin | STB Lifesaving Technologies | Rockville, MD |
| 30 | 0603002A | Advanced fibrin dressings | 3,000 | Dole | STB Lifesaving Technologies | Rockville, MD |
| 30 | 0603002A | Battlefield tracheal intubation technologies | 2,000 | Nelson, Ben | University of Nebraska Medial Center UNMC | Omaha, NE |
| 30 | 0603002A | Bioelectrics research | 2,000 | Warner | Old Dominion University | Norfolk, VA |
| 30 | 0603002A | Bioelectrics research | 2,000 | Webb | Old Dominion University | Norfolk, VA |
| 30 | 0603002A | Combat wound initiative | 2,000 | Reed | TRT | Walter Reed, Washington DC |
| 30 | 0603002A | Electronic vital signs monitoring | 3,000 | Reed | Northeast Knitting | Pawtucket, RI |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Boxer | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Feinstein | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Dodd | Competitive | N/A |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Akaka | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Durbin | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Bayh | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Kerry | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Snowe | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Bond | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Baucus | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Tester | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Lautenberg | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Schumer | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Brown | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Sanders | Competitive | N/A |
| 30 | 0603002A | Gulf War veterans' illnesses research | 10,000 | Rockefeller | Competitive | N/A |
| 30 | 0603002A | Lower limb prosthetics research | 2,000 | Kennedy | Foster-Miller | Waltham, MA |
| 30 | 0603002A | Lower limb prosthetics research | 2,000 | Kerry | Foster-Miller, Inc | Waltham, MA |
| 30 | 0603002A | Online military medical training program | 3,000 | McConnell | Accella Learning and the University of Louisville | Louisville, KY |
| 30 | 0603002A | Regenerative medicine research | 3,000 | Dole | Wake Forrest University Institute for Regenerative Medicine | Winston-Salem, NC |
| 31 | 0603003A | Helicopter vulnerability reduction technologies | 1,500 | Dodd | UTC Research Center | East Hartford, CT |
| 31 | 0603003A | Helicopter vulnerability reduction technologies | 1,500 | Lieberman | UTC Research Center | East Hartford, CT |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 31 | 0603003A | Tactical integration systems development | 2,000 | Sessions | People Tec | Huntsville, AL |
| 31 | 0603003A | UAV payload delivery systems | 1,000 | Sessions | Dynetics Inc. | Huntsville, AL |
| 33 | 0603005A | Advanced digital hydraulic hybrid drive systems | 2,500 | Levin | Eaton | Southfield, MI |
| 33 | 0603005A | Advanced digital hydraulic hybrid drive systems | 2,500 | Stabenow | Eaton Corporation | Southfield, MI |
| 33 | 0603005A | Advanced digital hydraulic hybrid drive systems | 2,500 | Coleman | Eaton Corporation | Eden Prairie, MN |
| 33 | 0603005A | Advanced lithium vehicle battery systems | 2,000 | Levin | T/J Technologies | Ann Arbor, MI |
| 33 | 0603005A | Advanced lithium vehicle battery systems | 2,000 | Stabenow | T/J Technologies, Advanced Research & Government Solutions Division, A123Systems, Inc. | Ann Arbor, MI |
| 33 | 0603005A | Advanced tactical wheeled vehicle electric drive systems | 3,000 | Levin | Advanced Defense Vehicle Systems | Shelby Township, MI |
| 33 | 0603005A | Advanced thermal and oil management controls research | 3,000 | Levin | Engineered Machined Products | Escanaba, MI |
| 33 | 0603005A | Antiballistic windshield armor | 4,500 | Bayh | DefenseCS | Mishawaka, IN |
| 33 | 0603005A | Antiballistic windshield armor | 4,500 | Lugar | Defense CS, Inc. | Mishawaka, IN |
| 33 | 0603005A | Antiballistic windshield armor | 4,500 | Graham | Defense CS | Mishawaka, IN |
| 33 | 0603005A | Development of logistical fuel processors | 2,800 | Sessions | Auburn University | Auburn, AL |
| 33 | 0603005A | Diverse threat sensor development | 1,000 | Levin | Michigan Technological University | Houghton, MI |
| 33 | 0603005A | Diverse threat sensor development | 1,000 | Stabenow | Michigan Technological University | Houghton, MI |
| 33 | 0603005A | Dynamometer facility upgrade | 4,000 | Levin | AVL North America | Plymouth, MI |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 33 | 0603005A | Dynamometer facility upgrade | 4,000 | Stabenow | AVL North America | Plymouth, MI |
| 33 | 0603005A | Ground vehicle integration technologies | 3,000 | Levin | U.S. Army Tank-Automotive Research Development and Engineering Center | Warren, MI |
| 33 | 0603005A | Hostile fire detection systems | 2,000 | Cornyn | Mustang Technology | Allen, TX |
| 33 | 0603005A | Hybrid electric blast protected vehicle technologies | 1,500 | Graham | Force Protection | Ladson, SC |
| 33 | 0603005A | Hydraulic hybrid vehicle systems | 1,000 | Levin | Bosch Rexroth | Rochester Hills, MI |
| 33 | 0603005A | Hydraulic hybrid vehicle systems | 1,000 | Stabenow | Bosch Rexroth Corporation | Rochester Hills, MI |
| 33 | 0603005A | Next generation non-tactical vehicle propulsion technologies | 2,000 | Cardin | General Motors | Michigan |
| 33 | 0603005A | Next generation non-tactical vehicle propulsion technologies | 2,000 | Levin | General Motors | Warren, MI |
| 33 | 0603005A | Next generation non-tactical vehicle propulsion technologies | 2,000 | Stabenow | General Motors | Detroit, MI |
| 33 | 0603005A | Next generation non-tactical vehicle propulsion technologies | 2,000 | Schumer | General Motors | Honeoye Falls, NY |
| 33 | 0603005A | Power and energy research equipment upgrades | 6,000 | Levin | U.S. Army Tank-Automotive Research Development and Engineering Center | Warren, MI |
| 33 | 0603005A | Power management control and integration systems | 1,000 | Levin | Global Embedded Technologies | Farmington Hills, MI |
| 33 | 0603005A | Power management control and integration systems | 1,000 | Stabenow | Global Embedded Technologies, Inc. | Farmington Hills, MI |
| 33 | 0603005A | Solid hydrogen storage systems development | 1,000 | Levin | Energy Conversion Devices | Auburn Hills, MI |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 33 | 0603005A | Unmanned ground vehicle initiative | 12,000 | Levin | U.S. Army Tank-Automotive Research Development and Engineering Center | Warren, MI |
| 38 | 0603015A | Joint fires and effects training system | 2,500 | Inhofe | Institute for Creative Technologies | Marina Del Ray, CA |
| 46 | 0603313A | Hypersonic interceptor studies | 1,000 | Brownback | Iron Tree Research | Lansing, KS |
| 50 | 0603710A | Short range electro-optic sensors | 2,000 | Nelson, Bill | DRS Technologies, Inc. | Melbourne, FL |
| 52 | 0603734A | Direct methanol fuel cell development | 1,000 | Martinez | University of North Florida | Jacksonville, FL |
| 52 | 0603734A | Direct methanol fuel cell development | 1,000 | Nelson, Bill | University of North Florda | Jacksonville, FL |
| 55 | 0603305A | Advanced electronics integration | 4,000 | Thune | Rosebud Sioux Tribe | Mission, SD |
| 55 | 0603305A | Advanced environmental control systems | 5,000 | Reid | Rocky Research | Boulder City, NV |
| 55 | 0603305A | Advanced fuel cell research | 3,000 | Cornyn | Lamar University | Beaumont, TX |
| 55 | 0603305A | Radiation hardening initiative | 3,000 | Sessions | Analytical Services, Inc. | Huntsville, AL |
| 56 | 0603308A | High-altitude integration testbed | 3,000 | Sessions | COLSA Corporation | Huntsville, AL |
| 62 | 0603653A | Stryker active protection system | 1,500 | Cornyn | Raytheon Network Centric Systems | McKinney, TX |
| 100 | 0604715A | Urban training development | 3,000 | Nelson, Bill | National Center For Simulation | Camp Blanding, FL |
| 135 | 0605602A | LIDAR and modeling improvements | 3,000 | Hatch | Dugway Proving Ground, Utah; Utah State University's Space Dynamics Laboratory; and ITT, UT | Dugway Proving Ground, UT; Utah State University's Space Dynamics Laboratory; and ITT, UT |
| 137 | 0605605A | HELSTF | 5,000 | Bingaman | Northrop Grumman | White Sands NM |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Army** | | | | | | |
| 137 | 0605605A | HELSTF | 5,000 | Domenici | Northrop Grumman | White Sands Missile Range, NM |
| 179 | 0708045A | Castings research for weapons systems | 2,000 | Lincoln | Benet Labs at Watervliet Arsenal | Watervliet, NY |
| 179 | 0708045A | Castings research for weapons systems | 2,000 | Pryor | Benet Labs at Watervliet Arsenal | Watervliet, NY |
| 179 | 0708045A | Castings research for weapons systems | 2,000 | Brownback | Atchison Steel Castings | Atchison, KS |
| 179 | 0708045A | Manufacturing metrology research | 2,200 | Reed | Independent Quality Labs | Rockville, RI |
| 179 | 0708045A | Nanotechnology manufacturing research | 2,000 | Chambliss | GA NanoFAB | Swainsboro, GA |
| 179 | 0708045A | Near-net shaped body armor plate development | 2,000 | Lincoln | CoorsTek | Benton, AR |
| 179 | 0708045A | Near-net shaped body armor plate development | 2,000 | Pryor | CoorsTek | Benton, AR |
| **Research, development, test, and evaluation, Navy** | | | | | | |
| 1 | 0601103N | Automated technology for landmine detection | 1,500 | Nelson, Ben | University of Nebraska - Omaha | Omaha, NE |
| 1 | 0601103N | Radiation hardened electronic systems | 1,000 | Bayh | University of Notre Dame | South Bend, IN |
| 1 | 0601103N | Radiation hardened electronic systems | 1,000 | Lugar | University of Notre Dame | Notre Dame, IN |
| 3 | 0601153N | Manufacturing engineering educational outreach program | 2,000 | Levin | Focus:HOPE | Detroit, MI |
| 3 | 0601153N | Quantum studies research | 1,500 | Warner | George Mason University | Fairfax, VA |
| 3 | 0601153N | Quantum studies research | 1,500 | Webb | George Mason University | Fairfax, VA |
| 4 | 0602114N | Free electron laser development | 3,000 | Warner | Jefferson Science Associates / Thomas Jefferson National Accelerator Facility | Newport News, VA |

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Navy** | | | | | | |
| 4 | 0602114N | Free electron laser development | 3,000 | Webb | Jefferson Science Associates / Thomas Jefferson National Accelerator Facility | Newport News, VA |
| 4 | 0602114N | UAV fuel cell technologies | 2,000 | Schumer | NanoDynamics Energy, Inc | Buffalo, NY |
| 5 | 0602123N | Composite Sea Lion craft project | 2,000 | Wicker | Seemann Composites, Inc. | Gulfport, MS |
| 5 | 0602123N | Energy systems integration research | 3,000 | Martinez | Florida State University | Tallahassee, FL |
| 5 | 0602123N | Energy systems integration research | 3,000 | Nelson, Bill | Florida State University | Tallahassee, FL |
| 5 | 0602123N | Novel coating technologies for military equipment | 3,500 | Nelson, Ben | University of Nebraska - Lincoln | Lincoln, NE |
| 5 | 0602123N | Port security technologies | 3,500 | Voinovich | Battelle | Columbus, OH |
| 5 | 0602123N | Port security technologies | 3,500 | Reed | Battelle | Newport, RI |
| 5 | 0602123N | SOF combatant signature and weight performance research | 2,000 | Collins | Maine Marine Manufacturing | Portland, ME |
| 5 | 0602123N | SOF combatant signature and weight performance research | 2,000 | Snowe | Maine Marine Manufacturing | East Boothbay, ME |
| 6 | 0602131M | Warfighter rapid awareness processing technology | 4,000 | Akaka | Archinoetics | Honolulu, HI |
| 7 | 0602123N | Infrared materials laboratories | 2,500 | Inhofe | Ardmore Development Authority | Ardmore, OK |
| 9 | 0602236N | Acoustic Research Detachment test support upgrades | 1,500 | Craig | BAE Systems, Naval Surface Warfare Center | Bayview, ID |
| 9 | 0602236N | Acoustic Research Detachment test support upgrades | 1,500 | Crapo | BAE Systems, Naval Surface Warfare Center | Bayview, ID |
| 10 | 0602271N | RF power technologies | 1,500 | Dole | RF Micro Devices | Charlotte, NC |

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Navy** | | | | | | |
| 15 | 0603114N | Mobile target tracking technologies | 3,000 | Akaka | Pukoa Scientific | Honolulu, HI |
| 16 | 0603123N | Navy / USMC fuel cell non-tactical vehicle initiative | 2,000 | Cardin | General Motors | Detroit, MI |
| 16 | 0603123N | Navy / USMC fuel cell non-tactical vehicle initiative | 2,000 | Levin | General Motors | Warren, MI |
| 16 | 0603123N | Navy / USMC fuel cell non-tactical vehicle initiative | 2,000 | Stabenow | General Motors | Detroit, MI |
| 16 | 0603123N | Navy / USMC fuel cell non-tactical vehicle initiative | 2,000 | Schumer | General Motors | Honeoye Falls, NY |
| 16 | 0603123N | Single generator operations lithium ion battery | 5,000 | Lugar | Altairnano Inc. | Anderson, IN |
| 16 | 0603123N | Single generator operations lithium ion battery | 5,000 | Reid | Altairnano, Inc. | Reno, NV |
| 20 | 0603640M | Acoustic combat sensors | 2,000 | Inhofe | GWACS Defense, Inc. | Claremore, OK |
| 35 | 0603513N | DDG-51 permanent magnet hybrid electric propulsion | 6,600 | Dodd | DRS Technologies | Danbury, CT |
| 35 | 0603513N | DDG-51 permanent magnet hybrid electric propulsion | 6,600 | Lieberman | DRS Power Systems | Danbury, CT |
| 35 | 0603513N | DDG-51 permanent magnet hybrid electric propulsion | 6,600 | Kennedy | DRS Power Technology, Inc | Fitchburg, MA |
| 60 | 0603725N | Hydrokinetic power generator | 2,000 | Levin | Vortex Hydro | Ann Arbor, MI |
| 60 | 0603725N | Hydrokinetic power generator | 2,000 | Stabenow | Vortex Hydro Energy, LLC | Ann Arbor, MI |
| 62 | 0603739N | Highly integrated optical interconnect for military avionics | 2,000 | Levin | Calumet Electronics | Calumet, MI |
| 62 | 0603739N | Highly integrated optical interconnect for military avionics | 2,000 | Stabenow | Calumet Electronics Corporation | Calumet, MI |
| 75 | 0603925N | Develop directed energy weapons for asymmetric threats | 2,200 | Warner | Navy | Dahlgren, VA |
| 75 | 0603925N | Develop directed energy weapons for asymmetric threats | 2,200 | Webb | Navy | Dahlgren, VA |
| 120 | 0604756N | Next generation Phalanx | 10,700 | McConnell | Raytheon | Louisville, KY |
| 120 | 0604756N | Next generation Phalanx | 10,700 | Hatch | Colemek Systems Engineering, Utah and Raytheon, KY | Colemek Systems Engineering, UT and Raytheon, KY |

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Navy** | | | | | | |
| 121 | 0604757N | NULKA improvements | 2,000 | Kennedy | Lockheed Martain Sippican, Inc. | Marion, MA |
| 123 | 0604771N | Composite tissue transplantation research | 2,000 | Chambliss | Emory University and Naval Medical Research Center | Decatur, GA |
| 126 | 0604800N | JSF competitive engine | 247,500 | Bayh | Rolls-Royce | Cincinnati, OH |
| 126 | 0604800N | JSF competitive engine | 247,500 | McConnell | General Electric | Evendale, Ohio and Lynn, MA |
| 126 | 0604800N | JSF competitive engine | 247,500 | Kennedy | General Electric and Rolls Royce Naval Marine | Lynn and Walpole, MA |
| 159 | 0101221N | Advanced LINAC facility | 4,000 | Bayh | Indiana University | Bloomington, IN |
| 159 | 0101221N | Advanced LINAC facility | 4,000 | Lugar | Indiana University | Bloomington, IN |
| 177 | 0205633N | Rapid repair structural adhesives | 1,000 | Reed | Epoxies Etc, Inc. | Cranston, RI |
| **Research, development, test, and evaluation, Air Force** | | | | | | |
| 2 | 0601103F | Advanced design technologies for hypersonic research | 2,000 | Coleman | Univ of MN | Univ of MN |
| 2 | 0601103F | Diamond substrates for microelectronics research | 2,500 | Reed | Group 4 Labs | CA, RI |
| 2 | 0601103F | Information security research | 2,000 | Inhofe | University of Tulsa | Tulsa, OK |
| 2 | 0601103F | Military decision cycle time research | 1,600 | Nelson, Ben | University of Nebraska - Omaha | Omaha, NE |
| 8 | 0602102F | Advanced carbon fiber research and test initiative | 3,000 | Graham | Cytec Engineered Materials | Piedmont, SC |
| 8 | 0602102F | Fire and blast resistant materials research | 2,000 | Kennedy | Triton Systems, Inc. | Chelmsford, MA and Milwaukee, WI |
| 8 | 0602102F | Health monitoring sensors for aerospace components | 1,500 | Collins | University of Maine | Orono, ME |
| 8 | 0602102F | Health monitoring sensors for aerospace components | 1,500 | Snowe | University of Maine | Orono, ME |

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Air Force** | | | | | | |
| 10 | 0602202F | Joint theater air-ground simulation system | 2,500 | Martinez | Dynamic Animation Systems, Inc | Orlando, FL |
| 10 | 0602202F | Satellite control system training technology | 2,000 | Warner | Star Technologies Corporation | Great Falls, VA; Seattle, WA |
| 10 | 0602202F | Satellite control system training technology | 2,000 | Webb | Star Technologies Corporation | Great Falls, VA; Seattle, WA |
| 11 | 0602203F | Hybrid bearing development | 2,000 | Dodd | Purdy Transmissions | Manchester, CT |
| 11 | 0602203F | Hybrid bearing development | 2,000 | Lieberman | Timken Company | Manchester, CT |
| 11 | 0602203F | Hybrid bearing development | 2,000 | Dole | The Timken Company | Canton, OH |
| 11 | 0602203F | Hybrid bearing development | 2,000 | Voinovich | The Timken Company | Canton, OH |
| 12 | 0602204F | Information quality tools - persistent surveillance data sets | 2,000 | Lincoln | University of Arkansas at Little Rock | Little Rock, AR |
| 12 | 0602204F | Information quality tools - persistent surveillance data sets | 2,000 | Pryor | University of Arkansas at Little Rock | Little Rock, AR |
| 12 | 0602204F | Wideband electronic sensing technologies | 3,000 | Reed | Applied Radar | North Kingstown, RI |
| 13 | 0602601F | Seismic research program | 2,500 | Kennedy | Weston Geophysical Corp. | Hanscom Air Force Base |
| 13 | 0602601F | Seismic research program | 2,500 | Kerry | Weston Geophysical Corp. | Lexington, MA |
| 16 | 0602702F | Cyber attack mitigation technologies | 2,000 | Schumer | CACI Technologies | Rome, NY |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Salazar | Metals Affordability Initiative | Multi-state |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Dodd | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Lieberman | Competitive | N/A |

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Air Force** | | | | | | |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Levin | Metals Affordability Initiative | Multiple |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Dole | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Bingaman | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Reid | Metals Affordability Initiative Consortium | Huron, OH |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Brown | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Voinovich | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Wyden | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Casey | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Reed | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Kohl | Competitive | N/A |
| 18 | 0603112F | Metals affordability initiative | 5,000 | Rockefeller | Competitive | N/A |
| 19 | 0603203F | Reconfigurable secure computing technologies | 1,500 | Warner | Curtiss-Wright Controls Embedded Computing | Leesburg, VA |
| 19 | 0603203F | Reconfigurable secure computing technologies | 1,500 | Webb | Curtiss-Wright Controls Embedded Computing | Leesburg, VA |
| 21 | 0603216F | Assured aerospace fuels research | 2,000 | Voinovich | University of Dayton Research Institute | Dayton, OH |
| 25 | 0603401F | Thin film amorphous solar arrays | 2,000 | Levin | Energy Conversion Devices | Auburn Hills, MI |
| 27 | 0603601F | Integrated targeting devices | 3,000 | Nelson, Bill | Argon ST Imaging Systems | Orlando, FL |
| 30 | 0603789F | Optical interconnects research | 2,000 | Reid | OptiComp Corporation | Zephyr Cove, NV |
| 69 | 0604441F | SBIRS ops and training | 30,000 | CI | N/A | N/A |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

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|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Air Force** | | | | | | |
| 94 | 0604759F | High speed test track | 4,000 | Bingaman | General Atomics | San Diego CA |
| 94 | 0604759F | High speed test track | 4,000 | Domenici | General Atomics | Holloman AFB, NM |
| 145 | 0207581F | Improve maturity of MP-RTIP sensor suite for larger aircraft | 20,000 | Lieberman | Northrop Grumman Norden Systems | Norwalk, CT |
| 145 | 0207581F | Improve maturity of MP-RTIP sensor suite for larger aircraft | 20,000 | Martinez | Northrop Grumman Integrated Systems | Melbourne, FL |
| 145 | 0207581F | Improve maturity of MP-RTIP sensor suite for larger aircraft | 20,000 | Chambliss | Northrop Grumman Corp | Robins AFB, GA |
| 194 | 0305219F | UAV sense and avoid | 6,000 | Reid | Sierra Nevada Corporation | Sparks, NV |
| **Research, development, test, and evaluation, Defense-wide** | | | | | | |
| 4 | 0601114D8Z | DEPSCoR program increase | 10,000 | Collins | University of Maine | Orono, ME |
| 4 | 0601114D8Z | DEPSCoR program increase | 10,000 | Nelson, Ben | University of Nebraska - Lincoln | Lincoln, NE |
| 4 | 0601114D8Z | DEPSCoR program increase | 10,000 | Inhofe | DEPSCoR | Norman, OK; Stillwater, OK; Tulsa, OK |
| 4 | 0601114D8Z | DEPSCoR program increase | 10,000 | Reed | DEPSCoR | RI Companies and University |
| 6 | 0601384BP | In-vitro models for biodefense vaccines | 1,000 | Nelson, Bill | University of Central Florida | Orlando, FL |
| 6 | 0601384BP | Superstructural particle evaluation | 1,500 | Dole | East Carolina University | Greenville, NC |
| 14 | 0602384BP | Agent fate response tool | 2,000 | Levin | Kettering University | Flint, MI |
| 14 | 0602384BP | Agent fate response tool | 2,000 | Stabenow | Kettering University | Flint, MI |
| 14 | 0602384BP | Chem-bio IR detector | 1,500 | Collins | Orono Spectral Solutions, Inc. | Orono, ME |
| 14 | 0602384BP | Multivalent Marburg/Ebola vaccine | 3,500 | Graham | GenPhar | Mount Pleasant, SC |
| 19 | 0602716E | Three dimensional integrated circuit research | 1,800 | Craig | Boise State University | Boise, ID |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Defense-wide** | | | | | | |
| 19 | 0602716E | Three dimensional integrated circuit research | 1,800 | Crapo | Boise State University | Boise, ID |
| 19 | 0602716E | Three dimensional integrated circuit research | 1,800 | Dole | RTI International | Research Triangle, NC |
| 21 | 0602718BR | National incident management system | 2,000 | Warner | Virginia Tech | Blacksburg, VA |
| 21 | 0602718BR | National incident management system | 2,000 | Webb | Virginia Tech | Blacksburg, VA |
| 23 | 1160401BB | FOPEN radar technologies | 2,000 | Akaka | Novasol | Honolulu, HI |
| 33 | 0603384BP | Improved CBR filters | 2,000 | Warner | New World Associates | Fredericksburg, VA |
| 33 | 0603384BP | Improved CBR filters | 2,000 | Webb | New World Associates | Fredericksburg, VA |
| 39 | 0603680D8Z | High performance defense manufacturing technology program | 8,000 | CI | N/A | N/A |
| 41 | 0603712S | Biofuels research program | 2,000 | Levin | Defense Logistics Agency | Fort Belvior, VA |
| 41 | 0603712S | Emerging critical interconnection technology program | 2,000 | Bayh | IPC Association Connecting Electronics Industries / SAIC / NAVSEA Crane | Crane, IN |
| 41 | 0603712S | Emerging critical interconnection technology program | 2,000 | Lugar | IPC Association Connecting Electronics Industries/ SAIC/ NAVSEA | Crane, IN |
| 41 | 0603712S | Mobile microgrid research | 3,000 | Levin | NextEnergy | Detroit, MI |
| 41 | 0603712S | Mobile microgrid research | 3,000 | Stabenow | NextEnergy Center | Detroit, MI |
| 41 | 0603712S | Vehicle fuel cell & hydrogen logistics program | 8,000 | CI | N/A | N/A |
| 44 | 0603720S | Superlattice nanotechnology research | 2,000 | Dole | University of North Carolina Charlotte -Northrop Grumman | Charlotte, NC; Baltimore, MD |
| 59 | 0603826D8Z | Special warfare domain awareness | 2,000 | Collins | Technology Systems Inc | Wiscasset, ME |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Research, development, test, and evaluation, Defense-wide** | | | | | | |
| 59 | 0603826D8Z | Special warfare domain awareness | 2,000 | Snowe | Technology Systems, Inc | Brunswick, ME |
| 70 | 0603714D8Z | ASAP | 20,000 | CI | N/A | N/A |
| 72 | 0603881C | Short-range ballistic missile defense | 28,000 | Wicker | ATK | AZ/MA |
| 72 | 0603881C | Upper-tier follow-on to Arrow | 30,000 | Wicker | ATK | Iuka, MS |
| 72 | 0603881C | Upper-tier follow-on to Arrow | 30,000 | Graham | Boeing | Alabama |
| 76 | 0603884C | Mobile sensor network concept | 4,000 | Kennedy | Raytheon Integrated Defense Systems | Tewksbury, MA |
| 81 | 0603892C | Aegis BMD/SM-3 enhancements | 50,000 | Lincoln | Raytheon Company | East Camden, AR |
| 81 | 0603892C | Aegis BMD/SM-3 enhancements | 50,000 | Pryor | Raytheon Company | East Camden, AR |
| 94 | 0604016D8Z | Corrosion control, prevention and prediction research | 3,000 | Wicker | The University of Southern Mississippi | Hattiesburg, MS |
| 103 | 0604165D8Z | Army advanced hypersonic weapon | 3,000 | Sessions | Space and Missile Defence Command | Huntsville, AL |
| 121 | 0604940D8Z | Range network enterprise technologies | 3,500 | Chambliss | Prologic, GA National Guard | Savannah, GA |
| 121 | 0604940D8Z | Range network enterprise technologies | 3,500 | Isakson | GA Air National Guard; ProLogic Inc. | Savannah, GA |
| 121 | 0604940D8Z | SAM hardware simulators | 5,000 | Chambliss | Georgia Institute of Technology | Atlanta, GA |
| 121 | 0604940D8Z | SAM hardware simulators | 5,000 | Isakson | Georgia Institute of Technology | Georgia Tech and Smyrna, GA |
| 184 | 0303140G | Software assurance | 1,000 | Levin | University of Detroit Mercy | Detroit, MI |
| 184 | 0303140G | Software assurance | 1,000 | Stabenow | University of Detroit Mercy | Detroit, MI |
| 225 | 0708011S | Industrial base innovation fund | 24,000 | CI | N/A | N/A |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **TITLE: 3** | | | | | | |
| **Operation and maintenance, Army** | | | | | | |
| 60 | | Unmanned aircraft systems concept development | 3,000 | Sessions | Navigator Development Group, Inc. | Enterprise, AL |
| 80 | | Shipping containers | 2,000 | Graham | Charleston Marine Containers | Charleston, SC |
| **Operation and maintenance, Navy** | | | | | | |
| 250 | | MK 45 gun depot overhauls | 9,000 | McConnell | BAE Systems | Louisville, KY |
| **Operation and maintenance, Marine Corps** | | | | | | |
| 10 | | Marine Corps shelters | 2,000 | Warner | Base-X Inc. | Fairfield, VA |
| 10 | | Marine Corps shelters | 2,000 | Webb | Base-X Inc. | Fairfield, VA |
| **Operation and maintenance, Air Force** | | | | | | |
| 10 | | B-52 flying hours | 47,900 | Landrieu | US Air Force | N/A |
| 10 | | B-52 flying hours | 47,900 | Vitter | US Air Force | N/A |
| 10 | | B-52 flying hours | 47,900 | Conrad | US Air Force | N/A |
| 10 | | B-52 flying hours | 47,900 | Dorgan | US Air Force | N/A |
| 60 | | B-52 depot maintenance | 48,000 | Landrieu | US Air Force | N/A |
| 60 | | B-52 depot maintenance | 48,000 | Vitter | US Air Force | N/A |
| 60 | | B-52 depot maintenance | 48,000 | Conrad | US Air Force | N/A |
| 60 | | B-52 depot maintenance | 48,000 | Dorgan | US Air Force | N/A |
| 60 | | Engine trailer life extension | 3,000 | Reid | Phoenix Aerospace | Moundhouse, NV |
| 80 | | Land mobile radios | 2,000 | Reid | 98 Range Wing | Nellis AFB, NV |
| 90 | | National Security Space Institute | 2,800 | Allard | Air Force Space Command | CO Springs, CO |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Operation and maintenance, Air Force** | | | | | | |
| 480 | | Advanced ultrasonic inspections | 1,000 | Inhofe | Veracity Technology Solutions, LLC | Midwest City, OK |
| **Operation and maintenance, Defense-wide** | | | | | | |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Boxer | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Allard | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Salazar | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Martinez | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Nelson, Bill | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Isakson | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Akaka | Military Installations Nationwide | Military Installations Nationwide |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Inouye | N/A | Army Garrisson HI |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Cardin | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Bond | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Cochran | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Landrieu | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Burr | N/A | N/A |
| 270 | | Readiness and Environmental Protection Initiative (REPI) | 15,000 | Dole | Office of the Secretary of Defense (Range and Environmental Protection Initiative (REPI)) | Funds to be expended throughout NC. |
| **Operation and maintenance, Army National Guard** | | | | | | |
| 10 | | Expandable light air mobility shelters | 5,000 | Levin | AAR Mobility Systems | Cadillac, MI |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Operation and maintenance, Army National Guard** | | | | | | |
| 10 | | Expandable light air mobility shelters | 5,000 | Stabenow | AAR Mobility Systems | Cadillac, MI |
| 70 | | Extended cold weather clothing system | 1,000 | Carper | Army National Guard | Elkton, MD |
| 70 | | Extended cold weather clothing system | 1,000 | Reed | Kenyon and Duro Industries | Kenyon, RI and Fall River, MA |
| 70 | | Rapid data management system | 5,000 | Collins | Global Relief Technologies | Portsmouth, NH |
| 70 | | Weapons skills trainer | 3,000 | Nelson, Bill | Cubic Simulation Systems Division | St. Augustine, FL |
| 80 | | Emergency Satellite Communications | 3,000 | Cornyn | Texas Army National Guard | N/A |
| **Operation and maintenance, Air National Guard** | | | | | | |
| 10 | | Controlled humidity protection | 2,000 | Graham | SC Army National Guard | Columbia, SC |
| 10 | | Crypto-linguist/Intel Officer Initiative | 750 | Hagel | Nebraska ANG | Offutt AFB, NE |
| 10 | | Crypto-linguist/Intel Officer Initiative | 750 | Nelson, Ben | Nebraska Nat'l Guard | Omaha, NE |
| **TITLE: 4** | | | | | | |
| **National Guard personnel, Air Force** | | | | | | |
| | | Crypto-linguist/Intel Officer Initiative | 3,300 | Hagel | Nebraska ANG | Offutt AFB, NE |
| | | Crypto-linguist/Intel Officer Initiative | 3,300 | Nelson, Ben | Nebraska Nat'l Guard | Omaha, NE |
| **TITLE: 5** | | | | | | |
| **Operation and maintenance, Defense-wide** | | | | | | |
| 998 | | Impact Aid | 50,000 | CI | N/A | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Boxer | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Salazar | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Akaka | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Durbin | Defense Department | N/A |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Operation and maintenance, Defense-wide** | | | | | | |
| 998 | | Impact Aid for children with disabilities | 5,000 | Roberts | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Mikulski | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Conrad | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Lautenberg | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Menendez | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Clinton | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Reed | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Whitehouse | Defense Department | N/A |
| 998 | | Impact Aid for children with disabilities | 5,000 | Webb | Defense Department | N/A |
| **TITLE: 13** | | | | | | |
| **Operation and maintenance, miscellaneous appropriations** | | | | | | |
| 10 | | Cooperative Threat Reduction | 20,000 | CI | N/A | N/A |
| **TITLE: 21** | | | | | | |
| **Military construction, Army** | | | | | | |
| | | Multipurpose Machine Gun Range | 3,100 | Stevens | Fort Richardson, AK | |
| | | System Software Engineering Annex Phase III | 16,500 | Sessions | Redstone Arsenal, AL | |
| | | System Software Engineering Annex Phase III | 16,500 | Shelby | Redstone Arsenal, AL | |
| | | Saddle Road, Phase 5A | 30,000 | Akaka | Pohakuloa Training Area, HI | |
| | | Saddle Road, Phase 5A, 5B | 30,000 | Inouye | Pohakulo Training Area, HI | |
| | | Ready Service Magazine Complex | 8,300 | Bayh | Crane Army Ammo Activity, IN | |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Military construction, Army** | | | | | | |
| | | Ready Service Magazine Complex | 8,300 | Lugar | Crane Army Ammo Activity, IN | |
| | | School Age Services Center | 10,000 | McConnell | Fort Campbell, KY | |
| | | Access Control Point | 6,100 | Levin | Detroit Arsenal, MI | |
| | | Access Control Point | 6,100 | Stabenow | Detroit Arsenal, MI | |
| | | Mine Detection Training Facility and K-9 Kennel | 10,800 | Bond | Fort Leonard Wood, MO | |
| | | Upgrade Munition Igloos Phase 2 | 7,500 | Casey | Letterkenny Army Depot, PA | |
| | | Upgrade Munition Igloos Phase 2 | 7,500 | Specter | Letterkenny Army Depot, PA | |
| | | School Age Services Center | 10,000 | Alexander | Fort Campbell, KY | |
| | | School Age Services Center | 10,000 | Corker | Fort Campbell, KY | |
| | | Training Support Center, Phase 1 | 13,600 | Warner | Fort Eustis, VA | |
| | | Training Support Center, Phase 1 | 13,600 | Webb | Fort Eustis, VA | |
| **TITLE: 22** | | | | | | |
| **Military construction, Navy** | | | | | | |
| | | Indoor Small Arms Range | 11,000 | Dodd | Naval Submarine Base New London, CT | |
| | | Indoor Small Arms Range | 11,000 | Lieberman | Naval Submarine Base New London, CT | |
| | | Energetics Systems and Technology Lab Complex | 12,050 | Cardin | NWSC, Indian Head, MD | |
| | | Energetics Systems and Technology Lab Complex | 12,050 | Mikulski | NSWC, Indian Head, MD | |
| | | Dry Dock #3 Waterfront Support Facility | 20,660 | Collins | Portsmouth Naval Shipyard, ME | |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

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|---|---|---|---|---|---|---|
| **Military construction, Navy** | | | | | | |
| | | Dry Dock #3 Waterfront Support Facility | 20,660 | Gregg | Portsmouth Naval Shipyard, ME | |
| | | Dry Dock #3 Waterfront Support Facility | 20,660 | Snowe | Portsmouth Naval Shipyard, ME | |
| | | Dry Dock #3 Waterfront Support Facility | 20,660 | Sununu | Portsmouth Naval Shipyard, ME | |
| | | Battalion Maintenance Facility & Equip Yard | 5,870 | Wicker | CBC Gulfport, MS | |
| | | Fitness Center | 6,340 | Cochran | Naval Air Station Meridian, MS | |
| | | Fitness Center | 6,340 | Wicker | Naval Air Station Meridian, MS | |
| | | Main Gate Security Improvements | 8,160 | Lautenberg | Earle Naval Weapons Station, NJ | |
| | | Main Gate Security Improvements | 8,160 | Menendez | Earle Naval Weapons Station, NJ | |
| | | Marine Corps Officer Candidate School HQ Facility | 5,980 | Warner | Marine Corps Base, Quantico, VA | |
| | | Marine Corps Officer Candidate School HQ Facility | 5,980 | Webb | Marine Corps Base, Quantico, VA | |
| **TITLE: 23** | | | | | | |
| **Military construction, Air Force** | | | | | | |
| | | Fire/Crash Rescue Station | 15,000 | Kyl | Davis Monthan AFB, AZ | |
| | | Large Crash Rescue Station | 12,100 | Boxer | Travis AFB, CA | |
| | | Large Crash Rescue Station | 12,100 | Feinstein | Travis AFB, CA | |

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|---|---|---|---|---|---|---|
| Military construction, Air Force | | | | | | |
| | | Land Acquisition - 23 Acres | 4,900 | Allard | Peterson AFB, CO | |
| | | Land Acquisition - 23 Acres | 4,900 | Salazar | Peterson AFB, CO | |
| | | Satellite Operations Support Facility | 8,000 | Martinez | Cape Canaveral Air Station, FL | |
| | | Satellite Operations Support Facility | 8,000 | Nelson, Bill | Cape Canaveral Air Station, FL | |
| | | Logistics Readiness Center (P&D only) | 1,800 | Craig | Mountain Home AFB, ID | |
| | | Logistics Readiness Center (P&D only) | 1,800 | Crapo | Mountain Home AFB, ID | |
| | | Security Forces Complex | 14,600 | Landrieu | Barksdale AFB, LA | |
| | | Security Forces Complex | 14,600 | Vitter | Barksdale AFB, LA | |
| | | Indoor Firing Range | 6,600 | Wicker | Keesler AFB, MS | |
| | | Upgrade Weapons Storage Area, Phase 1 | 10,000 | Baucus | Malmstrom AFB, MT | |
| | | Upgrade Weapons Storage Area, Phase 1 | 10,000 | Tester | Malmstrom AFB, MT | |
| | | Consolidated Support Center | 12,200 | Burr | Seymour Johnson AFB, NC | |
| | | Consolidated Support Center | 12,200 | Dole | Seymour Johnson AFB, NC | |
| | | Fire Station | 13,000 | Conrad | Grand Forks AFB, ND | |
| | | Fire Station | 13,000 | Dorgan | Grand Forks AFB, ND | |
| | | 38th Recon Squadron Facility | 11,800 | Nelson, Ben | Offutt AFB, NE | |
| | | Airfield Fire Rescue Station, Nellis | 9,800 | Ensign | Nellis AFB, NV | |
| | | Airfield Fire Rescue Station, Nellis | 9,800 | Reid | Nellis AFB, NV | |
| | | Consol Digital Airport Surveill Radar (DASR)/RAPCON Facility | 10,200 | Inhofe | Altus AFB, OK | |

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|---|---|---|---|---|---|---|
| **Military construction, Air Force** | | | | | | |
| | | Physical Fitness Center | 9,900 | Graham | Shaw AFB, SC | |
| | | Base Entry and Perimeter Gates | 11,000 | Johnson | Ellsworth AFB, SD | |
| | | Multipurpose C-130 Maintenance Hangar | 21,000 | Cornyn | Dyess AFB, TX | |
| | | Multipurpose C-130 Maintenance Hangar | 21,000 | Hutchison | Dyess AFB, TX | |
| | | Three-bay Fire Station | 5,400 | Bennett | Hill AFB, UT | |
| | | Three-bay Fire Station | 5,400 | Hatch | Hill AFB, UT | |
| | | Missile Service Complex (P&D only) | 810 | Barrasso | F.E. Warren AFB, WY | |
| | | Missile Service Complex (P&D only) | 810 | Enzi | F.E. Warren AFB, WY | |
| **TITLE: 24** | | | | | | |
| **Military construction, Defense-wide** | | | | | | |
| | | Ammo Demilitarization Facility Phase IX | 10,000 | McConnell | Blue Grass Army Depot, KY | |
| | | CV-22 Flight Simulator Facility | 8,300 | Bingaman | Cannon AFB, NM | |
| | | CV-22 Flight Simulator Facility | 8,300 | Domenici | Cannon AFB, NM | |
| **TITLE: 26** | | | | | | |
| **Military construction, Army National Guard** | | | | | | |
| | | Bethel Readiness Center | 16,000 | Murkowski | Bethel Armory, AK | |
| | | Bethel Readiness Center | 16,000 | Stevens | Bethel Armory, AK | |
| | | Infantry Platoon Battle Course (P&D only) | 204 | Lincoln | Fort Chaffee MTC, AR | |
| | | Infantry Platoon Battle Course (P&D only) | 204 | Pryor | Fort Chaffee MTC, AR | |
| | | Readiness Center | 16,186 | Durbin | Urbana Armory, IL | |
| | | Barracks Replacement, Phase I | 16,943 | Levin | Camp Grayling, MI | |

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|---|---|---|---|---|---|---|
| **Military construction, Army National Guard** | | | | | | |
| | | Barracks Replacement, Phase I | 16,943 | Stabenow | Camp Grayling, MI | |
| | | Infantry Squad Battle Course | 2,000 | Levin | Camp Grayling, MI | |
| | | Infantry Squad Battle Course | 2,000 | Stabenow | Camp Grayling, MI | |
| | | Field Maintenance Shop (P&D only) | 2,058 | Ensign | Las Vegas, NV | |
| | | Field Maintenance Shop (P&D only) | 2,058 | Reid | Las Vegas, NV | |
| | | Readiness Center | 11,375 | Ensign | Elko, NV | |
| | | Readiness Center | 11,375 | Reid | Elko, NV | |
| | | Readiness Center (P&D only) | 682 | Smith | The Dalles Armory, OR | |
| | | Readiness Center (P&D only) | 682 | Wyden | The Dalles Armory, OR | |
| | | Army Aviation Support Facility (addtion to FY08) | 5,000 | Reed | N. Kingstown, RI | |
| | | Barracks/Dining/Admin and Parking Complex Phase I | 14,463 | Johnson | Camp Rapid, SD | |
| | | Barracks/Dining/Admin and Parking Complex Phase I | 14,463 | Thune | Camp Rapid, SD | |
| | | Readiness Center | 10,200 | Leahy | Ethan Allen Range, Jericho, VT | |
| | | Readiness Center | 10,200 | Sanders | Ethan Allen Range, Jericho, VT | |
| **Military construction, Air National Guard** | | | | | | |
| | | Engine Inspection and Maintenance Facility | 4,000 | Lincoln | Little Rock AFB, AR | |
| | | Engine Inspection and Maintenance Facility | 4,000 | Pryor | Little Rock AFB, AR | |
| | | Alert Crew Headquarters | 4,200 | Allard | Buckley AFB, CO | |
| | | Alert Crew Headquarters | 4,200 | Salazar | Buckley AFB, CO | |

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|---|---|---|---|---|---|---|
| **Military construction, Air National Guard** | | | | | | |
| | | Replace C-130 Aircraft Maintenance Shops | 11,600 | Biden | New Castle County Airport, DE | |
| | | Replace C-130 Aircraft Maintenance Shops | 11,600 | Carper | New Castle County Airport, DE | |
| | | Vehicle Maintenance and Communications Training | 5,600 | Grassley | Fort Dodge, IA | |
| | | Vehicle Maintenance and Communications Training | 5,600 | Harkin | Fort Dodge, IA | |
| | | Smoky Hill Range Support Facility | 7,100 | Brownback | Smoky Hill ANG Range, KS | |
| | | Digital Ground Station | 14,300 | Kerry | Otis ANG Base, MA | |
| | | Fuel Cell Hangar | 4,500 | Coleman | Duluth 148th FW Base, MN | |
| | | Fuel Cell Hangar | 4,500 | Klobuchar | Duluth 148th FW Base, MN | |
| | | Relocate Munitions Storage Complex | 3,400 | Wicker | Gulfport-Biloxi IAP, MS | |
| | | Pararescue Facility, 106th Rescue Wing, Phase 2 | 7,500 | Clinton | Gabreski Airport, Westhampton, NY | |
| | | Pararescue Facility, 106th Rescue Wing, Phase 2 | 7,500 | Schumer | Gabreski Airport, Westhampton, NY | |
| | | Combat Communications Training Complex (P&D only) | 1,100 | Brown | Springfield-Beckley ANG Base, OH | |
| | | Combat Communications Training Complex (P&D only) | 1,100 | Voinovich | Springfield-Beckley ANG Base, OH | |
| | | Construct Air Traffic Control Tower | 7,700 | Reed | Quonset State Airport, RI | |
| | | Replace Squadron Operations | 8,000 | Alexander | Knoxville, TN | |
| | | Replace Squadron Operations | 8,000 | Corker | Knoxville, TN | |
| | | 262 Info Warfare Aggressor Squadron (IWAS) Facility | 8,600 | Cantwell | McChord AFB, WA | |

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

| LINE | PE | DESCRIPTION | CHANGE (thousands) | MEMBER CI = committee initiative | SUGGESTED RECIPIENT | SUGGESTED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|
| **Military construction, Air National Guard** | | | | | | |
| | | 262 Info Warfare Aggressor Squadron (IWAS) Facility | 8,600 | Murray | McChord AFB, WA | |
| | | Communications and Audio Visual Training Facility | 6,300 | Kohl | Truax Field, WI | |
| | | C-5 Upgrade Taxiways (P&D only) | 850 | Byrd | EWVRA Sheperd Field, WV | |
| | | Fuel System/Corrosiion Control Hangar | 27,000 | Byrd | Yeager Airport, Charleston, WV | |
| **Military construction, Air Force Reserve** | | | | | | |
| | | Construct New Control Tower | 6,450 | Chambliss | Dobbins ARB, GA | |
| | | Construct New Control Tower | 6,450 | Isakson | Dobbins ARB, GA | |
| | | Digital Ground Station | 14,300 | Kennedy | Otis ANG Base, MA | |
| | | Joint Services Lodging Facility – Phase 2 (P&D only) | 900 | Brown | Youngstown ARS, OH | |
| | | Joint Services Lodging Facility – Phase 2 (P&D only) | 900 | Voinovich | Youngstown ARS, OH | |
| **TITLE: 31** | | | | | | |
| **Department of Energy National Security Programs** | | | | | | |
| | | NNSA nonproliferation research and development | 25,000 | CI | | |
| | | NNSA Security | 12,900 | CI | N/A | N/A |
| | | NNSA Security | 10,500 | Cornyn | Pantex | Amarillo, TX |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Alexander | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Bilirakis | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Brady (PA) | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Chabot | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | DeLauro | Sikorsky Aircraft Corporation | Stratford, CT |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Ehlers | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | English | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Gillibrand | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Gingrey | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Granger | Sikorsky Aircraft Corporation | Stratford, CT |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Kuhl | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Marshall | Sikorsky Aircraft Corporation | Stratford, CT |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | McCarthy (NY) | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Ortiz | United Technologies Corporation - Sikorsky Aircraft | Corpus Christi, TX |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Richardson | Army National Guard | |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Rogers (AL) | Sikorsky Aircraft Corporation | Stratford, CT |
| I | APA | | 020 | UH-60 A to L Upgrades | $5,000.0 | Rohrabacher | Army National Guard | |
| I | OPA | | 013 | Family of Medium Tactical Vehicles (FMTV, HIMARS) | $1,000.0 | Mitchell | Firetrace Aerospace | Scottsdale, AZ |
| I | OPA | | 027 | Defense Advanced GPS Receiver | $2,500.0 | Braley | Rockwell Collins | Cedar Rapids, IA |
| I | OPA | | 027 | Defense Advanced GPS Receiver | $2,500.0 | Loebsack | Rockwell Collins | Cedar Rapids, IA |
| I | OPA | | 083 | Retrofit 30th HBCT radios with Embedded SAASM GPS card | $1,000.0 | McIntyre | North Carolina National Guard | Raleigh, NC |
| I | OPA | | 111 | Interoperable Radios for Texas National Guard Disaster Response | $1,000.0 | Conaway | Texas Army National Guard | Austin, TX |
| I | OPA | | 111 | Joint Incident Scene Communication Capability | $1,000.0 | Conaway | Texas Army National Guard | Austin, TX |
| I | OPA | | 118 | SAASM PPS GPS Upgrade | $2,000.0 | Souder | ITT | Fort Wayne, IN |
| I | OPA | | 137 | Multi-Temperature Refrigerated Container System (MTRCS) | $2,200.0 | Davis (KY) | DRS | Florence, KY |
| I | OPA | | 169 | Call For Fire Trainer II / Joint Fires and Effects Trainer System | $4,500.0 | Cole | Stanley Associates | Lawton, OK |
| I | OPA | | 169 | Combat Skills Marksmanship Trainer (CSMT) | $3,000.0 | Gingrey | Meggitt Training Systems | Suwanee, GA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| I | OPA | | 169 | Combat Skills Simulation Systems, Ohio Army National Guard | $4,650.0 | Space | Ohio Army National Guard | Columbus, OH |
| I | OPA | | 169 | Immersive Group Simulation Virtual Training System (IGS-VTS) for the Hawaii Army National Guard | $1,500.0 | Abercrombie | Atlantis Cyberspace, Inc. | Honolulu, HI |
| I | OPA | | 169 | Instrumentation for Urban Assault Course - Tennessee National Guard | $1,750.0 | Tanner | Tennessee National Guard | Nashville, TN |
| I | OPA | | 169 | Virtual Interactive Combat Environment (VICE) - New Jersey National Guard | $2,000.0 | Saxton | Dynamic Animation Systems | Fairfax, VA |
| I | OPA | | 170 | Deployable/Mobile/Digital Target System-Armor-Infantry Set | $450.0 | Tanner | Tennessee National Guard | Nashville, TN |
| I | OPA | | 170 | M1 Abrams Mobile Conduct of Fire Trainers Upgrades - Tennessee National Guard. | $1,500.0 | Tanner | Tennessee National Guard | Nashville, TN |
| I | OPA | | 170 | Texas Army National Guard Future Solider Trainer Program | $3,000.0 | Lampson | Texas Army National Guard | Austin, TX |
| I | OPA | | 176 | Battlefield Anti-Intrusion System (BAIS) | $3,000.0 | Andrews | L-3 Communications | Camden, NJ |
| I | OPA | | 176 | Battlefield Anti-Intrusion System (BAIS) | $3,000.0 | LoBiondo | L-3 Communications | Camden, NJ |
| I | OPA | | 176 | Battlefield Anti-Intrusion System (BAIS) | $3,000.0 | Saxton | L-3 Communications | Camden, NJ |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Courtney | General Dynamics - Electric Boat | Groton, CT |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Ellsworth | Babcock & Wilcox Company | Mt. Vernon, IN |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Forbes | The Navy | Various |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Hunter | Navy | Connecticut and Virginia |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Langevin | General Dynamics - Electric Boat | Groton, CT |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Pascrell | General Dynamics - Electric Boat | Groton, CT |
| I | SCN | | 004 | Virginia Class Submarine Advance Procurement/Advance Construction | $300,000.0 | Rothman | General Dynamics - Electric Boat | Groton, CT |
| I | SCN | | 015 | LPD-17 | $600,000.0 | Butterfield | Northrop Grumman | Arlington, VA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| I | SCN | | 015 | LPD-17 | $600,000.0 | Drake | Northrop Grumman Corporation Ship Systems Avondale Operations | New Orleans, LA |
| I | SCN | | 015 | LPD-17 | $600,000.0 | Forbes | N/A | Various locations |
| I | SCN | | 015 | LPD-17 | $600,000.0 | Jefferson | Northrop Grumman Corporation | Arlington, VA |
| I | SCN | | 015 | LPD-17 | $600,000.0 | Scott (VA) | Northrop Grumman | Newport News, VA |
| I | SCN | | 015 | LPD-17 | $600,000.0 | Taylor | Northrop Grumman | Avondale, LA |
| I | APN | | 051 | Crane NSWC IDECM Depot Capability | $2,000.0 | Ellsworth | ITT Corporation | Crane, IN |
| I | OPN | | 019 | Canned Lube Pumps (CLP) LSD-41/49 Class Amphibious Ships | $2,500.0 | Hayes | IMO Pump | Monroe, NC |
| I | OPN | | 019 | CVN Propeller Replacement Program | $5,000.0 | Taylor | Rolls-Royce Naval Marine, Inc | Pascagoula, MS |
| I | OPN | | 019 | Jet Fuel (JP-5) Electric Valve Operators | $3,000.0 | Bishop (NY) | Curtiss-Wright Flow Control Corp | East Farmingdale, NY |
| I | OPN | | 019 | Jet Fuel (JP-5) Electric Valve Operators | $3,000.0 | King (NY) | Curtiss-Wright Flow Control Corp | East Farmingdale, NY |
| I | OPN | | 019 | Jet Fuel (JP-5) Electric Valve Operators | $3,000.0 | McCarthy (NY) | Curtiss-Wright Flow Control Corp | East Farmingdale, NY |
| I | OPN | | 033 | AN/SPQ-9B Surface Ship Radar | $5,400.0 | Ackerman | NGC Electronic Systems | Melville, NY |
| I | OPN | | 033 | AN/SPQ-9B Surface Ship Radar | $5,400.0 | Bishop (NY) | Sperry Marine Ship Defense Systems | Melville, NY |
| I | OPN | | 033 | AN/SPQ-9B Surface Ship Radar | $5,400.0 | McCarthy (NY) | NGC Electronic Systems | Melville, NY |
| I | OPN | | 097 | Multi Climate Protection System (MCPS) | $2,000.0 | Hodes | Polartec, LLC | Hudson, NH |
| I | OPN | | 097 | Multi Climate Protection System (MCPS) | $2,000.0 | Rogers (MI) | Peckham Industries | Lansing, MI |
| I | OPN | | 097 | Multi Climate Protection System (MCPS) | $2,000.0 | Shea-Porter | Polartec, LLC | Hudson, NH |
| I | OPN | | 097 | Multi Climate Protection System (MCPS) | $2,000.0 | Tsongas | Polartec, LLC | Lawrence, MA |
| I | OPN | | 097 | Multi Climate Protection System (MCPS) | $2,000.0 | Walberg | Peckham Industries | Lansing, MI |
| I | OPN | | 134 | High Performance Computing Capability | $1,000.0 | Hunter | IBM & Delphi Research | San Diego, CA |
| I | PMC | | 042 | USMC Tactical Fuel Systems (Nitrile Rubber Collapsible Storage Units) | $1,500.0 | Taylor | Avon Engineered Fabrications, Inc. | Picayune, MS |
| I | PMC | | 050 | Combat Casualty Care Equipment Upgrade Program | $4,000.0 | Barrett | North American Rescue Products, Inc. | Greenville, SC |
| I | PMC | | 050 | Combat Casualty Care Equipment Upgrade Program | $4,000.0 | Spratt | North American Rescue Products, Inc. | Greenville, SC |
| I | APAF | | 017 | C-40 Aircraft | $88,000.0 | Costello | Scott Air Force Base | Belleville, IL |
| I | APAF | | 017 | C-40 Aircraft | $88,000.0 | Shimkus | Scott Air Force Base | Belleville, IL |
| I | APAF | | 048 | Podded Reconnaissance System, Scathe View, C-130H | $500.0 | Berkley | Nevada Military Department | Carson City, NV |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| I | APAF | | 048 | Podded Reconnaissance System, Scathe View, C-130H | $500.0 | Granger | ATK Integrated Systems | Fort Worth, TX |
| I | APAF | | 048 | Podded Reconnaissance System, Scathe View, C-130H | $500.0 | Porter | ATK Integrated Systems | Fort Worth, TX |
| I | APAF | | 059 | RC-26B ANG Modernization | $3,000.0 | Granger | ATK Integrated Systems | Fort Worth, TX |
| I | APAF | | 059 | RC-26B ANG Modernization | $3,000.0 | Lampson | The National Guard Bureau | |
| I | APAF | | 059 | RC-26B ANG Modernization | $3,000.0 | Rogers (AL) | Alabama Air National Guard | Montgomery, AL |
| I | OPAF | | 016 | Force Protection Surveillance System | $2,500.0 | Sanchez, Loretta | Rockwell Collins | Anaheim Hills, CA |
| I | OPAF | | 024 | ANG-Combat Communications on the Move | $2,000.0 | Hunter | 147 Combat Communications Squadron | San Diego, CA |
| I | OPAF | | 024 | IMPACT (Information Modernization for Processing with Advanced Coating Technologies) | $2,000.0 | Marshall | Warner Robins AFB | Warner Robins, GA |
| I | OPAF | | 024 | Science, Engineering and Laboratory Data Integration (SELDI) | $1,000.0 | Bishop (UT) | Ogden Air Logistics Center / ES3, Inc. | Hill AFB, UT |
| I | PDW | | 065 | Mk 47 Advanced Lightweight Grenade Launcher | $4,500.0 | Allen | General Dynamics Armament and Technical Products | Saco, ME |
| I | PDW | | 069 | Special Operations Craft - Riverine | $3,600.0 | Taylor | United States Marine, Inc. | Gulfport, MS |
| I | PDW | | 082 | Special Operations Visual Augmentation Systems Hand Held Imager/Long Range | $3,000.0 | Tsongas | FLIR Systems, Inc. | North Billerica, MA |
| I | PDW | | 083 | Multi-Band Multi-Mission Radio | $2,000.0 | Castor | Raytheon Company | Largo, FL |
| I | PDW | | 083 | Multi-Band Multi-Mission Radio | $2,000.0 | Souder | Raytheon | Fort Wayne, IN |
| II | RDA | 0601102A | 2 | Nanocrystal Source Display | $1,500.0 | Markey | QD Vision | Watertown, MA |
| II | RDA | 0601102A | 2 | Nanostructured Materials For Photovoltaic Applications | $2,000.0 | McHugh | Clarkson University | Potsdam, NY |
| II | RDA | 0601102A | 2 | Solid State Shelter Lighting System | $480.0 | Hill | Techshot, Inc. | Greenville, IN |
| II | RDA | 0602105A | 5 | Ultrasonic Consolidation for Armor Applications | $1,500.0 | Dingell | Solidica, Inc. | Ann Arbor, MI |
| II | RDA | 0602120A | 6 | Command and Control, Communications and Computers (C4) module | $1,500.0 | Young (AK) | Gerald Meyers, Alkan Shelter, LLC | Fairbanks, AK |
| II | RDA | 0602120A | 6 | Semi-Autonomous or Unattended Psychological Operations and Reconnaissance Tool (SUPORT) | $3,000.0 | Spratt | Defense Technologies, Inc. | Gastonia, NC |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDA | 0602211A | 8 | Intensive Quenching for Advanced Weapon Systems | $1,200.0 | Sutton | IQ Technologies, Inc. | Akron, OH |
| II | RDA | 0602270A | 9 | Silver Fox and Manta UAS | $2,500.0 | Giffords | Advanced Ceramics Research | Tucson, AZ |
| II | RDA | 0602601A | 13 | DoD Hydrogen PEM Fuel Cell Medium/Heavy Duty Vehicle Demonstration Program | $3,000.0 | Larson | UTC Power | South Windsor, CT |
| II | RDA | 0602105A | 13 | Dual Stage Variable Energy Absorber | $3,000.0 | Murphy, Patrick | ARRCA, Incorporated | Penns Park, PA |
| II | RDA | 0602601A | 13 | Fire Resistant Fuels | $4,000.0 | Rodriguez | Southwest Reasearch Institute | San Antonio, TX |
| II | RDA | 0602601A | 13 | Nanofluids for Advanced Military Mobility | $1,000.0 | Davis (KY) | Ashland Inc. | Covington, KY |
| II | RDA | 0602601A | 13 | Rapid Up-Armor Synthesis and Crashworthiness Design for Improved Soldier Survivability | $1,500.0 | Donnelly | The University of Notre Dame | Notre Dame, IN |
| II | RDA | 0602601A | 13 | Tactical Metal Fabrication (TacFab) | $2,500.0 | Markey | Thermo Fisher Scientific | Waltham, Woburn, Beverly, Billerica, Lowell, MA |
| II | RDA | 0602601A | 13 | Tactical Metal Fabrication (TacFab) | $2,500.0 | Tierney | Thermo Fisher Scientific | Waltham, Woburn, Beverly, Billerica, Lowell, MA |
| II | RDA | 0602601A | 13 | Tactical Metal Fabrication (TacFab) | $2,500.0 | Tsongas | Thermo Fisher Scientific | Billerica, MA |
| II | RDA | 0602601A | 13 | Tactical Metal Fabrication (TacFab) | $2,500.0 | Turner | BuyCastings.com | Dayton, ON |
| II | RDA | 0602618A | 14 | Beneficial Infrastructure for Rotorcraft Risk Reduction Demonstrations (BIRRRD) | $1,000.0 | Sestak | Dragonfly Pictures, Inc | Essington, PA |
| II | RDA | 0602618A | 14 | Globally Accessible Manufacturing and Maintenance Activity (GAMMA) | $2,000.0 | Knollenberg | POM Group Inc. | Auburn Hills, MI |
| II | RDA | 0602624A | 17 | Specialized Compact Automated Mechanical Clearance Platform | $2,000.0 | Murphy, Patrick | Humanistic Robotics, Inc. | Philadelphia, PA |
| II | RDA | 0602709A | 19 | Miniaturized Sensors for Small and Tactical Unmanned Aerial Vehicles (MINISENS) | $1,500.0 | Reyes | Aerospace Missions Corporation | El Paso, TX |
| II | RDA | 0602712A | 20 | Hawaii Undersea Chemical Military Munitions Assessment Plan | $5,000.0 | Abercrombie | University of Hawaii | Honolulu, HI |
| II | RDA | 0602716A | 21 | LWI Training-based Collaborative Research | $25,000.0 | Skelton | Leonard Wood Institute | Fort Leonard Wood, MO |
| II | RDA | 0602720A | 22 | Range Scrap Disposal, Hawthorne Army Depot | $1,000.0 | Brady (PA) | Hawthorne Army Depot | Hawthorne, NV |
| II | RDA | 0602720A | 22 | Range Scrap Disposal, Hawthorne Army Depot | $1,000.0 | Sestak | Hawthorne Army Depot | Hawthorne, NV |
| II | RDA | 0602786A | 27 | Advanced Thermal Processing of Packaged Combat Rations | $2,100.0 | Gingrey | Printpack, Inc. | Atlanta, GA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDA | 0602786A | 27 | Wearable Personal Area Network Technology | $3,000.0 | Spratt | Advanced Mission Systems, Inc. | Fort Mill, SC |
| II | RDA | 0602787A | 28 | Advanced Functional Nanomaterials for Biological Processes | $2,000.0 | Snyder | University of Arkansas Little Rock | Little Rock, AR |
| II | RDA | 0602787A | 28 | Military Photomedicine Program | $3,500.0 | Sanchez, Loretta | Air Force Office of Scientific Research | Arlington, VA |
| II | RDA | 0602787A | 28 | Minimizing Health Effects of Air Toxics on Military Personnel | $1,200.0 | Yarmuth | University of Lousiville Research Foundation | Louisville, KY |
| II | RDA | 0602787A | 28 | Plasma Technology Laboratory | $1,000.0 | Ortiz | Texas A&M University - Corpus Christi | Corpus Christi, TX |
| II | RDA | 0603001A | 29 | Ballistic Precision Aerial Delivery System (BPADS) | $4,600.0 | Larson | Pioneer Aerospace Corporation | South Windsor, CT |
| II | RDA | 0603001A | 29 | Ballistic Precision Aerial Delivery System (BPADS) | $4,600.0 | Taylor | Pioneer Aerospace Corporation | Columbia, MS |
| II | RDA | 0603001A | 29 | Novel Flame Retardant Nylon Fabrics | $1,500.0 | Spratt | Milliken & Company | Spartanburg, SC |
| II | RDA | 0603002A | 30 | Center for Robotic Computerized Telemanipulation | $2,000.0 | Brady (PA) | Thomas Jefferson University Hospital | Philadelphia, PA |
| II | RDA | 0603002A | 30 | Chronic Tinnitus Treatment Program | $1,000.0 | Dent | Neuromonics, Inc. | Bethlehem, PA |
| II | RDA | 0603002A | 30 | Composite Tissue Allotransplantation Research and Clinical Program | $2,000.0 | Yarmuth | National Foundation to Support Cell Transplant Research | Louisville, KY |
| II | RDA | 0603002A | 30 | Controlled Release of Anti-Inflammatory and Tissue Repair | $6,000.0 | Blunt | Crosslink | Springfield, MO |
| II | RDA | 0603002A | 30 | Corneal Wound Repair | $5,500.0 | Blunt | St. John's Medical Research | Springfield, MO |
| II | RDA | 0603002A | 30 | Institute of Surgical and Interventional Simulation | $3,000.0 | Smith (WA) | University of Washington | Seattle, WA |
| II | RDA | 0603002A | 30 | Personal Status Monitor (Nightengale) | $2,500.0 | McHugh | Welch Allyn | Skaneateles Falls, NY |
| II | RDA | 0603002A | 30 | Ultra High-Speed MEMS Electromagnetic Cell Sorter (UHSMECS) | $3,000.0 | Capps | Innovative Micro Technology | Santa Barbara, CA |
| II | RDA | 0603002A | 30 | Ultra-High Resolution Display for Army Medicine (UHRDARM) | $3,000.0 | Hall (NY) | eMagin Corporation | Hopewell Junction, NY |
| II | RDA | 0603003A | 31 | Drive System Composite Structural Component Risk Reduction Program | $3,000.0 | Brady (PA) | V System Composites, Inc | Chester, PA |
| II | RDA | 0603003A | 31 | Mission Execution Technology Implementation | $4,000.0 | Akin | Westar Aerospace & Defense Group, Inc. | St. Charles, MO |
| II | RDA | 0603003A | 31 | Mission Execution Technology Implementation | $4,000.0 | Hulshof | Aeromechanics Division | Redstone Arsenal, AL |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDA | 0603003A | 31 | Non-Hazardous Infrared Anti-Reflective Coatings for Army Aircraft Sensors | $1,500.0 | Hayes | United Protective Technologies (UPT) | Charlotte, NC |
| II | RDA | 0603003A | 31 | UAV-Resupply BURRO | $1,500.0 | Larson | Kaman Aerospace Corporation | Bloomfield, CT |
| II | RDA | 0603003A | 31 | Universal Control--Full Authority Digital Engine Control (FADEC) | $4,000.0 | Larson | Goodrich Engine Control Systems | West Hartford, CT |
| II | RDA | 0603004A | 32 | Lens-Less Micro Seeker System for Small Steerable Projectiles | $2,000.0 | Dreier | Tanner Research, Inc. | Monrovia, CA |
| II | RDA | 0603004A | 32 | Precision Molding Manufacturing Technology for InfraRed Aspheric Optics | $2,900.0 | Andrews | Edmund Optics, Inc | Barrington, NY |
| II | RDA | 0603004A | 32 | Precision Molding Manufacturing Technology for InfraRed Aspheric Optics | $2,900.0 | Dent | Edmund Optics, Inc | Barrington, NY |
| II | RDA | 0603004A | 32 | Precision Molding Manufacturing Technology for InfraRed Aspheric Optics | $2,900.0 | Saxton | Edmund Optics, Inc | Barrington, NY |
| II | RDA | 0603005A | 33 | Advanced Composites for Light Weight, Low Cost Transportation Systems using 3+ Extruder | $3,000.0 | Stupak | Century/3 Plus, LLC | Traverse City, MI |
| II | RDA | 0603005A | 33 | Advanced Drivetrains for Enhanced Mobility and Safety | $2,000.0 | Upton | Eaton Corporation | Marshall, MI |
| II | RDA | 0603005A | 33 | Advanced Drivetrains for Enhanced Mobility and Safety | $2,000.0 | Walberg | Eaton Automotive -Torque Control Products Division | Marshall, MI |
| II | RDA | 0603005A | 33 | Antiballistic Windshield Armor | $4,500.0 | Donnelly | Defense, CS | Mishawaka, IN |
| II | RDA | 0603005A | 33 | Commercially Viable Si/C Power Semiconductors Using Superlattice Technology | $3,200.0 | Gillibrand | C9 Corporation | Wilton, NY |
| II | RDA | 0603005A | 33 | Dynamometer Facility Upgrade Program | $4,000.0 | Dingell | AVL North America, Inc. | Ann Arbor, MI |
| II | RDA | 0603005A | 33 | Dynamometer Facility Upgrade Program | $4,000.0 | Levin | AVL North America, Inc. | Plymouth, MI |
| II | RDA | 0603005A | 33 | Fire Shield | $4,000.0 | Dreier | Chang Industry | La Verne, CA |
| II | RDA | 0603005A | 33 | Hybrid Electric (heavy truck) Vehicle | $3,000.0 | Bartlett | Volvo Powertrain of North America | Hagerstown, MD |
| II | RDA | 0603008A | 36 | Applied Communications and Information Networking (ACIN) | $4,000.0 | Andrews | U.S. Army CERDEC | Camden, NJ |
| II | RDA | 0603008A | 36 | Applied Communications and Information Networking (ACIN) | $4,000.0 | LoBiondo | U.S. Army CERDEC | Camden, NJ |
| II | RDA | 0603008A | 36 | Maritime C4ISR System | $1,000.0 | Shuster | Mission Critical Solutions, LLC | Alum Bank, PA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDA | 0603015A | 38 | Joint Fires & Effects Training System (JFETS) | $2,500.0 | Cole | Institute for Creative Technologies | Marina Del Ray, CA |
| II | RDA | 0603103A | 41 | Unserviceable Ammunition Demilitarization | $1,000.0 | Bishop (UT) | Tooele Army Depot, Battelle Memorial Institute | Tooele, UT |
| II | RDA | 0603710A | 50 | Brownout Situational Awareness Sensor | $2,000.0 | Hunter | TREX Enterprises Corporation | San Diego, CA |
| II | RDA | 0603710A | 50 | Personal Miniature Thermal Viewer | $2,000.0 | Michaud | Elscott Manufacturing | Ellsworth, ME |
| II | RDA | 0603710A | 50 | Personal Miniature Thermal Viewer | $2,000.0 | Sanchez, Loretta | Irvine Sensors Corporation | Costa Mesa, CA |
| II | RDA | 0603734A | 52 | Enhanced Holographic Imager | $2,800.0 | Conaway | Zebra Imaging, Inc. | Austin, TX |
| II | RDA | 0603734A | 52 | Enhanced Holographic Imager | $2,800.0 | Granger | Zebra Imaging, Inc. | Austin, TX |
| II | RDA | 0603734A | 52 | S.A.V.E.: Synthetic Automotive Virtual Environments | $2,000.0 | Hodes | Vehicle Control Training, LLC | Dalton, NH |
| II | RDA | 0603772A | 53 | Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER) | $4,000.0 | McHugh | Syracuse Research Corporation | North Syracuse, NY |
| II | RDA | 0603772A | 53 | Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER) | $4,000.0 | Walsh | Syracuse Research Corporation | North Syracuse, NY |
| II | RDA | 0603747A | 53 | Software Lifecycle Affordability Management Phase II (SLAM II) | $1,000.0 | Saxton | PRICE Systems, LLC | Mount Laurel, NJ |
| II | RDA | 0603305A | 55 | Compact Pulsed Power for Defense Applications | $3,000.0 | Conaway | Texas Tech University | Lubbock, TX |
| II | RDA | 0603305A | 55 | Compact Pulsed Power for Defense Applications | $3,000.0 | Neugebauer | Texas Tech University | Lubbock, TX |
| II | RDA | 0603305A | 55 | Composite Structure Design | $2,000.0 | Johnson (GA) | Army Space and Missile Defense Command | Anniston, AL |
| II | RDA | 0603305A | 55 | Deployable Space and Electronic Warfare Analysis Tool | $1,000.0 | Lamborn | Analytical Graphics, Inc. | Colorado Springs, CO |
| II | RDA | 0603653A | 62 | Stryker Common Active Protection System Radar | $2,000.0 | Hall (TX) | Raytheon Network Centric Systems | McKinney, TX |
| II | RDA | 0603653A | 62 | Stryker Common Active Protection System Radar | $2,000.0 | Reyes | Raytheon Network Centric Systems | McKinney, TX |
| II | RDA | 0604601A | 63 | Headborne Energy Analysis and Diagnostic System (HEADS) | $2,000.0 | Mitchell | BAE Systems | Tucson, AZ |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDA | 0603779A | 66 | Demonstration Project at Travis AFB Environmental Mangament Information System | $500.0 | Tauscher | Travis Air Force Base | Fairfield, CA |
| II | RDA | 0603779A | 66 | Renewable Energy Testing Center | $2,000.0 | Matsui | Renewable Energy Institute International | Sacramento, CA |
| II | RDA | 0603807A | 72 | Leishmania Skin Test | $1,000.0 | Hunter | Allermed Laboratories, Inc | San Diego, CA |
| II | RDA | 0604270A | 78 | Hostile Fire Indicator | $5,000.0 | Shea-Porter | BAE Systems E&IS | Nashua, NH |
| II | RDA | 0604807A | 110 | Rotary Valve Pressure Swing Absorption Oxygen Generator (RVPSAOG) | $1,000.0 | Davis (CA) | SeQual Technologies, Inc | San Diego, CA |
| II | RDA | 0605013A | 123 | Health Informatics Initiative | $2,500.0 | Castor | USF College of Public Health | Tampa, FL |
| II | RDA | 0605326A | 132 | Gunfire Detection System for Unmanned Aerial Vehicles | $1,000.0 | Everett | Radiance Technologies / Army Aviation Warfighting Center | Fort Rucker, AL |
| II | RDA | 0605602A | 135 | MOTS All Sky Imager (MASI) | $1,500.0 | Reyes | Trex Enterprises | San Diego, CA |
| II | RDA | 0203726A | 154 | Fire Support Technology Improvement Program | $1,000.0 | Shuster | Szanca Solutions, Inc. | Bedford, PA |
| II | RDA | 0203735A | 155 | Ground Combat Systems Electronic Enhancements | $3,000.0 | McKeon | Curtiss Wright | Santa Clarita, CA |
| II | RDA | 0203802A | 163 | Close Combat Missile Modernization (Javelin) | $3,700.0 | Everett | Lockheed Martin | Huntsville/Redstone Arsenal/Troy, AL |
| II | RDA | 0305208A | 177 | Asymmetric Threat Response and Analysis Program (ATRAP) | $3,000.0 | Giffords | University of Arizona | Tucson, AZ |
| II | RDA | 0305208A | 177 | Blast Damage Assessment Risk Analysis and Mitigation Application - Enhancements (BRAMA-E) | $1,000.0 | Young (AK) | ISR Battle Command Battle Lab | Ft. Huachuca, AZ |
| II | RDA | 0305208A | 177 | Constant Look Operational Support Environment (CLOSE) | $2,000.0 | Young (AK) | ISR Battle Command Battle Lab | Ft. Huachuca, AZ |
| II | RDA | 0305208A | 177 | Heuristic Internet Protocol Packet Inspection Engine (HIPPIE) | $2,500.0 | Akin | TechGuard Securities | Chesterfield, MO |
| II | RDA | 0708045A | 179 | Helicopter Vulerability Reduction | $3,000.0 | Shays | United Technologies Research Center | East Hartford, CT |
| II | RDA | 0708045A | 179 | Helicopter Vulnerability Reduction | $3,000.0 | Courtney | United Technologies Research Center | East Hartford, CT |
| II | RDA | 0708045A | 179 | Near-net shaped body armor plate development | $2,000.0 | Snyder | Army PEO Soldier | |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDA | 0708045A | 179 | Vehicle Common Armor Manufacturing Process (VCAMP) | $2,500.0 | Saxton | SMH International, LLC | Mount Laurel, NJ |
| II | RDN | 0601153N | 3 | Energetics S&T Workforce | $3,000.0 | Hoyer | Naval Surface Warfare Center | Indian Head, MD |
| II | RDN | 0602114N | 4 | High Energy Conventional Energetics (Phase 2) | $1,500.0 | Hoyer | Naval Surface Warfare Center | Indian Head, MD |
| II | RDN | 0602114N | 4 | Marine Mammal Hearing and Echolocation Research | $2,000.0 | Abercrombie | Marine Mammal Research Program, University of Hawaii | Kailua, HI |
| II | RDN | 0602123N | 5 | Composite Sea Lion Craft Project | $2,000.0 | Taylor | Seemann Composites | Gulfport, MS |
| II | RDN | 0602131M | 6 | Warfighter Rapid Awareness Processing Technology (WRAPT) | $4,000.0 | Abercrombie | Archinoetics, LLC | Honolulu, HI |
| II | RDN | 0602234N | 7 | Infrared Materials Laboratories | $2,500.0 | Cole | Amethyst Research, Inc. | Ardmore, OK |
| II | RDN | 0602235N | 8 | All Weather Sense and Avoid for UAVs | $2,500.0 | Hoyer | Naval Air Station | Patuxent River, MD |
| II | RDN | 0602235N | 8 | SOF Test Environment for Advanced Team Collaboration Missions | $2,000.0 | Hoyer | Naval Air Station | Patuxent River, MD |
| II | RDN | 0602271N | 10 | Center for Hetero-Functional Materials | $1,000.0 | Conaway | Angelo State University | San Angelo, TX |
| II | RDN | 0603114N | 15 | Countermine Lidar UAV-based System (CLUBS) | $1,200.0 | Taylor | Optech International Inc. | Kiln, MS |
| II | RDN | 0603114N | 15 | High Speed Anti-Radiation Demonstrator | $1,000.0 | McKeon | Aerojet | Sacramento and China Lake, CA |
| II | RDN | 0603114N | 15 | Real-Time Hyperspectral Targeting Sensor | $3,000.0 | Hunter | Surface Optics Corporation | San Diego, CA |
| II | RDN | 0603123N | 16 | High Strength Flame Resistant LCP Reinforced Netting | $2,000.0 | Larsen | Diamond Nets, Inc. | Everson, WA |
| II | RDN | 0603123N | 16 | Integrated Ship and Motion Control Technology | $4,300.0 | Courtney | Mystic Innovations Group, Inc. | Mystic, CT |
| II | RDN | 0603123N | 16 | Integrated Ship and Motion Control Technology | $4,300.0 | Gillibrand | Advanced Energy Conversion, LLC | Malta, NY |
| II | RDN | 0603123N | 16 | Mobile Manufacturing and Repair Cell/Engineering Education Outreach Program | $1,000.0 | Knollenberg | Focus: HOPE | Detroit, MI |
| II | RDN | 0603123N | 16 | Mobile Manufacturing and Repair Cell/Engineering Education Outreach Program | $1,000.0 | Levin | Focus: HOPE | Detroit, MI |
| II | RDN | 0603123N | 16 | Navy Multi-Fuel Combustor for Shipboard Fuel Cell Systems | $2,000.0 | Lampson | Office of Naval Research | Missouri City, TX |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDN | 0603236N | 18 | System for Intelligent Task Assignment & Readiness (SITAR) | $1,000.0 | Hunter | SYS Technologies | San Diego, CA |
| II | RDN | 0603640M | 20 | Ballistic Helmet Development | $1,500.0 | King (NY) | American Defense Systems, Inc. | Hicksville, NY |
| II | RDN | 0603216N | 27 | In Buoy Processor for Trigger and Alert Sonobuoy System | $2,500.0 | Abercrombie | Guide Star Engineering, LLC | Kapolei, HI |
| II | RDN | 0603254N | 29 | Holographic Optical Filters for LIDAR | $1,200.0 | Murphy, Patrick | RL Associates, Inc. | Langhorne, PA |
| II | RDN | 0603254N | 29 | Holographic Optical Filters for LIDAR | $1,200.0 | Sestak | RL Associates, Inc. | Chester, PA |
| II | RDN | 0603254N | 29 | Marine Mammal Awareness, Alert and Response Systems (MMAARS) | $3,000.0 | Abercrombie | BAE Systems | Honolulu, HI |
| II | RDN | 0603254N | 29 | Tactical E-Field Buoy Development | $2,000.0 | Hunter | Information Systems Laboratories | San Diego, CA |
| II | RDN | 0603512N | 34 | Improved Corrosion Protection for Electromagnetic Aircraft Launch System for CVN-21 | $3,000.0 | LoBiondo | NAVAIR | Lakehurst, NJ |
| II | RDN | 0603512N | 34 | Improved Corrosion Protection for Electromagnetic Aircraft Launch System for CVN-21 | $3,000.0 | Sestak | McGee Industries | Aston, PA |
| II | RDN | 0603512N | 34 | Improved Corrosion Protection for Electromagnetic Aircraft Launch System for CVN-21 | $3,000.0 | Smith (NJ) | McGee Industries Inc | Aston, PA |
| II | RDN | 0603513N | 35 | Data Acquisition Reporting and Trending System (DARTS) | $3,000.0 | Brady (PA) | Progeny Systems Corporation | Manassas, VA |
| II | RDN | 0603513N | 35 | IR LED Free Space Optics Communications Advancement | $500.0 | Hunter | Torrey Pines Logic | San Diego, CA |
| II | RDN | 0603561N | 42 | Advanced Submarine System Development (ULMS) | $4,000.0 | Forbes | Navy | Various |
| II | RDN | 0603561N | 42 | Sea Based Strategic Deterrent (SBSD)/ Undersea Launched Missile Study (ULMS) | $4,000.0 | Courtney | General Dynamics Electric Boat | Groton, CT |
| II | RDN | 0603561N | 42 | Sea Based Strategic Deterrent (SBSD)/ Undersea Launched Missile Study (ULMS) | $4,000.0 | Langevin | General Dynamics - Electric Boat | Groton, CT |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDN | 0603561N | 42 | Sea Based Strategic Deterrent (SBSD)/ Undersea Launched Missile Study (ULMS) | $4,000.0 | Scott (VA) | Northrop Grumman | Newport News, VA |
| II | RDN | 0603561N | 42 | Sea Based Strategic Deterrent (SBSD)/ Undersea Launched Missile Study (ULMS) | $4,000.0 | Wittman | Northrop Grumman | Newport News, VA |
| II | RDN | 0603563N | 44 | Analytics for Shipboard Monitoring Systems (ASMS) | $1,000.0 | Drake | Oceana Sensor Technologies, Inc. | Virginia Beach, VA |
| II | RDN | 0603564N | 45 | Naval Ship Hydrodynamic Test Facilities, NSWC, Carderock | $5,000.0 | Van Hollen | Naval Surface Warfare Center, Carderock | Bethesda, MD |
| II | RDN | 0603635M | 54 | Urban Operations Laboratory | $2,000.0 | Boyda | Kansas State University & M2 Technologies | Manhattan, KS |
| II | RDN | 0603725N | 60 | Hydrokinetic Power Generator | $2,000.0 | Dingell | Vortex Hydro Energy, LLC | Ann Arbor, MI |
| II | RDN | 0603725N | 60 | Regenerative Fuel Cell Back-up Power | $1,500.0 | Larson | Infinity Fel Cells and Hydrogen, Inc. | Windsor, CT |
| II | RDN | 0603725N | 60 | Swimmer Detection Sonar Network for the Portsmouth Naval Shipyard | $4,000.0 | Hodes | Scientific Solutions, Inc. | Nashua, NH |
| II | RDN | 0603725N | 60 | Swimmer Detection Sonar Network for the Portsmouth Naval Shipyard | $4,000.0 | Shea-Porter | Scientific Solutions, Inc. | Nashua, NH |
| II | RDN | 0603725N | 60 | Testing of Critical Components for Ocean Alternate Energy Options | $2,500.0 | Abercrombie | Naval Facilities Engineering Services Center (NFESC) | Port Hueneme, CA |
| II | RDN | 0603725N | 60 | Wave Energy PowerBuoy Generating System | $2,000.0 | Abercrombie | Ocean Power Technologies | Honolulu, HI |
| II | RDN | 0603795N | 70 | Affordable Weapon System | $14,000.0 | Hunter | N/A | San Diego, CA, Los Angeles, CA, Tucson, AZ, St. Louis, MO |
| II | RDN | 0603795N | 70 | Affordable Weapons System | $14,000.0 | Gallegly | MBDA | Westlake Village, CA |
| II | RDN | 0604272N | 76 | Compact Ultra-fast Laser System Development | $2,000.0 | Ellsworth | Rose-Hulman Institute of Technology and SAIC | Crane, IN |
| II | RDN | 0604215N | 82 | U.S. Navy METCAL RDT&E | $2,000.0 | Calvert | NSWC, Corona | Corona, CA |
| II | RDN | 0604307N | 98 | DDG 51 Class Permanent Magnet Hybrid Electric Propulsion | $3,000.0 | Bartlett | DRS Power Technology, Inc. | Fitchburg, MA |
| II | RDN | 0604307N | 98 | DDG 51 Class Permanent Magnet Hybrid Electric Propulsion | $3,000.0 | Murphy (CT) | DRS Power and Control Technologies | Danbury, CT |
| II | RDN | 0604307N | 98 | DDG 51 Class Permanent Magnet Hybrid Electric Propulsion | $3,000.0 | Tsongas | DRS Power Technology, Inc. | Fitchburg, MA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDN | 0604501N | 104 | National Radio Frequency (RF) R&D and Technology Transfer Center | $5,000.0 | Ellsworth | Technology Service Corporation | Crane, IN |
| II | RDN | 0604501N | 104 | National Radio Frequency R&D and Technology Transfer Center | $5,000.0 | Buyer | Technology Service Corporation | Bloomington, IN |
| II | RDN | 0604558N | 109 | Large-Scale Demonstration Item for VA-Class Bow Dome | $2,000.0 | Taylor | Seeman Composites, Inc | Gulfport, MS |
| II | RDN | 0604567N | 112 | Automated Fiber Optic Manufacturing Initiative | $3,500.0 | Drake | KITCO Fiber Optics | Virginia Beach, VA |
| II | RDN | 0604567N | 112 | Automated Fiber Optic Manufacturing Initiative | $3,500.0 | Scott (VA) | KITCO Fiber Optics | Virginia Beach, VA |
| II | RDN | 0604771N | 123 | U.S. Navy Pandemic Influenza Vaccine Program | $2,000.0 | McHugh | Trudeau Institute | Saranac Lake, NY |
| II | RDN | 0604759N | 137 | Air Combat Environment Test & Evaluation Facility (ACETEF) Upgrades | $3,000.0 | Hoyer | NAS Patuxent River | Patuxent River, MD |
| II | RDN | 0604759N | 137 | Improved Interoperability RDT&E to Support NAVAIR and GWOT Missions | $1,500.0 | Hoyer | NAS Patuxent River | Patuxent River, MD |
| II | RDN | 0101221N | 159 | Advanced LINAC Facility | $4,000.0 | Hill | Indiana University | Bloomington, IN |
| II | RDN | 0204229N | 167 | ImageNav— Low-Cost Image-Based Navigation and Precision Targeting | $1,000.0 | Markey | Scientific Systems Company, Inc | Woburn, MA |
| II | RDN | 0205632N | 176 | MK 48 Torpedo Post-Launch Communication System | $1,000.0 | Arcuri | Naval Sea Systems Command | Washington Navy Yard, DC |
| II | RDN | 0205633N | 177 | Reduction of Weapon System Downtime Rapid Repair Structural Adhesives | $2,000.0 | Langevin | Epoxies, Etc., Inc. | Cranston, RI |
| II | RDN | 0205633N | 177 | Sacrificial Film Laminates for Navy Helicopter Windscreens | $1,200.0 | Spratt | United Protective Technologies | Charlotte, NC |
| II | RDN | 0206623M | 181 | Marine Corps Shotgun Modernization Program | $3,000.0 | Hoyer | USMC | Quantico, VA |
| II | RDN | 0303109N | 190 | Joint- Integrated Systems Technology for Advanced Digital Networking (JIST-NET) | $1,000.0 | Hunter | San Diego DEFCOMM | El Cajon, CA |
| II | RDAF | 0601103F | 2 | Aerodynamic Wind Tunnel Upgrade Initiative | $2,000.0 | Giffords | University of Arizona | Tucson, AZ |
| II | RDAF | 0301555F | 4 | Remote Suspect Identification | $4,000.0 | Alexander | Air Force Cyberspace Command (P)/Louisiana Tech University (Ruston, LA) | Bossier City, LA |
| II | RDAF | 0301555F | 4 | Remote Suspect Identification | $4,000.0 | McCrery | Air Force Cyberspace Command (P)/Louisiana Tech University (Ruston, LA) | Bossier City, LA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDAF | 0602102F | 8 | Advanced Carbon Fiber Research and Test Initiative | $3,000.0 | Inglis | Cytec Industries Inc. | Piedmont, SC |
| II | RDAF | 0602102F | 8 | Advanced Carbon Fiber Research and Test Initiative | $3,000.0 | Spratt | Cytec Industries Inc. | Rock Hill, SC |
| II | RDAF | 0602102F | 8 | Advanced Casting and Coating Technologies | $3,500.0 | Sutton | PPG Industries | Barberton, OH |
| II | RDAF | 0602102F | 8 | Ceramic Matrix Composite Turbine Blade Demonstration | $4,000.0 | Shays | UTC Research Center | East Hartford, CT |
| II | RDAF | 0602102F | 8 | FEL Capabilities for Aerospace Microfabrication | $1,400.0 | Wittman | Air Force | Newport News, VA |
| II | RDAF | 0602102F | 8 | Next Generation Manufacturing Processes | $1,500.0 | Smith (TX) | University of Texas at Austin | Austin, TX |
| II | RDAF | 0602102F | 8 | ONAMI Safer Nanomaterials and Nanomanufacturing | $1,000.0 | DeFazio | University of Oregon | Eugene, OR |
| II | RDAF | 0602102F | 8 | ONAMI Safer Nanomaterials and Nanomanufacturing | $1,000.0 | Walden | Portland State University, University of Oregon, Oregon State University | Portland, Eugene, Corvallis, OR |
| II | RDAF | 0602203F | 11 | Advanced Vehicle Propulsion Center | $1,500.0 | McKeon | Advatech Pacific | Palmdale, CA |
| II | RDAF | 0602203F | 11 | Hydrocarbon Boost Technology Demonstrator | $1,750.0 | Doolittle | Aerojet-General Corporation | Sacramento, CA |
| II | RDAF | 0602203F | 11 | Hydrocarbon Boost Technology Demonstrator | $1,750.0 | McCarthy (CA) | Aerojet-General Corporation | Sacramento, CA |
| II | RDAF | 0602203F | 11 | Hydrocarbon Boost Technology Demonstrator | $1,750.0 | McKeon | Aerojet-General Corporation | Sacramento and Edwards AFB, CA |
| II | RDAF | 0602203F | 11 | Integrated Electrical Starter/Generator (IES/G) | $2,000.0 | Turner | GE Aviation, Electrical Power Systems | Vandalia, OH |
| II | RDAF | 0602203F | 11 | National Test Facility for Aerospace Fuels and Propulsion | $1,700.0 | Buyer | Purdue University | West Lafayette, IN |
| II | RDAF | 0602203F | 11 | WASH Oxygen Sensor | $1,000.0 | Dreier | Advanced Projects Research, Incorporated | La Verne, CA |
| II | RDAF | 0602204F | 12 | Information Quality Tools for Persistent Surveillance Data Sets | $2,000.0 | Snyder | University of Arkansas Little Rock | Little Rock, AR |
| II | RDAF | 0602204F | 12 | Net-Centric Sensor Grids | $1,000.0 | Hill | Indiana University | Bloomington, IN |
| II | RDAF | 0602601F | 13 | Radiation Hardened Non-Volatile Memory Technology | $2,000.0 | Lamborn | Aeroflex | Colorado Springs, CO |
| II | RDAF | 0603112F | 18 | Metals Affordability Initiative | $5,000.0 | Cannon | Air Force Research Laboratory | Dayton, OH |
| II | RDAF | 0603112F | 18 | Metals Affordability Initiative | $5,000.0 | DeFazio | | Albany, OR |
| II | RDAF | 0603112F | 18 | Metals Affordability Initiative | $5,000.0 | Hayes | Air Force Research Laboratory | Dayton, OH |
| II | RDAF | 0603112F | 18 | Metals Affordability Initiative | $5,000.0 | Kaptur | Air Force Research Laboratory | Dayton, OH |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDAF | 0603112F | 18 | Metals Affordability Initiative | $5,000.0 | Ryan (OH) | Air Force Research Laboratory | Dayton, OH |
| II | RDAF | 0603112F | 18 | Metals Affordability Initiative | $5,000.0 | Turner | Air Force Research Laboratory | Dayton, OH |
| II | RDAF | 0603203F | 19 | Moving Target Strike | $2,500.0 | Miller (FL) | General Atomics/Alpha Data Corporation | Fort Walton Beach, FL |
| II | RDAF | 0603216F | 21 | Versatile Affordable Advanced Turbine Engines (VAATE) for Supersonic Cruise Missiles | $4,500.0 | Bishop (UT) | Air Force Research Lab/Williams International, Inc. | Ogden, UT |
| II | RDAF | 0603270F | 23 | COTS Analysis Tools for Navigational Warfare | $1,500.0 | Sestak | Analytical Graphics, Inc. | Exton, PA |
| II | RDAF | 0603401F | 25 | Hybrid Sounding Rocket Propulsion | $1,000.0 | Hunter | SpaceDev Inc | Poway, CA |
| II | RDAF | 0603401F | 25 | Small Low Cost Reconnaisance Spacecraft Components | $2,000.0 | Bishop (UT) | Utah State University Space Dynamics Laboratory | Logan, UT |
| II | RDAF | 0603680F | 29 | Prepreg Thickness Variability Reduction Program | $2,000.0 | Hall (TX) | Cytec Engineering | Greenville, TX |
| II | RDAF | 0604240F | 61 | B-2 Moving Target Kill (MTK)/SDB II | $10,300.0 | Dicks | Northrop Grumman Corporation | Palmdale, CA |
| II | RDAF | 0604240F | 61 | B-2 Moving Target Kill (MTK)/SDB II | $10,300.0 | McKeon | Northrop Grumman Corporation | Palmdale, CA |
| II | RDAF | 0604421F | 66 | Space Control Test Capabilities | $2,000.0 | Everett | Davidson Technologies | Huntsville, AL |
| II | RDAF | 0604421F | 66 | Space Control Test Capabilities | $2,000.0 | Rogers (AL) | Computer Science Corporation | Redstone Arsenal, AL |
| II | RDAF | 0604706F | 75 | ACES 5 Ejection Seat | $6,000.0 | Lamborn | Air Force Human Systems Group | Brooks Air Force Base, TX |
| II | RDAF | 0604740F | 77 | Distributed Mission Interoperability Toolkit (DMIT) | $2,000.0 | LoBiondo | Gestalt | Camden, NJ |
| II | RDAF | 0604740F | 77 | Distributed Mission Interoperability Toolkit (DMIT) | $2,000.0 | Sestak | Accenture National Security Service | King of Prussia, PA |
| II | RDAF | 0604740F | 77 | Distributed Mission Interoperablility Toolkit (DMIT) | $2,000.0 | Andrews | Hanscom AFB | Camden, NJ |
| II | RDAF | 0207434F | 86 | Flexible Access Secure Transfer (FAST) | $1,500.0 | Pascrell | BAE Systems | Wayne, NJ |
| II | RDAF | 0207434F | 86 | Flexible Access Secure Transfer (FAST) | $1,500.0 | Rothman | BAE Systems | Wayne, NJ |
| II | RDAF | 0604759F | 94 | Eglin AFB Range Operations Control Center (ROCC) Initiative | $1,000.0 | Miller (FL) | Cubic Defense Applications | Arlington, VA |
| II | RDAF | 0604759F | 94 | FPS-16 Radar Mobilization Upgrade | $3,500.0 | Miller (FL) | BAE Systems | Fort Walton Beach, FL |
| II | RDAF | 0605978F | 102 | Low Profile Arresting Gear | $1,000.0 | Sestak | Engineered Arresting Systems Corporation | Aston, PA |
| II | RDAF | 0305206F | 191 | Multiple UAS cooperative concentrated observation and engagement against a common ground objective | $5,500.0 | Bartlett | Proxy Aviation Systems | Germantown, MD |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDAF | 0305206F | 191 | Multiple UAS cooperative concentrated observation and engagement against a common ground objective | $5,500.0 | Sestak | Proxy Aviation Systems | Germantown, MD |
| II | RDAF | 0305207F | 192 | RIVET JOINT ISR Network Integration | $2,500.0 | Hall (TX) | L-3 | Greenville, TX |
| II | RDAF | 0401115F | 205 | Electromagnetic In-Flight Propeller Balancing | $1,500.0 | English | LORD Corporation | Erie, PA |
| II | RDAF | 0408011F | 215 | Next Generation Tactical Environmental Clothing for AFSOC | $2,000.0 | Rogers (AL) | THY Enterprises | Alexander City, AL |
| II | RDAF | 0708611F | 221 | Eielson Air Force Base Alternative Energy Source Program | $3,000.0 | Young (AK) | Biomass Energy Systems, Inc. | Princeton, NJ |
| II | RDAF | 0708611F | 221 | Expeditionary 200 kW+ Alternative Power Generator - Phase 1 | $1,000.0 | Lamborn | Peterson Air Force Base | Colorado Springs, CO |
| II | RDDW | 0602228D8Z | 9 | John H. Hopps Defense Research Scholars Program | $2,000.0 | Marshall | Morehouse College | Atlanta, GA |
| II | RDDW | 0603122D8Z | 27 | BOPPER (Bioterrorism Operations Policy and Public Emergency Response) | $1,500.0 | Watt | Clean Earth Technologies | Winston-Salem, NC |
| II | RDDW | 0603122D8Z | 27 | EDIT Technology for Counter-Tunnel Operations and Cache Detections | $1,000.0 | Udall (NM) | Stolar Research Corporation | Raton, NM |
| II | RDDW | 0603122D8Z | 27 | Full Scale Impact and Blast Loading Laboratory Testing Program | $2,000.0 | Davis (CA) | University of California, San Diego | San Diego, CA |
| II | RDDW | 0603160BR | 28 | Next Generation Intelligent Portable Radionuclide Detection and Identification Systems | $2,000.0 | English | eV Products, a division of II-VI, Incorporated | Saxonburg, PA |
| II | RDDW | 0603648D8Z | 35 | Distributed Network Switching | $2,500.0 | Sanchez, Loretta | Raptor Networks Technology, Inc. | Santa Ana, CA |
| II | RDDW | 0603711D8Z | 40 | Connectory Expansion for Rapid Identification of Technology Sources for DOD | $500.0 | Hunter | East County Economic Development Council | El Cajon, CA |
| II | RDDW | 0603712S | 41 | Emerging/Critical Interconnection Technology E/CIT Program | $2,000.0 | Ellsworth | NSWC Crane, IPC, and SAIC | Crane, IN |
| II | RDDW | 0603720S | 44 | 3-D Electronics and Power | $3,000.0 | Calvert | Center for Nanoscale Science and Engineering, University of California, Riverside | Riverside, CA |
| II | RDDW | 0603720S | 44 | Feature Size Yield Enhancement at DMEA ARMS Foundry | $2,500.0 | Matsui | Defense Microelectronics Activity | McClellan, CA |
| II | RDDW | 0603720S | 44 | Superlattice Nanotechnology | $2,000.0 | Hayes | University of North Carolina | Charlotte, NC |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDDW | 0603832D8Z | 61 | Modeling and Simulation Standards Development | $800.0 | Forbes | Virginia Modeling, Analysis, and Simulation Center, Old Dominion University | Suffolk, VA |
| II | RDDW | 0603881C | 72 | Short Range Ballistic Missile Defense (David's Sling) | $28,000.0 | Akin | LaBarge Corporation (subcontractor to Raytheon) | St. Louis, MO |
| II | RDDW | 0603881C | 72 | Short Range Ballistic Missile Defense (David's Sling) | $28,000.0 | Blunt | LaBarge Corporation (subcontractor to Raytheon) | Joplin, MO |
| II | RDDW | 0603881C | 72 | Short Range Ballistic Missile Defense (David's Sling) | $28,000.0 | Saxton | Rafael Advanced Defense Systems, Ltd | Bethesda, MD |
| II | RDDW | 0603892C | 81 | Aegis Ballistic Missile Defense - Signal Processor | $20,000.0 | Andrews | Lockheed Martin | Moorestown, NJ |
| II | RDDW | 0603892C | 81 | Aegis Ballistic Missile Defense - Signal Processor | $20,000.0 | Saxton | Lockheed Martin | Moorestown, NJ |
| II | RDDW | 0603892C | 81 | SM-3 Deployment | $50,000.0 | Ross | Pine Bluff Arsenal | Pine Bluff, AR |
| II | RDDW | 0604016D8Z | 94 | Managing and Extending DoD Asset Lifecycles (MEDAL) | $2,500.0 | Abercrombie | Referntial Systems Incorporated | Honolulu, HI |
| II | RDDW | 0604165D8Z | 103 | Advanced Hypersonic Weapon Technology Demonstration | $3,000.0 | Everett | Westar Aerospace and Defense Group / Army Space and Missile Defense Command | Huntsville, AL |
| II | RDDW | 0603757D8Z | 118 | Indiana Complex Operations Partnership | $2,000.0 | Hill | Indiana National Guard | Indianapolis, IN |
| II | RDDW | 0604940D8Z | 121 | Advanced SAM Hardware Simulator Development | $5,000.0 | Gingrey | Georgia Institute of Technology | Atlanta, GA |
| II | RDDW | 0604940D8Z | 121 | Advanced SAM Hardware Simulator Development | $5,000.0 | Johnson (GA) | Georgia Institute of Technology | Atlanta, GA |
| II | RDDW | 0604940D8Z | 121 | Advanced SAM Hardware Simulator Development | $5,000.0 | Marshall | Georgia Institute of Technology | Atlanta, GA |
| II | RDDW | 0604940D8Z | 121 | Gulf Range Mobile Instrumentation Capability (GR-MIC) | $1,000.0 | Miller (FL) | ProLogic, Inc. | Manassas, VA |
| II | RDDW | 0604940D8Z | 121 | Joint Gulf Range Complex Upgrade | $1,500.0 | Miller (FL) | The Boeing Company | Fort Walton Beach, FL |
| II | RDDW | 0605799D8Z | 142 | Defense Command Integration Center | $1,100.0 | Boyda | Kansas National Guard | Topeka, KS |
| II | RDDW | 0605799D8Z | 142 | Defense Command Integration Center | $1,100.0 | Moore (KS) | Kansas National Guard Bureau, Forbes Field ANG Base | Topeka, KS |
| II | RDDW | 0605804D8Z | 145 | Renewable Fuel Systems (RFS) for Defense Applications | $4,000.0 | Andrews | Stevens Institute of Technology | Hoboken, NJ |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| II | RDDW | 0605804D8Z | 145 | Renewable Fuel Systems (RFS) for Defense Applications | $4,000.0 | Sires | Stevens Institute of Technology | Hoboken, NJ |
| II | RDDW | 0304210BB | 193 | Expeditionary Persistent Power | $2,000.0 | Shuster | Mission Critical Solutions, LLC | Alum Bank, PA |
| II | RDDW | 0304210BB | 193 | Unmanned Aerial Systems Test Facility upgrade | $3,000.0 | Cole | Oklahoma State University Multispectral Laboratory | Ponca City, OK |
| II | RDDW | 1160405BB | 233 | Advanced, Long Endurance Unattended Ground Sensor Technologies | $4,200.0 | Pickering | U.S. Special Operations Command | Tampa, FL |
| III | OMA | ba01-2020a | 030 | Army Force Generation Synchronization Tool | $2,000.0 | Dent | ProModel Corporation | Allentown, PA |
| III | OMA | ba01-2020a | 030 | Army Force Generation Synchronization Tool | $2,000.0 | Dingell | ProModel Corporation | Ann Arbor, MI |
| III | OMA | ba01-2020a | 090 | M24 Sniper Weapons System Upgrade | $4,000.0 | Arcuri | U.S. Army Small Arms Division, Combat Developments | Fort Benning, GA |
| III | OMA | ba04-2020a | 200 | Army Manufacturing Technical Assistance Production Program (MTAPP) | $2,000.0 | Markey | The AbasaGroup | Natick, MA |
| III | OMA | ba04-2020a | 200 | Army Manufacturing Technical Assistance Production Program (MTAPP) | $2,000.0 | Miller (MI) | Army MTAPP | Warren, MI |
| III | OMA | ba03-2020a | 270 | Leadership for Leaders | $2,000.0 | Boyda | Kansas State University | Manhattan, KS |
| III | OMA | ba03-2020a | 280 | United States Army Sergeants Major Academy Lecture Center Audio-Visual Equipment replacement | $610.0 | Reyes | US Army Sergeants Major Academy | Fort Bliss, TX |
| III | OMA | ba04-2020a | 370 | Condition Based Maintenance Information Management | $3,000.0 | Sanchez, Loretta | Integrated Data Corporation | Culver City, CA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Bartlett | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Bishop (NY) | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Boyda | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Davis (CA) | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Hayes | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Larsen | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Levin | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | LoBiondo | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Ortiz | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Renzi | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Rothman | U.S. Naval Sea Cadet Corps | Arlington, VA |
| III | OMN | ba03-1804n | 440 | Naval Sea Cadet Corps Operational Funding | $300.0 | Sanchez, Loretta | U.S. Naval Sea Cadet Corps | Arlington, VA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| III | OMMC | ba01-1106n | 010 | Clothing and Flame Resistant Organizational Gear (FROG) | $2,000.0 | Cummings | 180s | Baltimore, MD |
| III | OMMC | ba01-1106n | 010 | Clothing and Flame Resistant Organizational Gear (FROG) | $2,000.0 | Hayes | Longworth Industries | Candor, NC |
| III | OMMC | ba01-1106n | 010 | Cold Weather Layering System (CWLS) | $3,000.0 | Hodes | Polartec, LLC | Hudson, NH |
| III | OMMC | ba01-1106n | 010 | Cold Weather Layering System (CWLS) | $3,000.0 | Rogers (MI) | Peckham Industries | Lansing, MI |
| III | OMMC | ba01-1106n | 010 | Cold Weather Layering System (CWLS) | $3,000.0 | Shea-Porter | Polartec, LLC | Hudson, NH |
| III | OMMC | ba01-1106n | 010 | Cold Weather Layering System (CWLS) | $3,000.0 | Tsongas | Polartec, Inc. | Lawrence, MA |
| III | OMMC | ba01-1106n | 010 | Cold Weather Layering System (CWLS) | $3,000.0 | Walberg | Peckham Industries | Lansing, MI |
| III | OMAF | ba01-3400f | 010 | MBU-20A/P Oxygen Masks with Lights | $1,000.0 | Dreier | Gentex Corporation | Rancho Cucamonga, CA |
| III | OMAF | ba03-3400f | 360 | Engineering Training and Knowledge Preservation System | $2,000.0 | Davis (KY) | Tier 1 Performance Solutions | Covington, KY |
| III | OMARNG | ba04-2065 | 170 | Delaware Valley Continuing Education Initiative | $1,000.0 | Murphy, Patrick | Collegiate Consortium for Workforce and Economic Development | Philadelphia, PA |
| III | OMDW | undistributed-0100d | | Interdisciplinary Critical Language and Area Studies | $2,000.0 | Davis (CA) | San Diego State University Research Foundation | San Diego, CA |
| XIV | DHP | | | Copper Antimicrobial Research Program | $2,000.0 | Arcuri | Telemedicine and Advanced Technology Research Center | Fort Detrick, MD |
| XIV | DHP | | | Copper Antimicrobial Research Program | $2,000.0 | Costello | Olin Brass | East Alton, IL |
| XIV | DHP | | | Copper Antimicrobial Research Program | $2,000.0 | Higgins | Luvata Buffalo | Buffalo, NY |
| XIV | DHP | | | Copper Antimicrobial Research Program | $2,000.0 | Loebsack | Advanced Technology Institute | North Charleston,SC |
| XIV | DHP | | | Copper Antimicrobial Research Program | $2,000.0 | Murphy (CT) | The Miller Company | Meriden, CT |
| XIV | DHP | | | Madigan Army Medical Center Trauma Assistance Program | $2,000.0 | Smith (WA) | Madigan Army Medical Center, Tacoma General Hospital and St. Joseph's Hospital | Fort Lewis and Tacoma, WA |
| XIV | DHP | | | Fort Drum Regional Health Planning Organization | $800.0 | McHugh | Fort Drum Regional Health Planning Organization | Watertown, NY |
| XIV | DHP | | | PULSE!! Virtual Clinical Learning Lab | $3,000.0 | Ortiz | Texas A&M University - Corpus Christi | Corpus Christi, TX |
| XIV | DHP | | | Wide Angle Virtual Environment for the Uniformed Services University | $5,000.0 | Van Hollen | Uniformed Services University | Bethesda, MD |
| XIV | OOM | | | Southwest Border Fence | $2,000.0 | Hunter | California National Guard | San Diego, CA |
| XV | APAF | | 004 | F-22A Raptor | $523,000.0 | Allen | Pratt & Whitney | East Hartford, CT |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| XV | APAF | | 004 | F-22A Raptor | $523,000.0 | DeLauro | Pratt & Whitney | East Hartford / Middletown, CT |
| XV | APAF | | 004 | F-22A Raptor | $523,000.0 | Dicks | Lockheed Martin Corporation | Bethesda, MD |
| XV | APAF | | 004 | F-22A Raptor | $523,000.0 | Gingrey | Lockheed Martin Corporation | Marietta, GA |
| XV | APAF | | 004 | F-22A Raptor | $523,000.0 | Granger | Pratt & Whintey | East Hartford, CT |
| XV | APAF | | 004 | F-22A Raptor | $523,000.0 | Marshall | Pratt & Whintey | East Hartford, CT |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Akin | The Boeing Company | St. Louis, MO |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Allen | Pratt & Whitney | East Hartford, CT |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Bishop (UT) | The Boeing Company | Multiple Locations Nationwide |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Carnahan | The Boeing Company | Long Beach, CA |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | DeLauro | Pratt & Whitney | East Hartford / Middletown, CT |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Granger | The Boeing Company | Long Beach, CA |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Hulshof | The Boeing Company | St. Louis, MO |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Rohrabacher | The Boeing Company | Long Beach, CA |
| XV | APAF | | 005 | C-17A Globemaster III | $2,076,000.0 | Smith (WA) | The Boeing Company | Long Beach, CA |
| XXI | MCA | 67471 | | Air Traffic Control Radar Operations Building Upgrade/Expansion | $2,000.0 | Giffords | Fort Huachuca | Sierra Vista, AZ |
| XXI | MCA | 58346 | | AP3 Connecting Rail | $5,800.0 | Boren | McAlester Army Ammunition Plant | McAlester, OK |
| XXI | MCA | 66725 | | Ballistic Evaluation Facility (Phase 1) | $9,900.0 | Frelinghuysen | Picatinney Arsenal | Picatinny, NJ |
| XXI | MCA | 10903 | | Chapel | $6,800.0 | Everett | Fort Rucker | Fort Rucker, AL |
| XXI | MCA | 61035 | | Chapel | $11,600.0 | McIntyre | Fort Bragg | Ft. Bragg, NC |
| XXI | MCA | 70157 | | Chapel Complex Construction, 2nd Phase | $4,200.0 | Boyda | Fort Leavenworth | Leavenworth, KS |
| XXI | MCA | 63573 | | Defense Access Road | $30,000.0 | Abercrombie | Bradshaw Airfield/Pohakuloa Training Area Base Camp | Honolulu, HI |
| XXI | MCA | 17322 | | Fire Station | $3,000.0 | Boyda | Fort Riley | Fort Riley, KS |
| XXI | MCA | 57711 | | Fire Station Number 2 | $6,900.0 | McHugh | Fort Drum | Ft. Drum, NY |
| XXI | MCA | 61539 | | Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road) | $8,600.0 | Hayes | Fort Bragg | Ft. Bragg, NC |
| XXI | MCA | 61539 | | Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road) | $8,600.0 | McIntyre | Fort Bragg | Ft. Bragg, NC |
| XXI | MCA | 57894 | | Hatfield Gate Expansion | $300.0 | Moran (VA) | Fort Myer | Arlington, VA |
| XXI | MCA | 66907 | | Lake Yard Interchange | $1,400.0 | Rogers (AL) | Anniston Army Depot | Anniston, AL |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| XXI | MCA | 67014 | | Live Fire Exercise Shoothouse | $4,200.0 | Rodriguez | Camp Bullis | San Antonio, TX |
| XXI | MCA | 063618 | | Medical Parking Garage | $12,500.0 | Reyes | Fort Bliss | El Paso, TX |
| XXI | MCA | 63241 | | Upgrade Munition Igloos, Phase 2 | $7,500.0 | Shuster | Letterkenny Army Depot | Franklin County, PA |
| XXI | MCA | 71530 | | Vehicle Paint Facility | $3,900.0 | Scott (VA) | Fort Eustis | Newport News, VA |
| XXI | MCA | 71530 | | Vehicle Paint Facility | $3,900.0 | Wittman | Fort Eustis | Newport News, VA |
| XXI | MCA | 67852 | | Wastewater Treatment Plant | $7,400.0 | Skelton | Fort Leonard Wood | Fort Leonard Wood, MO |
| XXI | MCA | 08448-9 | | Womack Army Medical Center MASCAL/DECON Facility | $1,300.0 | Etheridge | Fort Bragg | Ft. Bragg, NC |
| XXI | MCA | 56336 | | Chapel Complex Increment II | $3,500.0 | Skelton | Fort Leonard Wood | Ft. Leonard Wood, MO |
| XXI | MCA | 25033 | | Chapel with Religious Education Facility | $17,500.0 | Carter | Fort Hood | Fort Hood, TX |
| XXI | MCA | 25033 | | Chapel with Religious Education Facility | $17,500.0 | Edwards | Fort Hood | Fort Hood, TX |
| XXII | MCN | P-602 | | Addition to Limited Area Reaction Force Facility | $6,130.0 | Kingston | Naval Submarine Base Kings Bay | Kings Bay, GA |
| XXII | MCN | 190 | | Aircraft Refueling | $3,380.0 | Crenshaw | Naval Station Mayport | Jacksonville, FL |
| XXII | MCN | P-215 | | Battalion Maintenance Facility and Equipment Yard | $5,870.0 | Taylor | CBC Gulfport | Gulfport, MS |
| XXII | MCN | P-166 | | Energetics systems and Technology Laboratory Complex Phase I (P-166) | $12,050.0 | Hoyer | Indian Head | Indian Head, MD |
| XXII | MCN | 701 | | Fire and Emergency Services Station | $9,960.0 | Drake | Naval Air Station Norfolk | Norfolk, VA |
| XXII | MCN | P-279 | | Fitness Center, Naval Air Station Kingsville | $11,580.0 | Ortiz | Naval Air Station Kingsville | Kingsville, TX |
| XXII | MCN | P-581 | | Industrial Access Improvements, Main Gate 15 | $9,990.0 | Forbes | Norfolk Naval Shipyard | Portsmouth, VA |
| XXII | MCN | P-581 | | Industrial Access Improvements, Main Gate 15 | $9,990.0 | Scott (VA) | Norfolk Naval Shipyard | Portsmouth, VA |
| XXII | MCN | P-0926A | | Library/Lifelong Learning Center | $9,760.0 | Lewis (CA) | Marine Corps Base Twentynine Palms | Twentynine Palms, CA |
| XXII | MCN | P-206 | | NAS Whidbey Firefighting Facility | $6,160.0 | Larsen | Naval Air Station Whidbey | Oak Harbor, WA |
| XXII | MCN | P-197 | | NPS Graduate School of Business and Public Policy | $9,990.0 | Farr | Naval Postgraduate School | Monterey, CA |
| XXII | MCN | P-570 | | OCS Headquarters Facility | $5,980.0 | Wittman | Marine Corps Base Quantico | Quantico, VA |
| XXII | MCN | 448 | | Parking Apron Recapitalization | $3,500.0 | Ortiz | Naval Air Station Corpus Christi | Corpus Christi, TX |
| XXII | MCN | P-753 | | Pool Replacement at NAB | $6,890.0 | Davis (CA) | Naval Air Station North Island | Coronado, CA |
| XXII | MCN | P-188 | | RDT&E Support Facility at NSWC Carderock Division, MILCON (P-188) | $6,980.0 | Van Hollen | Carderock Division, Naval Surface Warfare Center | Bethesda, MD |
| XXII | MCN | P-402 | | Saltwater Cooling And Fire Protection Improvements | $5,110.0 | Dicks | Naval Base Kitsap | Bremerton, WA |
| XXII | MCN | 082 | | Unmanned ASW Support Facility | $9,900.0 | Kennedy | Naval Station Newport | Newport, RI |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| XXII | MCN | P-268 | | Waterfront Support Facility | $20,660.0 | Allen | Portsmouth Naval Shipyard | Kittery, ME |
| XXII | MCN | 282 | | Consolidated Global Sub Component, Phase 1 | $9,980.0 | Shea-Porter | Portsmouth Naval Shipyard | Portsmouth, ME |
| XXIII | MCAF | UHHZ033013 | | 116th ACW Avionics Facility | $5,250.0 | Marshall | Warner Robins AFB | Warner Robins, GA |
| XXIII | MCAF | XLWU063004 | | Air Command and Operations Classroom Facility | $11,600.0 | Boyd | Tyndall Air Force Base | Panama City, FL |
| XXIII | MCAF | QJVF012002 | | Air Traffic Control Complex | $1,704.0 | Pomeroy | Minot Air Force Base | Minot, ND |
| XXIII | MCAF | MPLS993284A | | Consolidated Security Forces Operations Center Phase 1 | $900.0 | Gonzalez | Lackland Air Force Base 37 TRW | San Antonio, TX |
| XXIII | MCAF | FSPM063509D | | Edwards AFB Main Base Runway replacement | $6,000.0 | McCarthy (CA) | Edwards Air Force Base | Edwards, CA |
| XXIII | MCAF | FSPM063509D | | Edwards AFB Main Base Runway replacement | $6,000.0 | McKeon | Edwards Air Force Base | Edwards, CA |
| XXIII | MCAF | TYMX053001 | | Fire and Rescue Station | $972.0 | Cuellar | Randolph AFB | San Antonio, TX |
| XXIII | MCAF | AJJY059112 | | ISF/STF Realign Arc Light Boulevard | $5,400.0 | Bordallo | Andersen Air Force Base | Yigo, GU |
| XXIII | MCAF | NUEX013014 | | Luke AFB Runway Rehabilitation Construction | $1,755.0 | Pastor | Luke Air Force Base | Phoenix |
| XXIII | MCAF | NVZR063714 | | MacDill AFB Combat Training Facility | $5,000.0 | Castor | MacDill Air Force Base | Tampa, FL |
| XXIII | MCAF | PRQE 07-5110P2 | | MXG Consolidation and Forward Logistic Center, Phase 2 | $6,800.0 | Tiahrt | McConnell Air Force Base | Wichita, KS |
| XXIII | MCAF | WWYK033005 | | Realign Air Depot Street at Tinker Gate | $5,400.0 | Cole | Tinker Air Force Base | OK |
| XXIII | MCAF | FMKM059001 | | Replacement Fuel Cell Hangar Minnesota | $4,500.0 | Oberstar | 148th Air Wing | Duluth, MN |
| XXIII | MCAF | YWHG041005 | | Security Forces Animal Clinic/Kennel | $4,200.0 | Skelton | Whiteman Air Force Base | MO |
| XXIII | MCAF | ZHTV063202 | | Security Forces Operations Facility | $14,000.0 | Turner | Wright-Patterson Air Force Base | Dayton, OH |
| XXIII | MCAF | VLSB043001R3 | | Shaw AFB Physical Fitness Center | $9,900.0 | Spratt | Shaw Air Force Base | Sumter, SC |
| XXIII | MCAF | MXDP993002P2 | | Student Officer Quarters PH-2 | $1,440.0 | Rodriguez | Laughlin Air Force Base | Del Rio, TX |
| XXIII | MCAF | SPBN079049 | | TFI- Digital Ground Station FOC Beddown | $14,300.0 | Delahunt | Otis Air National Guard Base | Bourne, MA |
| XXIII | MCAF | SPBN079049 | | TFI- Digital Ground Station FOC Beddown | $14,300.0 | Olver | Otis Air National Guard Base | Bourne, MA |
| XXIII | MCAF | KRSM093002 | | Three-Bay Fire Station | $5,400.0 | Bishop (UT) | Hill Air Force Base | UT |
| XXIV | MCDW | 270259 | | Arden Hills Army Training Site (AHATS) Infrastructure Development Plan | $1,005.0 | McCollum | Minnesota National Guard | St. Paul, MN |
| XXIV | MCDW | CZQZ063027 | | SOF CV-22 Simulator Facility | $8,300.0 | Udall (NM) | Cannon Air Force Base | Clovis, NM |
| XXIV | MCDW | PTFL073003P1 | | Unified Security Forces Operations Facility Phase 1 | $7,200.0 | Saxton | McGuire Air Force Base | NJ |
| XXVI | MCAR | 69675 | | Army Reserve Center | $920.0 | Edwards | Army Reserve | Bryan, TX |
| XXVI | MCAR | 180137 | | Muscatatuck Urban Training Center Combined Arms Collective Training Facility | $6,000.0 | Hill | Indiana National Guard | Indianapolis, IN |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| XXVI | MCAR | 180137 | | Muscatatuck Urban Training Center Combined Arms Collective Training Facility | $6,000.0 | Visclosky | Indiana National Guard | Indianapolis, IN |
| XXVI | MCARNG | 540205A | | Access Control Point | $2,000.0 | Mollohan | Camp Dawson | Charleston, WV |
| XXVI | MCARNG | 390257A | | Barracks Housing | $2,000.0 | Kaptur | Camp Perry | Port Clinton, OH |
| XXVI | MCARNG | INSNO 39430 | | Barracks, INSNO 39430 | $2,000.0 | Ryan (OH) | Ravenna Training and Logistics Site | Columbus, OH |
| XXVI | MCARNG | 050167 | | Cabot Readiness Center | $10,868.0 | Berry | Arkansas National Guard Cabot Readiness Center | North Little Rock, AR |
| XXVI | MCARNG | 420103 | | Combined Support Maintenance Shop, Coraopolis, PA | $3,250.0 | Murphy, Timothy | Pennsylvania National Guard | Ft. Indiantown Gap, PA |
| XXVI | MCARNG | 420103 | | Combined Support Maintenance Shop, Coraopolis, PA | $3,250.0 | Murtha | Pennsylvania National Guard | Ft. Indiantown Gap, PA |
| XXVI | MCARNG | 190136 | | Davenport Aviation Readiness Center | $1,550.0 | Braley | Camp Dodge | Davenport, IA |
| XXVI | MCARNG | 240017 | | Dundalk Readiness Center | $579.0 | Ruppersberger | Maryland National Guard | Dundalk, MD |
| XXVI | MCARNG | 120191 | | Florida Regional Training Institute (RTI) Phase IV | $20,907.0 | Young (FL) | Camp Blanding Joint Training Center | Starke, FL |
| XXVI | MCARNG | 420511A | | Honesdale Readiness Center, Addition/Alteration | $6,117.0 | Carney | Honesdale Readiness Center | Honesdale, PA |
| XXVI | MCARNG | 26010 | | Live Fire Shoot House and Urban Assault Course | $4,000.0 | Knollenberg | Camp Grayling | Lansing, MI |
| XXVI | MCARNG | 26010 | | Live Fire Shoot House and Urban Assault Course | $4,000.0 | Stupak | Camp Grayling | Lansing, MI |
| XXVI | MCARNG | 190134 | | Military Operations in Urbanized Terrain (MOUT) training site | $1,500.0 | Boswell | Camp Dodge | Johnston, IA |
| XXVI | MCARNG | 190146 | | Mount Pleasant Readiness Center | $1,500.0 | Loebsack | Mount Pleasant Readiness Center | Johnston, IA |
| XXVI | MCARNG | 540111A | | Multi-Purpose Building Phase II | $5,000.0 | Mollohan | Camp Dawson | Charleston, WV |
| XXVI | MCARNG | 500052 | | Readiness Center | $10,200.0 | Welch | Ethan Allen Firing Range | Jericho, VT |
| XXVI | MCARNG | 66839 | | Readiness Center Addition | $1,085.0 | Moran (VA) | Fort Belvoir | Arlington, VA |
| XXVI | MCARNG | N/A | | Readiness Center Phase 3-London Joint Support Operations Center | $7,191.0 | Rogers (KY) | Kentucky National Guard | London, KY |
| XXVI | MCARNG | 54006A | | Shoot House | $2,000.0 | Mollohan | Camp Dawson | Charleston, WV |
| XXVI | MCARNG | 470043A | | Tullahoma Readiness Center | $10,372.0 | Davis, Lincoln | Tullahoma Readiness Center | Tullahoma, TN |
| XXVI | MCARNG | 390257A | | Barracks Housing | $2,000.0 | Latta | Camp Perry | Port Clinton, OH |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| XXVI | MCARNG | 450185 | | Hemingway Field Maintenance Shop Phase I | $4,600.0 | Clyburn | Army National Guard | Columbia, SC |
| XXVI | MCARNG | 10263 | | Readiness Center Phase II | $200.0 | Rogers (AL) | Fort McClellan Training Center | Anniston, AL |
| XXVI | MCARNG | WKVB079038 | | Replace pararescue operations facility | $7,500.0 | Ackerman | Francis S. Gabreski Airport | Westhampton, NY |
| XXVI | MCARNG | WKVB079038 | | Replace pararescue operations facility | $7,500.0 | Bishop (NY) | Francis S. Gabreski Airport | Westhampton, NY |
| XXVI | MCARNG | WKVB079038 | | Replace pararescue operations facility | $7,500.0 | Israel | Francis S. Gabreski Airport | Westhampton, NY |
| XXVI | MCARNG | WKVB079038 | | Replace pararescue operations facility | $7,500.0 | King (NY) | Francis S. Gabreski Airport | Westhampton, NY |
| XXVI | MCARNG | WKVB079038 | | Replace pararescue operations facility | $7,500.0 | McCarthy (NY) | Francis S. Gabreski Airport | Westhampton, NY |
| XXVI | MCARNG | 450368 | | Sumter Readiness Center | $382.0 | Clyburn | Army National Guard | Columbia, SC |
| XXVI | MCARNG | 370084 | | Training Complex | $1,376.0 | Miller (NC) | North Carolina National Guard | Camp Butner, NC |
| XXVI | MCARNG | 470043A | | Tullahoma Readiness Center | $10,372.0 | Wamp | Tullahoma Readiness Center | Tullahoma, TN |
| XXVI | MCAFR | RVKQ 08-9092 | | Dining Facility/Community Center | $9,000.0 | Slaughter | Niagara Falls Air Reserve Station | Lockport, NY |
| XXVI | MCAFR | YTPM029002P1 | | Joint Service Lodging Facility | $943.0 | Olver | Westover Air Reserve Base | Chicopee, MA |
| XXVI | MCANG | PQWY059045 | | 262 Information Warfare Aggressor Squadron (IWAS) Facility | $8,600.0 | Smith (WA) | Washington Air National Guard | McChord AFB,WA |
| XXVI | MCANG | JLQN069160 | | C-130 Squadron Operations Facility | $400.0 | LaHood | Greater Peoria Regional Airport | Peoria, IL |
| XXVI | MCANG | WAAR009098 | | Combat Communications Training Complex | $12,800.0 | Hobson | Springfield Air National Guard Base | Springfield, OH |
| XXVI | MCANG | QJKL079050 | | Construct Aircraft Deicing Pad and Install Underground Storage Tank | $1,500.0 | Ellison | Minneapolis St. Paul International Airport | Minneapolis, MN |
| XXVI | MCANG | ATQZ049049 | | Fort Wayne Aircraft Shelter/ Fuel Fill Project | $5,600.0 | Souder | Fort Wayne International Airport | Fort Wayne, IN |
| XXVI | MCANG | LUXC 07089 | | Relocate Aircraft Ready Shelters and AMU Upgrade | $4,500.0 | Herseth Sandlin | Joe Foss Field | Sioux Falls, SD |
| XXVI | MCANG | TWLR039186 | | Replace Control Tower | $7,700.0 | Langevin | Quonset State Airport | North Kingstown, RI |
| XXVI | MCANG | NKAK049051 | | Replace Engine Shop | $4,000.0 | Snyder | Little Rock Air Force Base | Little Rock, AR |
| XXVI | MCANG | 959554 | | Replace Fire Station | $7,900.0 | Bartlett | Martin State Airport | Baltimore, MD |
| XXVI | MCANG | 959554 | | Replace Fire Station | $7,900.0 | Ruppersberger | Martin State Airport | Baltimore, MD |
| XXVI | MCANG | 959554 | | Replace Fire Station | $7,900.0 | Sarbanes | Martin State Airport | Baltimore, MD |
| XXVI | MCANG | DDPM009116 | | Security Forces Building, 136th Airlift Wing, Fort Worth | $5,000.0 | Granger | Texas Air National Guard | Fort Worth, TX |
| XXVI | MCANG | HAAW039012 | | TFI- Upgrade ASOS Facilities | $5,400.0 | Walsh | Hancock Field | Syracuse, NY |
| XXVI | MCANG | AQRC039059 | | Training and Operations Facility | $8,400.0 | LoBiondo | 177th Fighter Wing | Egg Harbor Township, NJ |
| XXVI | MCANG | HEMT039066 | | Vehicle Maintenance/Communications Training Center | $5,600.0 | Latham | Camp Dodge | Fort Dodge, IA |

**COMPLIANCE WITH HOUSE RULE XXI**
(Dollars in Thousands)

| TITLE | ACCT | PE OR PROJECT | LINE | DESCRIPTION | AMOUNT | MEMBER | INTENDED RECIPIENT | INTENDED LOCATION OF PERFORMANCE |
|---|---|---|---|---|---|---|---|---|
| XXVI | MCANG | FWJH069154 | | Air Support Operations Squadron | $7,600.0 | Lampson | Ellington Field | Houston, TX |
| XXVI | MCANG | CEKT069119 | | TFI - Upgrade Engine Shop | $7,200.0 | Courtney | Bradley Air National Guard Base | Windsor Locks, CT |
| XXVI | MCANG | CEKT069119 | | TFI - Upgrade Engine Shop | $7,200.0 | Larson | Bradley Air National Guard Base | Windsor Locks, CT |
| XXVI | MCANG | XDQU069146 | | Troop Training Quarters | $7,500.0 | Barrow | Georgia Air National Guard | Savannah, GA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Baird | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Blumenauer | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | DeFazio | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Dicks | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Hastings (WA) | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Hooley | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Inslee | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Larsen | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | McDermott | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Smith (WA) | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Walden | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-EM | | | Environmental Management at the Hanford Site | $187,549.0 | Wu | U.S. Department of Energy | Hanford Site, WA |
| XXXI | DOE-NA | | | De-Inventory of Special Nuclear Material from Lawrence Livermore National Laboratory | $10,000.0 | Tauscher | Livermore National Laboratory | Livermore, CA |
| XXXI | DOE-NA | | | National Ignition Campaign (NIC) – Facility Operations and Target Production | $14,600.0 | Tauscher | Livermore National Laboratory | Livermore, CA |

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8550. A letter from the Comptroller, Department of Defense, transmitting a letter reporting a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8551. A letter from the Secretary, Department of Labor, transmitting a letter reporting violations of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8552. A letter from the Principal Deputy, Department of Defense, transmitting authorization of 15 officers to wear the authorized insignia of the next higher grade, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8553. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John A. Bradley, United States Air Force Reserve, and his placement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

8554. A letter from the Principal Deputy, Department of Defense, transmitting authorization of Rear Admiral (lower half) Moira N. Flanders, to wear the authorized insignia of the grade of rear admiral, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8555. A letter from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting the Department's annual report for fiscal year 2006 on the quality of health care furnished under the health care programs of the Department of Defense, pursuant to Section 723 of the National Defense Authorization Act for Fiscal Year 2000; to the Committee on Armed Services.

8556. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2007 Report to Congress of the Maritime Administration; to the Committee on Armed Services.

8557. A letter from the General Counsel (OFHEO), Federal Housing Finance Agency, transmitting the Agency's final rule — Golden Parachute Payments and Indemnification Payments (RIN: 2590-AA08) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8558. A letter from the Chairman, Southeast Compact Commission for Low-Level Radioactive Waste Management, transmitting the Commission's 2006-2007 Annual Report and Annual Audit; to the Committee on Energy and Commerce.

8559. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services, pursuant to 22 U.S.C. 6004(e)(6); to the Committee on Foreign Affairs.

8560. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(C), section 204(C); to the Committee on Foreign Affairs.

8561. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 5, 1995, pursuant to 50 U.S.C. 1641(c), section 401(c); to the Committee on Foreign Affairs.

8562. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c), section 401(c); to the Committee on Foreign Affairs.

8563. A letter from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting the Department's annual progress report which covers interagency activities and DOC-specific activities, pursuant to Public Law 106-107, section 5; to the Committee on Oversight and Government Reform.

8564. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8565. A letter from the Acting White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8566. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8567. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8568. A letter from the Assistant Secretary for Administration and Management, Chief Acquisition Officer, Department of Labor, transmitting the Department's FY 2007 ''Buy American Report,'' pursuant to Public Law 110-28, section 8306; to the Committee on Oversight and Government Reform.

8569. A letter from the Assistant Secretary for Administration and Mgmt, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8570. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's Buy American Act Report for fiscal years 2006 and 2007, pursuant to Public Law 109-115 and Public Law 110-28; to the Committee on Oversight and Government Reform.

8571. A letter from the General Counsel, Department of Commerce, transmitting proposed legislation to amend title 35, United States Code, to authorize expenditure of funds for certain travel-related expenses of non-federal employees attending programs regarding intellectual property law and the effectiveness of intellectual property protection; to the Committee on the Judiciary.

8572. A letter from the Secretary, Department of Energy, transmitting the Department's biennial report on performance milestones for the Clean Coal Power Initiative, pursuant to Public Law 109-58, section 403; to the Committee on Science and Technology.

8573. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Gift Card/Certificate Issues in the Retail and Food & Beverage Industries #2 [LMSB Control No.: LMSB-04-0808-042] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8574. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-75] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8575. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue All Industries False Claims Act Settlements With Department of Justice (DOJ) UILs: 162.21-17 (Health Care Fraud) 162.21-18 (Environmental Fraud) 162.21-19 (Aerospace Defense Contractors) 162.21-20 (DOJ — Fraud Settlements not under False Claims Act) 162.21-01 (Cases no covered by the above UILs) [LMSB-4-0908-045] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8576. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Implementation of Form 990 [TD 9423] (RIN: 1545-BH85) received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8577. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 6707A and the Failure to Include on any Return or Statement any Information Required to be Diclosed under Section 6011 with Respect to a Reportable Transaction [TD 9425] (RIN: 1545-BF62) received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8578. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs: Final Marketing Provisions [CMS 4131-F] (RIN: 0938-AP24) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 758. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; with an amendment (Rept. 110-868 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6353. A bill to amend the Controlled Substances Act to address online pharmacies; with an amendment (Rept. 110-869 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6908. A bill to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable (Rept. 110-870 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2994. A bill to amend the Public Health Service Act with respect to pain care; with an amendment (Rept. 110-871 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2583. A bill to amend title

VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs, with an amendment (Rept. 110-872). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1532. A bill to amend the Public Health service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; with an amendment (Rept. 110-873). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1014. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; with an amendment (Rept. 110-874). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on September 24 (legislative day of September 23), 2008]*

Mr. MCGOVERN: Committee on Rules. House Resolution 1488. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–875). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1489. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–876). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII the Committees on Ways and Means and Education and Labor discharged from further consideration. H.R. 758 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 6353 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committees on Education and Labor and Ways and Means discharged from further consideration. H.R. 6908 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DUNCAN (for himself, Mr. COOPER, Mr. DAVID DAVIS of Tennessee, Mr. GORDON, Mr. WAMP, Mrs. BLACKBURN, Mr. LINCOLN DAVIS of Tennessee, Mr. TANNER, and Mr. COHEN):

H.R. 6996. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. GORDON:

H.R. 6997. A bill to implement a National Water Research and Development Initiative, and for other purposes; to the Committee on Science and Technology.

By Mr. MAHONEY of Florida:

H.R. 6998. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide education and training to emergency response providers and community leaders relating to the mental health of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CUMMINGS (for himself, Mr. OBERSTAR, Mr. BISHOP of New York, and Mr. THOMPSON of Mississippi):

H.R. 6999. A bill to restructure the Coast Guard Integrated Deepwater Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN:

H.R. 7000. A bill to require any eligible telecommunications carrier receiving universal service support for the provision of services for rural, insular, and high cost areas to offer automatic roaming services to any technically compatible carrier upon request; to the Committee on Energy and Commerce.

By Ms. BALDWIN:

H.R. 7001. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high-quality early learning and child care for low-income children and working families, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 7002. A bill to direct the Secretary of Transportation to establish and collect a national container fee and to use amounts collected from the fee to make grants for infrastructure projects at United States seaports and in surrounding areas to improve the movement of goods, enhance transportation security, and mitigate environmental damage caused by the movement of goods; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. EDWARDS of Texas, Mr. FILNER, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. ORTIZ, Mr. REYES, and Ms. SCHAKOWSKY):

H.R. 7003. A bill to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services; to the Committee on Veterans' Affairs.

By Mr. YARMUTH:

H.R. 7004. A bill to amend the Tom Osborne Federal Youth Coordination Act to create the White House Office of National Youth Policy to ensure the coordination and effectiveness of services to youth, and for other purposes; to the Committee on Education and Labor.

By Mr. RANGEL (for himself, Mr. MCCRERY, Mr. MCDERMOTT, Mr. HERGER, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Mr. REYNOLDS, Mr. PASCRELL, Mr. PORTER, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, and Mr. MEEK of Florida):

H.R. 7005. A bill to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. KIND, Mr. LAMPSON, Mr. CAZAYOUX, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. THOMPSON of California, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, and Mr. MAHONEY of Florida):

H.R. 7006. A bill to amend the Internal Revenue Code of 1986 to provide disaster assistance relief; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. MCCOTTER, Mr. KANJORSKI, and Mr. WOLF):

H.R. 7007. A bill to establish the American Cybersecurity Commission to investigate the current threats to the cybersecurity of American business and infrastructure from foreign entities; to the Committee on Science and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER (for himself, Mr. BOUSTANY, and Mr. MCCRERY):

H.R. 7008. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for disaster assistance for electric utility companies serving low-income households, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. BEAN (for herself, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. RODRIGUEZ, Ms. SHEA-PORTER, and Mr. CARSON):

H.R. 7009. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of telecommuting equipment and expenses; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Ms. SHEA-PORTER, Mr. ISRAEL, Mrs. BOYDA of Kansas, Mr. WEINER, Mr. RYAN of Ohio, Mr. RODRIGUEZ, and Mr. CARSON):

H.R. 7010. A bill to amend the Internal Revenue Code of 1986 to provide a refundable, advanceable tax credit for health insurance costs of individuals with COBRA continuation coverage by reason of termination of employment; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 7011. A bill to amend title 10, United States Code, to make a technical correction in the application of the special rules regarding the payment of combat-related special compensation to eligible combat-related disabled uniformed services retirees who are retired for disability under chapter 61 of such title; to the Committee on Armed Services.

By Ms. CORRINE BROWN of Florida (for herself and Mr. PUTNAM):

H.R. 7012. A bill to amend title 23, United States Code, to authorize States to issue special permits to allow the operation of vehicles of not to exceed 95,000 pounds on Interstate System highways for the hauling of livestock; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. BOUCHER, and Ms. SOLIS):

H.R. 7013. A bill to require the Federal Communications Commission to provide for a short term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 7014. A bill to provide for the renegotiation of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 7015. A bill to amend title 10, United States Code, to provide police officers, criminal investigators, and game law enforcement officers of the Department of Defense with authority to execute warrants, make arrests, and carry firearms; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. TAYLOR, Mr. FORTENBERRY, Mr. LIPINSKI, Mr. SMITH of Texas, and Mr. PENCE):

H.R. 7016. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself and Mr. CARNEY):

H.R. 7017. A bill to amend Public Law 100-573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. ISRAEL, Mr. PERLMUTTER, and Mr. KLEIN of Florida):

H.R. 7018. A bill to promote development of a 21st century energy system to increase United States competitiveness in the world energy technology marketplace, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. RYAN of Ohio, Mr. WEINER, Ms. BEAN, Mr. RODRIGUEZ, and Ms. SHEA-PORTER):

H.R. 7019. A bill to amend the Internal Revenue Code of 1986 to consolidate the current education tax incentives as one credit against income tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. RYAN of Ohio, Ms. BEAN, Mr. RODRIGUEZ, and Ms. SHEA-PORTER):

H.R. 7020. A bill to authorize additional appropriations for the family caregiver support program under the Older Americans Act of 1965, and for the National Clearinghouse for Long-term Care Information, for fiscal years 2009, 2010, and 2011; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. SAM JOHNSON of Texas, and Mr. BISHOP of Georgia):

H.R. 7021. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself and Mr. JONES of North Carolina):

H.R. 7022. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself, Mrs. NAPOLITANO, Mr. CALVERT, Mr. RADANOVICH, and Mr. HASTINGS of Washington):

H.R. 7023. A bill to redesignate the third powerhouse facility administered by the Bureau of Reclamation and located at Grand Coulee Dam in Grand Coulee, Washington, as the ''John W. Keys, III Powerplant'', and for other purposes; to the Committee on Natural Resources.

By Mr. PASTOR:

H.R. 7024. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 7025. A bill to amend the Internal Revenue Code of 1986 to reduce the threshold for the allowance of the deduction for medical expenses; to the Committee on Ways and Means.

By Mr. SESTAK (for himself and Ms. ROS-LEHTINEN):

H.R. 7026. A bill to amend the National and Community Service Act of 1990 to establish the Silver Scholarship program to encourage increased volunteer work by seniors; to the Committee on Education and Labor.

By Mr. TANCREDO:

H.R. 7027. A bill to direct the Attorney General to institute condemnation proceedings to acquire the property in the headquarters district and any other property in the United States of the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TANNER (for himself and Mr. BOYD of Florida):

H.R. 7028. A bill to limit United States assistance for infrastructure projects in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.R. 7029. A bill to establish a trust fund to hold new Federal revenue from mineral exploration, development, and production in Alaska and the Outer Continental Shelf in order to reduce the national debt; to the Committee on Natural Resources.

By Mr. TERRY:

H.R. 7030. A bill to make available for oil and gas leasing, under the 2007-2012 oil and gas leasing program, areas of the Outer Continental Shelf for which expenditures for such leasing are prohibited on September 19, 2008; to the Committee on Natural Resources.

By Mr. WITTMAN of Virginia (for himself, Mr. BOUCHER, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mrs. DRAKE, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. WOLF, and Mr. MORAN of Virginia):

H.R. 7031. A bill to designate a portion of the Rappahannock River in the State of Virginia as the ''John W. Warner Rapids''; to the Committee on Natural Resources.

By Mr. KIRK (for himself, Mr. JACKSON of Illinois, and Mr. WOLF):

H. Con. Res. 423. Concurrent resolution calling for a comprehensive strategy to address the crisis in Darfur, Sudan, and condemning the ongoing assaults and obstruction by the Khartoum regime; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. WATT, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. BUTTERFIELD, Mr. PAYNE, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. SERRANO, Mr. CLAY, Mr. CLEAVER, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mrs. CAPPS, Mr. FARR, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. RUSH, Mrs. CHRISTENSEN, Mr. JOHNSON of Georgia, Mr. ELLISON, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, and Mr. AL GREEN of Texas):

H. Con. Res. 424. Concurrent resolution calling on the Attorney General to protect the right to vote of every person in the United States by promptly and thoroughly investigating complaints of violations of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. STUPAK, Mrs. SCHMIDT, and Mr. BURTON of Indiana):

H. Res. 1480. A resolution supporting the goals and ideals of National Spina Bifida Awareness Month; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. CAPUANO, Mr. TOM DAVIS of Virginia, Mr. GOODLATTE, Mr. KILDEE, Mr. DREIER, Mr. HOYER, Mr. SHAYS, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. BERMAN, Mr. CALVERT, Mr. LEWIS of California, Mr. INGLIS of South Carolina, Mr. SHIMKUS, Mr. HOEKSTRA, Mr. SHADEGG, Mr. CARTER, Mr. HINOJOSA, Mr. BRADY of Texas, Mr. CULBERSON, Mr. WOLF, Mr. COHEN, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. COBLE, Mr. PETRI, Mr. MCKEON, Mr. DAVIS of Kentucky, Mr. PORTER, Mr. TIM MURPHY of Pennsylvania, Mr. GOODE, Mr. DOOLITTLE, Mr. DUNCAN, Mr. DAVID DAVIS of Tennessee, Mr. WHITFIELD of Kentucky, Mr. FERGUSON, Mr. RADANOVICH, Mr. KING of Iowa, Mr. WEINER, Mr. CANNON, Mr. PICKERING, Mr. MORAN of Virginia, Mr. REHBERG, Mr. CONAWAY, Mr. MARCHANT, Mr. POE, Mr. BURGESS, Mr. RODRIGUEZ, Mr. MCCAUL of Texas, Mr. GONZALEZ, Mr. SERRANO, and Mr. REYES):

H. Res. 1481. A resolution recognizing the 100th anniversary of the Christian Science Monitor newspaper; to the Committee on Oversight and Government Reform.

By Mr. MCCOTTER (for himself, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):

H. Res. 1482. A resolution to condemn the efforts of the Human Rights Committee of the United Nations and the United Nations Committee on the Elimination of Discrimination against Women to pressure and coerce the democratically elected government of the Republic of Ireland to reduce or eliminate its constitutionally established abortion restrictions; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself and Mr. ENGEL):

H. Res. 1483. A resolution regarding the recent decision by the President to declare Venezuela and Bolivia as nations that have

''failed demonstrably'' to meet their international commitments to combat the production and trafficking of illicit drugs; to the Committee on Foreign Affairs.

By Mr. COOPER (for himself, Ms. BORDALLO, Mr. COHEN, Mr. RANGEL, Mr. MCDERMOTT, Mr. WOLF, Mr. MORAN of Virginia, Ms. LORETTA SANCHEZ of California, Mr. JACKSON of Illinois, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas):

H. Res. 1484. A resolution recognizing Project HOPE for 50 years of exceptional service in improving and saving the lives of millions of children and adults in developing nations through humanitarian assistance and health education; to the Committee on Foreign Affairs.

By Mrs. EMERSON (for herself, Mr. HOYER, Mr. ANDREWS, and Mr. KING of New York):

H. Res. 1485. A resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week; to the Committee on Oversight and Government Reform.

By Mr. MILLER of North Carolina:

H. Res. 1486. A resolution supporting the goals and ideals of World Habitat Day; to the Committee on Foreign Affairs.

By Mr. SESSIONS (for himself and Mr. BURTON of Indiana):

H. Res. 1487. A resolution expressing the sense of the House of Representatives that the Commissioner of Food and Drugs should evaluate the scientific evidence on the question of whether to add more folic acid to enriched grain products and expand folic acid fortification into cornmeal and corn-based food products to help prevent further serious birth defects; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

367. The SPEAKER presented a memorial of State Senate of Massachusetts, relative to Resolution 39 asking the Congress of the United States to award honorary posthumous citizenship to Casimir Pulaski; to the Committee on the Judiciary.

368. Also, a memorial of State Senate of Massachusetts, relative to memorializing the Congress of the United States to provide sufficient, timely and predictable funding for health care for veterans; to the Committee on Veterans' Affairs.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. BRALEY of Iowa.
H.R. 282: Mr. WITTMAN of Virginia.
H.R. 468: Ms. JACKSON-LEE of Texas, Mr. SIRES, Mr. CLEAVER, and Ms. MOORE of Wisconsin.
H.R. 522: Ms. EDWARDS of Maryland.
H.R. 661: Mr. FATTAH.
H.R. 715: Ms. CLARKE.
H.R. 748: Mr. MCCAUL of Texas and Ms. CASTOR.
H.R. 758: Ms. SHEA-PORTER.
H.R. 1029: Mr. CHANDLER and Mr. MORAN of Kansas.
H.R. 1113: Ms. ZOE LOFGREN of California.
H.R. 1280: Mr. SHULER and Mr. HONDA.
H.R. 1614: Ms. LEE.
H.R. 1653: Ms. CLARKE.
H.R. 1655: Mr. BERRY.
H.R. 1801: Ms. GIFFORDS, Mr. PAYNE, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. THORNBERRY, and Ms. ROS-LEHTINEN.
H.R. 1840: Mr. SERRANO.
H.R. 1947: Mr. SHAYS.
H.R. 1956: Mr. HINOJOSA, Mr. BARROW, and Mr. CARNEY.
H.R. 1983: Mrs. MUSGRAVE.
H.R. 2015: Mr. HOYER and Ms. RICHARDSON.
H.R. 2053: Mrs. DAVIS of California.
H.R. 2210: Mr. FATTAH.
H.R. 2221: Ms. MOORE of Wisconsin and Mr. ANDREWS.
H.R. 2279: Mr. LATTA.
H.R. 2289: Mr. FATTAH.
H.R. 2329: Mr. RUPPERSBERGER.
H.R. 2353: Mr. MILLER of North Carolina and Mr. SERRANO.
H.R. 2468: Ms. CLARKE.
H.R. 2516: Mr. ALTMIRE.
H.R. 2802: Mr. Fortuño.
H.R. 2942: Mr. KUHL of New York.
H.R. 3174: Ms. WOOLSEY and Ms. BORDALLO.
H.R. 3175: Mr. BISHOP of Georgia.
H.R. 3187: Mr. PERLMUTTER.
H.R. 3192: Mr. HILL.
H.R. 3326: Mr. HOYER, Ms. HIRONO, Ms. MOORE of Wisconsin, Mrs. DAVIS of California, Mr. WU, Mr. BECERRA, and Ms. RICHARDSON.
H.R. 3371: Mr. FEENEY.
H.R. 3406: Mr. FATTAH.
H.R. 3689: Mr. KUHL of New York and Mr. FATTAH.
H.R. 3865: Mr. FATTAH.
H.R. 3876: Ms. MOORE of Wisconsin, Mr. CLAY, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. DEFAZIO, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. CLEAVER, Mr. HONDA, Ms. WATSON, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. EDWARDS of Maryland, and Ms. KAPTUR.
H.R. 3929: Mr. KIRK.
H.R. 4089: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4102: Ms. MOORE of Wisconsin.
H.R. 4851: Mr. GRIJALVA.
H.R. 5148: Mr. MCCOTTER.
H.R. 5161: Ms. SCHAKOWSKY.
H.R. 5174: Mr. BRADY of Pennsylvania and Mrs. GILLIBRAND.
H.R. 5236: Mr. BAIRD.
H.R. 5447: Mr. HASTINGS of Florida and Ms. GIFFORDS.
H.R. 5615: Mr. VAN HOLLEN and Mr. COURTNEY.
H.R. 5629: Mr. GERLACH and Mr. CARNEY.
H.R. 5635: Mr. BLUNT and Mr. RADANOVICH.
H.R. 5734: Mr. KING of Iowa and Mr. FATTAH.
H.R. 5835: Mr. RAMSTAD.
H.R. 5842: Mr. WAXMAN.
H.R. 5854: Mr. MCHENRY, Mrs. BIGGERT, and Mrs. DRAKE.
H.R. 5868: Mr. ROHRABACHER, Mr. MCHENRY, and Mr. FORTUÑO.
H.R. 5950: Mr. HOLT.
H.R. 5971: Ms. FOXX.
H.R. 6053: Mr. SHADEGG.
H.R. 6100: Mr. GRIJALVA and Ms. SCHAKOWSKY.
H.R. 6122: Mr. SESTAK.
H.R. 6126: Mr. DEFAZIO and Mr. FRANK of Massachusetts.
H.R. 6143: Mr. ALLEN.
H.R. 6197: Mr. TANNER, Mr. COOPER, Mr. LAMBORN, Mr. Lincoln Davis of Tennessee, Mr. RADANOVICH, Mr. CONAWAY, Mr. HAYES, and Mr. TOM DAVIS of Virginia.
H.R. 6259: Mrs. MALONEY of New York.
H.R. 6310: Mr. MCHUGH.
H.R. 6387: Mrs. TAUSCHER.
H.R. 6407: Mr. FATTAH.
H.R. 6434: Mr. WAXMAN.
H.R. 6438: Mr. BISHOP of Georgia, Mr. BERRY, and Mrs. MCMORRIS RODGERS.
H.R. 6453: Mr. BOOZMAN and Mr. CALVERT.
H.R. 6466: Mr. BOUSTANY.
H.R. 6495: Mr. MCDERMOTT and Ms. MATSUI.
H.R. 6517: Mr. WEINER.
H.R. 6520: Ms. SCHAKOWSKY.
H.R. 6559: Mr. HINCHEY and Ms. SCHWARTZ.
H.R. 6567: Ms. ZOE LOFGREN of California.
H.R. 6568: Mr. CALVERT.
H.R. 6617: Mr. ORTIZ.
H.R. 6646: Mr. BONNER.
H.R. 6654: Mr. BLUMENAUER.
H.R. 6655: Mr. MILLER of North Carolina.
H.R. 6675: Mr. REGULA and Mr. BARTLETT of Maryland.
H.R. 6694: Mr. GORDON and Mr. LINCOLN DIAZ-BALART of Florida. H.R. 6696: Mr. KAGEN.
H.R. 6702: Mr. MCNULTY and Mr. HIGGINS.
H.R. 6735: Mr. ROGERS of Kentucky.
H.R. 6791: Mr. ANDREWS, Mrs. CAPPS, Mr. MCNULTY, Mrs. MCCARTHY of New York, and Mr. BISHOP of Georgia.
H.R. 6792: Mr. FILNER.
H.R. 6820: Mr. GRIJALVA and Ms. SCHAKOWSKY.
H.R. 6849: Mr. CRAMER, Mr. TIAHRT, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. GRAVES, Mr. ADERHOLT, Mr. POMEROY, Mr. CARNAHAN, Mr. HILL, Mr. SOUDER, and Mr. HALL of New York.
H.R. 6856: Mr. ALTMIRE and Mr. SARBANES.
H.R. 6864: Mr. COHEN.
H.R. 6873: Mr. TERRY, Mr. CARNEY, Mr. PASTOR, Mr. FORTENBERRY, and Ms. ESHOO.
H.R. 6885: Mr. SALI.
H.R. 6913: Ms. LEE.
H.R. 6918: Mr. PAUL.
H.R. 6932: Mr. DAVIS of Alabama, Mr. TIAHRT, Mr. ISRAEL, Mr. GUTIERREZ, Mr. CARTER, Mr. SOUDER, Ms. WASSERMAN SCHULTZ, and Mr. BARTLETT of Maryland.
H.R. 6948: Ms. BORDALLO.
H.R. 6949: Mr. KLEIN of Florida.
H.R. 6950: Ms. KAPTUR.
H.R. 6954: Mr. GRIJALVA.
H.R. 6958: Mr. SESSIONS.
H.R. 6966: Mrs. CAPPS and Mr. HOLT.
H.R. 6973: Ms. ROYBAL-ALLARD and Ms. SOLIS.
H.R. 6982: Mr. BACA, Mr. BERMAN, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. HONDA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Ms. Richardson, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mr Thompson of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. WOOLSEY.
H.J. Res. 6: Mr. FEENEY.
H.J. Res. 79: Mr. JOHNSON of Georgia and Mr. BLUMENAUER.
H.J. Res. 91: Mr. OLVER.
H. Con. Res. 223: Mr. WOLF.
H. Con. Res. 284: Mr. WESTMORELAND.
H. Con. Res. 352: Mr. WOLF.
H. Con. Res. 362: Mr. TIAHRT and Mr. MELANCON.
H. Con. Res. 378: Mr. REICHERT.
H. Con. Res. 393: Ms. BALDWIN, Mr. PITTS, Mr. TAYLOR, Mr. CHILDERS, Ms. ROYBAL-ALLARD, Mr. WAMP, Mrs. MYRICK, and Mr. SHERMAN.
H. Con. Res. 400: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. CLARKE, and Mr. SERRANO.
H. Con. Res. 405: Mr. EHLERS, Mr. KUHL of New York, Mr. PETRI, Mr. SALI, Mr. KLINE of Minnesota, and Mr. WAMP.
H. Con. Res. 411: Mr. LATTA.
H. Con. Res. 416: Mr. GENE GREEN of Texas.
H. Con. Res. 417: Mr. GOODLATTE, Mr. SALI, and Mr. LATTA.
H. Res. 758: Mr. KING of New York, Mr. MARKEY, Mr. BRADY of Texas, Mr. MANZULLO, and Mr. CHABOT.

H. Res. 771: Mr. LATTA.
H. Res. 1064: Mr. KUHL of New York.
H. Res. 1232: Mr. SMITH of Washington.
H. Res. 1268: Mr. AL GREEN of Texas, Ms. BALDWIN, Mr. DOGGETT, Ms. BORDALLO, Mr. VAN HOLLEN, Mr. HOLT, and Mr. BLUMENAUER.
H. Res. 1272: Mr. POE and Mr. MELANCON.
H. Res. 1328: Mr. EDWARDS of Texas, Mr. MCNULTY, Mr. BERMAN, Mr. DELAHUNT, and Mrs. NAPOLITANO.
H. Res. 1375: Mr. YARMUTH, Mr. SPACE, Mr. CARDOZA, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. WALSH of New York, Mr. HARE, Mr. COSTELLO, Ms. GINNY BROWN-WAITE of Florida, Mrs. BONO MACK Mack, Mr. WOLF, Mrs. DRAKE, Mrs. MILLER of Michigan, Mr. Tom Davis of Virginia, Mrs. CAPITO, Ms. PRYCE of Ohio, Mr. TERRY, Mr. TIAHRT, Mr. ROGERS of Alabama, and Mr. BERRY.
H. Res. 1386: Mrs. BONO MACK and Mr. BERMAN.
H. Res. 1392: Mr. TERRY.
H. Res. 1405: Mr. BECERRA and Mr. INGLIS of South Carolina.
H. Res. 1409: Ms. SLAUGHTER.
H. Res. 1414: Mr. LATTA.
H. Res. 1416: Ms. GRANGER and Mr. MARCHANT.
H. Res. 1421: Mrs. DRAKE.
H. Res. 1427: Mr. BOOZMAN, Mr. POE, Mr. SHAYS, and Mr. ROHRABACHER.
H. Res. 1428: Mr. GRIJALVA, Mr. SPACE, Mr. PASCRELL, Mr. CUELLAR, and Mr. HOBSON.
H. Res. 1436: Mr. FRANK of Massachusetts.
H. Res. 1437: Mr. MCNULTY, Mrs. EMERSON, Mr. ROGERS of Alabama, Mr. BRALEY of Iowa, Mr. MCHENRY, Mr. EDWARDS of Texas, Mr. HINOJOSA, Mr. ADERHOLT, Ms. ROYBAL-ALLARD, Mr. TIAHRT, Mr. SALAZAR, Ms. HERSETH SANDLIN, Mr. ALEXANDER, Mrs. BIGGERT, Mr. SALI, Mr. COHEN, Ms. BERKLEY, Mr. HOEKSTRA, Mr. STUPAK, Mr. MILLER of North Carolina, Mr. ALLEN, Mr. FALEOMAVAEGA, Mr. WALBERG, Mr. SOUDER, Mr. ENGEL, Ms. MCCOLLUM of Minnesota, Mr. LEWIS of Georgia, Mr. REYES, Mr. COBLE, Ms. SCHWARTZ, Mr. SHAYS, Ms. BALDWIN, Mr. JEFFERSON, Mr. RUPPERSBERGER, Mrs. DRAKE, Mr. PAYNE, Mr. DAVID DAVIS of Tennessee, Mr. BOSWELL, and Mr. HILL.
H. Res. 1445: Mr. BACA.
H. Res. 1446: Mr. PALLONE.
H. Res. 1450: Mr. LATTA.
H. Res. 1451: Ms. ZOE LOFGREN of California, Mr. BACA, Mr. AKIN, Mr. FILNER, Mr. KING of New York, Ms. SPEIER, and Mr. SALI.
H. Res. 1453: Ms. KILPATRICK.
H. Res. 1462: Ms. WOOLSEY and Mr. WOLF.
H. Res. 1467: Mr. PITTS and Mr. BOOZMAN.
H. Res. 1479: Mr. GALLEGLY.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

308. The SPEAKER presented a petition of San Francisco Labor Council, relative to a resolution asking to Stop Escalating the Confrontation with Iran & Reduce the Danger of Another Military Conflict in the Persian Gulf; to the Committee on Foreign Affairs.

309. Also, a petition of Menke & Associates, Inc., relative to a request to reject proposed Section 3701 of the Tax Rduction and Reform Act of 2007 (H.R. 3970); to the Committee on Ways and Means.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, SEPTEMBER 23, 2008 No. 151

# Senate

*(Legislative day of Wednesday, September 17, 2008)*

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

## PRAYER

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

Let us pray.

Almighty God, You alone are the sovereign of our beloved Nation. We need You. Our Nation needs You.

Bring unity to this Chamber today. Lord, we don't ask for uniformity but for true unity with its bountiful diversity. Give our Senators unity like the symphony with its variety of instruments, its different notes which produce grand harmonies. Give them the unity of the tapestry with its traces of every color woven into one masterful design. Give them a unity that honors differences but out of which comes the synthesis of truth and action that best meets the needs of our Nation and world.

We pray in the Name of Him who was incarnate love. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 23, 2008.*

*To the Senate:*

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

ROBERT C. BYRD,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, when we finish leader time, we are going to proceed to a period of morning business to allow Senators to speak for up to 10 minutes each. The minority will control the first half hour, the majority the second 30 minutes. Following morning business, we will proceed to the consideration of H.R. 6049, the tax extenders legislation. There is an order that has been entered that we will finish that legislation today.

We have been in discussion with the Republicans, and it is to everyone's best interest to not have any votes before the noontime caucuses, the reason being, at 9:30 a.m., a hearing started in the Banking Committee. Secretary Paulson and Chairman Bernanke are there. The full committee will be there. They will all want to ask some questions. I believe this hearing will not finish before lunchtime. There has been word it might even go on after lunch. We will wait and see what Chairman DODD and Ranking Member SHELBY come up with in that regard.

We are going to finish this legislation. We hope we can complete most all the debate this morning and start voting this afternoon. I hope that, in fact, is the case.

The House is going to take up the continuing resolution tonight. I think they are going to file it tonight, and I think they are going to try to waive the 48-hour rule and have that vote maybe as early as tomorrow. That is on the CR. We also expect to be receiving an economic recovery package from them shortly.

### THE ECONOMY

With the financial crisis facing this country today, we are all waiting to see what happens in the Banking Committee. Everyone is a Monday morning quarterback. We have former Speaker Gingrich who is stating Senator MCCAIN should not support this legislation, it would be wrong to do that. We are just going to wait and see.

I think everyone has been convinced that we have a financial crisis on our hands. The question is, What do we do about it? I cannot speak for everyone on this side of the aisle, but we think there should be something done as quickly as possible. Does that mean tomorrow? No, I don't think so. It means we should be deliberate in what we do but certain that what we are doing is the right thing to do.

There has been certain agreement. There has to be something done about executive compensations. The American people are demanding that. That is what is happening, in all the calls to my office. Certainly all of the Senators would say the same. There has to be some way of recouping some of these moneys the Government is paying to buy these bad loans so that there is some ownership in it from the Federal Government if money is made on these, and taxpayers should be compensated. There is a question that the original proposal had language in it that would

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



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have allowed foreign banks to be, in effect, taken care of. The American people are concerned about that.

We are waiting for the hearing. There may be reasons for the very short proposal the administration sent to us. Maybe that is all that should happen. But if people are getting the same message I am, there is going to have to be some changes. We believe this should be done on a bipartisan basis, that it should be done in keeping with the emergency we have before us.

In effect, I am saying let's wait until the hearings are over. Hopefully, at that time, the two banking chairs, with their ranking members, FRANK and DODD, can point us in the right direction so we can complete this legislation in a reasonable period of time.

I will also indicate to the minority that I am ready to move forward on the consent agreements regarding the Coburn matters.

What I have been told is Senator BOND is going to speak for—how long?

Mr. BOND. Maybe 15 minutes.

Mr. REID. What I will do, Mr. President, is I will wait until Senator BOND has completed his statement. I see the Republican leader is here. I ask unanimous consent that following the remarks of Senator MCCONNELL and any that I wish to make, Senator BOND be recognized for 15 minutes and then, following his statement, I be recognized to do my business with Dr. COBURN.

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

## RECOGNITION OF THE MINORITY LEADER

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

## TAX EXTENDERS

Mr. MCCONNELL. Mr. President, the taxpayer can claim a major accomplishment today. At a time of high economic anxiety, this tax relief extension bill we will be voting on later today encourages greater energy independence and delivers much needed relief to job creators across the country and ensures a much smaller tax bill for millions of American families.

The Senate had been deadlocked on the provisions contained in this bill for a number of months, but in the end, Senators on both sides of the aisle shut out the partisan rancor of the Presidential election, hammered out a compromise, and delivered. The result is a tribute to all the Senators and many staffers on both sides who worked so hard to get us to this point.

This legislation does a number of good things:

It blocks the alternative minimum tax from hitting about 20 million middle-class American families, including 137,000 in Kentucky, from an average tax hike of about $2,000, and it doesn't raise taxes to do it.

It helps American families who are struggling to cover the high cost of a college education by giving single parents and married couples a deduction of between $2,000 and $4,000 for college tuition payments through 2009.

Teachers will continue to get a valuable deduction for educational expenses.

Research and development, the heart of future growth, is also encouraged.

At a time of record-high energy prices, this bill contains a number of incentives for increasing the use of clean energy and decreasing our dependence on Middle East oil. It extends a tax credit for companies that produce renewable energy from wind, solar, and biomass. Domestic carmakers get a new tax credit for investing in plug-in electric cars and trucks. Families that build energy-efficient homes will see substantial savings on their utility bills when they buy energy-efficient freezers, dishwashers, and other energy-efficient, common household appliances. And refineries that process shale or tar sands will also see help—a critical new step in expanding domestic energy exploration and development.

From a Kentucky standpoint, I recently met with a group of business leaders from west Kentucky who are pursuing a coal-to-liquids refinery in Paducah that could lead to more than 1,100 new jobs for Kentuckians. They viewed extension of the expiring tax incentives for refinery construction as an incredible economic development tool and an important step toward energy independence by using abundant Kentucky coal. And I was happy to help.

Taken together, the tax extenders in this bill amount to more than $100 billion in tax relief for America's workers and job-creating businesses, and they provide much needed certainties for a nation that has faced enough uncertainty in recent weeks by ensuring that this relief stays in place through next year.

This bill was not easy to complete. Both sides had to make major concessions to get a good result. But this is how the Senate works. With this bill, it worked very well, and both sides can take credit. This tax relief will help the American people at a moment when they can truly use the help.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, this will be the ninth vote we have had on the tax extenders as relates to renewable energy. There have been compromises made. I say to my good friend the Republican leader, one of the provisions I don't like in the bill is the coal-to-liquids. I wish it were not in there, but it is. I have been here long enough to understand that to get legislation passed, there have to be compromises made. I hope when this matter goes to the House of Representatives that they will take the seriousness of how difficult it has been for us to get this legislation passed.

My friend talked about the importance of these tax credits for renewable energy. It is very important. But also there is another tranche that is extremely important, and that is the extenders for the business community. We have done something that has not been done in a long time. We have them for 2 years. This is a big step forward for the business community, and it is a step forward that is very important.

I say to my friends on the other side of the Capitol, in the House: Don't send us back something else. We cannot get it passed. If they try to mess with our package, it will come back here, it will die, and we will have snatched defeat from the jaws of victory. It would be a terrible shame that we would not be able to pass this legislation after having, for example, nine votes on the energy tax renewables. So I say to my friends in the House, Democrats and Republicans: Rise up and accept this because our procedures are different from the House. We can claim a victory for the American people by getting this done. And I hope we will have a resounding vote. I am confident we will on this legislation today.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

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

The Senator from Missouri.

## THE ECONOMY

Mr. BOND. Mr. President, I thank our leaders and the members of the relevant committees for coming up with the extenders package. That is good news. But I come here today to talk about some very difficult news this country is facing, and that is our country's financial crisis.

We have heard lots of people who are very much concerned about the details and why we are doing it. As the majority leader announced, this is being addressed in the Senate Banking Committee today by Secretary Paulson and others. He also noted that the former Speaker of the House has come out and said there is no rush; that we don't need to deal with this expeditiously. We do need to deal with this. We need to deal with this because the credit markets are frozen, the stock market is tanking, and the financial system is facing a stone age.

Now, this doesn't just affect some well-known companies on Wall Street and in major areas, it affects every one of us in our personal finances, in our jobs, and in our homes. It is a question of if we go to the ATM, will we get money out? If we have a home mortgage, can we get it refinanced? Could we get a new mortgage? If you are a small business, can you roll over your credits? If you are a farmer, can you get your operating loans for the next year? If you are an employee, can your business get the money it needs through the financial system to keep your job going or even to create new jobs?

We must respond to this financial crisis quickly, but we also must respond responsibly. We should not just throw money at the problem. We must also demand increased accountability, increased oversight, and increased transparency so the taxpayers and our financial system are never put in this position again.

Back in Missouri this weekend, and on the telephone since, I have heard from seniors worried about their retirement accounts, parents worried about their children's college savings, families worried about their checking accounts, and small businesses and homeowners worried about their mortgages. Folks across the Nation are worried about what this financial crisis means to their financial security. Missourians are worried about how this crisis on Wall Street is hitting hard on Main Street and throughout the State, from cities to farms to homes. They want to know the job loss hitting Wall Street traders will not cripple small-town job sites, the city workplaces, and homes across the State.

But they also wish to know that the politicians, the elected officials, are protecting their tax dollars and not just bailing out those who made bad decisions with no consequences. Folks at home face accountability every day. At home, if you screw up and lose a lot of money, you lose your job. And you certainly don't get paid to leave. At home, when people make mistakes, you don't throw a lot of money at them and not ask for anything in return or no change in their ways. We need to come together to end this crisis but also to make sure it does not happen again.

Last week, I spoke on the Senate floor and asked my colleagues to do that, to come together and work in a bipartisan way for American families during this financial crisis. There are long-term remedies and changes we must make. I don't know if we can get them done because right now the fire departments have called on us for more flame retardant, and we need to move to provide the flame retardant to stop this crisis from raging across the country.

As soon as we do that, however, we need to change the other aspects of the regulatory system that allowed this blaze to get out of control. Now, some of that was mandated by Congress; some of it was a failure to exercise oversight; some of it was judgments made a long time ago which turned out not to work in these critical times. But it is absolutely essential we come together on this measure and work with bipartisan cooperation and understanding and communicating with our constituents. It is critical that Americans see Democrats and Republicans avoid the ''blame game'' and, instead, work toward solutions.

We are seeing that happening already. Secretary Paulson is working with congressional leaders of both parties on his plan. He is testifying before the Senate Banking Committee right now. In addition to bipartisan cooperation, this crisis demands the action be bold and swift.

I believe the free market system is the best in the world, but it must have reasonable regulation. There are times when we must take temporary emergency action to get us through the rare crisis. This is one of those rare moments. This is an emergency crisis. On Friday, Treasury Secretary Paulson proposed bold action. Since his announcement, we have been getting details about the administration's plan to stabilize the financial and housing systems now in crisis and get at the root causes of the problem. The plan outlines a change from the ad hoc process we have been seeing to a comprehensive systematic approach. I agree we need a bold and comprehensive plan to get to the heart of the problem and get the economy back on its feet so it can again start growing and creating jobs for the American people as soon as possible. At the same time, a bold plan is not enough. We must also have a responsible plan. We cannot just throw money at this problem. Any plan that Congress adopts must ensure accountability, oversight, and transparency. It is our responsibility as elected officials to demand accountability so we do not reward those who made bad decisions.

It is our responsibility as elected officials to demand greater oversight so the taxpayers and the overall economy are protected. It is our responsibility as elected officials to demand transparency so people can have trust in our financial system and know their money is safe.

That is why I am preparing amendments to increase taxpayer protection. These protections should be a larger part of the Treasury Secretary's mandate. I am working on amendments that increase accountability by giving the Secretary specific powers to reduce executive compensation and eliminate golden parachutes. We did it in the Fannie Mae bailout and we can do it again.

We need to give the Secretary the power to take some equity in the bailed-out firms. We not only need to take the toxic paper off their hands—in what I trust will be below-market value for which we can sell the paper—but we need to take some equity so, if our infusion works, as I believe it must, and the company grows, we as taxpayers will get a return on that equity. American families should not have to pay fat bonus checks for failed CEOs and golden parachutes, and it should not expect bailed-out firms to be giving obscene executive compensation.

I also am preparing an amendment to increase transparency. We need to increase disclosure requirements for mortgage-backed securities and related derivatives so we are not again caught by surprise. As I said last week, we need to make sure all mortgage originators are appropriately regulated. Right now, we regulate the banks and the savings and loans but not the people who offer loans outside those institutions. They need to be regulated. If firms refuse to participate voluntarily in the program we pass in the Congress, then we need to consider giving the Secretary the power to resolve those bad situations and not let them linger for another round of crisis.

Now, there has been talk—and there will be plenty more—about the need to pass a clean rescue package. But once again I say we need to act quickly, and we shall act quickly, but there is plenty of time to take a day and consider these types of amendments. We cannot write a $700 billion blank check, hand it over to unelected officials and not ask for any accountability. I believe if we do this properly, the cost will be far less.

I heard a commentator on CNBC saying yesterday that if they do it right, the taxpayer may even gain a little bit of money for it. Don't count on that. But if we do it properly, if the Treasury sets up a system where they have the appropriate people contracted out under strict oversight, with accountability and incentives to take these failed mortgages at below the value of the underlying homes—not the market value, which may be zero—and then resell them and also take a slice of the equity of the firm from which they acquire those loans, then the price should be many times less than $700 billion. We have to do that, but we must act now.

We must act boldly to protect the economy, to protect our homes, our jobs, and our communities throughout the Nation. We must protect Americans' bank accounts, savings accounts, and retirement plans. We also must protect the taxpayer. I urge my colleagues to work in a bipartisan way, to come together on a sound plan, and to do it as quickly as we can. Don't rush it so much that we don't include the oversight, the accountability, and transparency. Include those elements and get it done now.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

## LEARNING ECONOMIC LESSONS

Mr. COBURN. Mr. President, I spent 8½ hours yesterday trying to get back here, and I understand during a period of that time my name was mentioned rather prominently several times on the floor, which is fine. I know Senator REID is going to come out in a little bit and offer some unanimous consent requests, which I am certainly open to considering, but we just got the language on those and so we will be looking at that. I will be objecting until I get a chance to see what changes have been made, and I look forward to working with Senator REID.

But I think this whole debate about 35 bills and $10 billion is a great lesson for us. We stand right now as a nation on a fault line that has created a lack of confidence in the financial system in this country—and not just in this country but in the world as well. While we are facing what is being requested by the head of the Federal Reserve, the Treasury, and the administration—a task of trying to reestablish confidence and liquidity in our markets—we have failed to learn the lesson. The lesson is this: We cannot continue to indiscriminately create more Government without making the Government we have efficient.

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

Mr. REID. Mr. President, regular order. The regular order was I was to have the floor when Senator BOND finished.

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

### ADVANCING AMERICA'S PRIORITIES ACT

Mr. REID. Mr. President, yesterday we started a process of trying to clear bills and passing matters. Prior to that, to remind everyone, 34 bills have been held up by Senator COBURN, held up for months. We have tried to work with him and it has borne no fruit. I want everyone here to understand that Senator COBURN may have been the person objecting to these pieces of legislation passing, but the Republicans are complicit in this because they have joined with him in blocking these bills. He could not do this alone. They have joined with him in doing this. So people who go back to their constituency and say they are in favor of all these pieces of legislation are not leveling with their constituents. I repeat, Senator COBURN may have been the person who made the objection, but we have attempted to move forward. He has been joined by his Republican colleagues. Every Democrat, of course, is in favor of moving these pieces of legislation, even though they are Republican bills. We believe, for the good of the people, you don't identify a good piece of legislation by whether it is a Democrat or Republican sponsoring it; you identify it as to the merits of that piece of legislation.

Again, to recap, the legislation contains 34 bills with broad bipartisan support that have been held up by Senator COBURN, who obviously thinks he knows better than the House of Representatives—by the way, these bills were passed overwhelmingly; the average vote is 370—that he knows more than the committees that reported these bills out, both in the House and the Senate, and he knows better than the whole Senate, since he will not give us simple votes on these bills. I repeat, he has been joined by his Republican colleagues in the obstructionism.

I tried to get the whole block passed yesterday. I tried to move to different sections—there are seven different sections—and there was an objection made on behalf of Senator COBURN to each of those. With a few things on our plate; that is, the financial crisis facing this country, trying to complete a funding resolution to get us through this beginning of the next fiscal year, an economic recovery package—we have a lot to do. Because of that, I did not have the ability, again, to file cloture. It takes 2 days to vote on a motion to proceed, 30 hours; get on the bill, file cloture, 2 more days, 30 hours. We didn't have time to do that. But we are going to continue working on these next Congress. If we come back after this weekend—which is looking more every day as though we are going to have to—we can consider moving forward on these pieces of legislation at that time.

We are going to do what we can to get these extremely important pieces of legislation passed. I again say, each one of these bills overwhelmingly passed the House of Representatives. Each one of these bills has been reported out of the Senate committee. We are going to see if any of these will get the approval of the Republicans today.

We were told yesterday by Republican Senate staff that maybe there are other Republican Senators who are using Senator COBURN as a foil, using him as somebody to do the blocking, so we will see. Yesterday it was interesting, the junior Senator from Arizona said there are 8 bills we could clear—8 out of 34, not very good, but 8 is a lot better than nothing. Within a few seconds after I agreed to that, well, he said, maybe three. I tried to pin him down to three. He said you will have to wait until Dr. COBURN shows up.

I hope everyone is beginning to see a clearer picture of this obstructionism.

Also understand this: Not a single piece of legislation will cost the American people 10 cents—nothing, not a penny, because they are all authorizations. They allow the appropriations committees to take a look at these pieces of legislation. There are a lot of pieces of legislation that pass that give authorization and then there have to be priorities set by the Budget Committee, sometimes the Finance Committee, and the Appropriations Committee, to find out which priorities should exist.

The authorizations do not cost the American taxpayers anything; nothing; zero. That is why I was stunned when I got a letter from the Senator from Oklahoma saying you strike $10 billion in authorizations from these bills and then when the bills come forward you make an amendment to put it back in.

I haven't gone to medical school, but I know that is illogical. We are not going to offer consent requests on each bill in this package because we have been told in no uncertain terms by Senator COBURN that he will not accept that. Right now we have to deal with him. So I am going to start on a couple of titles and see what progress, if any, we make today. As I have said, we are not going to give up on the rest of the important pieces of legislation. But because the Republicans have supported Senator COBURN, that is where we are. I repeat, even though he is the person out front, the Republicans, the Republican caucus is responsible for this.

I disagree with Dr. COBURN on his concerns about authorizations. I think he is wrong, but he has a right to his opinion and I accept that. But my disappointment is his Republican colleagues are supporting him. I do not think that is going to continue.

We do not know what is going to be the status next year, but I hope there will be fewer of them and more of us and maybe that will lessen some of the intransigence we have seen on the other side. I am happy to continue discussion with Senator COBURN's office which, frankly, we found basically has been a big waste of time, but we will continue to do that. I have tried to be patient and I will continue to do that so I hope we can get something done.

The first title of this package deals with health care. This title consists of very important bills covering a range of diseases and conditions. I venture to say that every American and every family in America has been touched by some portion of the health care provisions in this package. The health care provisions in this package include the ALS Registry Act and the Christopher and Dana Reeve Paralysis Act. That piece of legislation is interesting. Christopher Reeve, Superman, who was badly injured in a horse accident, and his wonderful wife Dana, who was so supportive through his very difficult life, are both dead. As young people they are both dead, even though there is legislation that has been introduced and we tried to pass in their honor. They are both dead.

The STOP Stroke Act—I don't think there is a family in America who has not been affected by stroke in some way.

The Legislation also contains the Melanie Blocker Stokes MOTHERS

Act, which focuses on postpartum depression, which now is more easily diagnosed, and they are looking for ways to lessen the burden that people who have postpartum depression have and the Vision Care for Kids Act and the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

Three of the six bills in the health care package were introduced by Republicans. All these bills passed the House with extremely strong bipartisan support. Eighty-five percent of the people in the House of Representatives voted for these pieces of legislation. That is the average. Of course, the same over here. We have bipartisan support. But procedurally Republicans have supported Senator COBURN.

## UNANIMOUS-CONSENT REQUEST—H.R. 1727

Mr. REID. First, let's take a look at the Christopher and Dana Reeve Paralysis Act, one key provision that has been obstructed. It is an important piece of legislation dealing with paralysis. This legislation would support and enhance cooperation in paralysis research, rehabilitation, and quality of life programs for people with paralysis. It authorizes grants and research funding for clinical rehabilitation of paralysis. The bill has been languishing on the Senate calendar for well more than a year and, I repeat, passed the House with extremely broad bipartisan support.

Dr. COBURN's office has indicated on several occasions that, OK, let's pass this. But we have heard that before.

I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 1727, the Christopher and Dana Reeve Paralysis Act, and the Senate proceed to its consideration, that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, will the Senate majority leader yield for a question?

Mr. REID. Of course.

Mr. COBURN. You sent over some 20 or 30 bills to our side. Is this one of those bills and has there been any change in what we have since our discussions?

Mr. REID. This is the exact language from the House of Representatives.

Mr. COBURN. Pending the time we get to review all of that, I will gladly accept a unanimous consent but, reserving the right to object, I will object at this time until I have a chance to look at the bills. They were given to us less than 20 minutes ago and we wish an opportunity to look at that. The majority leader has my word I will not object if that is the case.

Mr. REID. Mr. President, I say to my friend, he has had more than a year to look at this. It is the exact bill from the House. Fine. Take a look at it. We will come back again.

## UNANIMOUS-CONSENT REQUEST—S. 1810

Mr. REID. Another bill in this package is extremely important. This bill will help ensure pregnant women and new mothers of babies with prenatal conditions will get information and support services to help prepare them for the challenges and rewards of their children.

I ask unanimous consent the Senate proceed to Calendar No. 457, S. 1810, that all after the enacting clause be stricken, that an amendment at the desk consisting of subtitle (f) of title I of S. 3297 be inserted in lieu thereof, the amendment be considered and agreed to, the bill as amended be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate. The two sponsors of this legislation, Senators BROWNBACK and KENNEDY, are in favor of what we have done with the amendment that is at the desk.

I have made this amendment available to everybody for some time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, after looking at what was sent over this morning, if there was no change to it, I will not object. Pending that, I object at this time.

## UNANIMOUS-CONSENT REQUEST—S. 1382

Mr. REID. Mr. President, now we turn to another important piece of legislation. This is what we mentioned earlier, the Lou Gehrig's disease legislation. The bill would build upon, expand, and coordinate among pre-existing ALS registries, helping to collect data essential to the study of this dread disease.

The reason this is important is the average time from discovering a person has Lou Gehrig's disease until they die is 16 months. Time is of the essence.

The bill would create a Federal advisory committee on the national ALS Registry and promote research access to ALS data. The bill passed the House 411 to 3 a year ago. Both House and Senate committees marked the bill up with bipartisan support. Senator COBURN said he wanted some changes made so we have made those changes. Each change he told us he wanted we have made. Then he asked for an additional change and we made that. Now we have made extensive changes to the bill to accommodate the concerns Senator COBURN said he had with the bill, so I hope we can get it passed.

I ask unanimous consent that the Senate proceed to Calendar No. 518, the ALS Registry Act, that all after the enacting clause be stricken, the amendment at the desk consisting of the compromise amendment based on the language of subtitle (a) of title I of S. 3297 be inserted, that the amendment be considered and agreed to and the bill, as amended, be read a third time, passed, and the motions to reconsider be laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, again, after looking at this, if what the majority leader said is accurate, I plan on supporting this. But until I have had a chance to read what was sent over this morning—I will object until that time.

## UNANIMOUS-CONSENT REQUEST—H.R. 507

Mr. REID. Mr. President, this is the Vision Care for Kids Act. What this would do is ensure that children get the vision care they need to succeed in school.

I think most everybody knows I was born in a little town and raised in a little town—no doctors, no hospital. I was born in a house, not in a hospital.

When I went away to high school, which is also a fairly small high school, I was a baseball catcher on the baseball team. When we would move inside to the gym when the weather was very bad, which was not very often in Nevada, and I would be catching, I had trouble picking up the ball. But I thought it was that way for everybody. I thought other people had trouble seeing the ball. It was not until I was a freshman in college that somebody said: You must not be able to see very well. And so as a freshman in college I got a pair of glasses. I will never forget it. I came back to my dormitory; I had never seen green on the hills. I did not know things looked that way. But with my glasses, I could see it was green now. Now I know why I could not see the ball.

That is what this is all about, so kids like me have an opportunity maybe to be able to see with glasses or whatever it takes to improve their eyesight. Is this bill going to solve all of those problems? No, but it certainly would help. It would establish a program through the Centers for Disease Control to complement and encourage existing State efforts to improve children's vision care.

I am not suggesting to anyone that I was blind. I just didn't see very well, and I didn't know that. I thought everybody was like me. But can you imagine how—I can imagine. I was there. I know. I came home, and I could not believe it. I called my friends: Look, it is green over there.

I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 507 and the Senate proceed to its immediate consideration; that the bill be read a third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. This bill has never been before the HELP Committee. It

has never had a hearing in the Senate. There has been no discharge of this from the committee. We have never even voted on this bill. With that, I plan on objecting until I see exactly what has been offered by the majority leader later today.

Mr. REID. Mr. President, this exact language passed the House. This is a Republican bill, Senator BOND. My friend is right, it did not go through the committee. I think Senator BOND is right by being the chief advocate over here. Maybe he can help us with Senator COBURN. But the same thing we had before, it passed overwhelmingly. Maybe after he looks at it, he will allow it to pass later on.

## UNANIMOUS-CONSENT REQUEST—S. 1375

Mr. REID. I want to make a couple of other efforts here. The Melanie Blocker Stokes MOTHERS Act will help provide support services to women suffering from postpartum depression and psychosis and will also help educate mothers and their families about these conditions. It will support research into the causes, diagnosis, and treatments for postpartum depression. This is something Senator MENENDEZ and others feel extremely strongly about. This matter passed the House of Representatives 382 to 3. Senator COBURN repeatedly blocked the Senate HELP Committee action on the Senate companion bill.

I ask unanimous consent that the HELP Committee be discharged of S. 1375; that the Senate immediately proceed to S. 1375; that all after the enacting clause be stricken and that an amendment at the desk consisting of the text of subtitle (d) of title I of S. 3297 be inserted in lieu thereof; that the amendment be considered, agreed to; the bill, as amended, be read a third time and passed; and a motion to reconsider be laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

## UNANIMOUS-CONSENT REQUEST—H.R. 477

Mr. REID. The next bill I wish to seek unanimous consent on is the STOP Stroke Act. The Cochran-Kennedy STOP Stroke Act will help establish comprehensive systems of stroke care in health care settings and improve the education of first responders to ensure that patients presenting with signs or symptoms of a stroke will receive the highest quality care. The legislation was approved unanimously by the House in 2002. In the last year, it has been approved by voice votes in the Senate and House committees and on the House floor.

I ask unanimous consent that the Senate HELP Committee be discharged of H.R. 477; the Senate immediately proceed to the bill; that the bill be read a third time, passed, the motion to reconsider be laid on the table, and that there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, five different Government agencies already have significant programs in that. This bill does not eliminate any of those, make improvements in those, just lays a layer of bureaucracy on top of that. With that, I object.

## UNANIMOUS-CONSENT REQUEST—H.R. 4120

Mr. REID. Mr. President, we are now moving to title II in the Advancing America's Priorities Act, which was a set of Judiciary Committee bills blocked by Senator COBURN and supported by the Republicans. The bills Senator COBURN blocked included the Emmett Till Unsolved Civil Rights Crime Act, to help solve unsolved civil rights-era crimes; the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act; the reauthorization of the successful Drug Endangered Children Program, to help kids who are victims of the drug trade; the PROTECT Our Children Act, to stop dangerous Internet child predators, molesters, and pornographers.

Each of these bills passed the House with broad bipartisan support. Of course they have broad bipartisan support here. Procedurally, we have been blocked because of Senator COBURN, and being procedurally supported by his Republican colleagues. I hope we can pass some of these.

Let's talk about the child pornography prosecution bills. These bills will increase the penalties for child pornography and change the criminal law to make it easier to convict these people. It is amazing that they have been blocked for so long. Hopefully we can get them completed. We have combined them into a single bill to speed enactment. I hope we are clear on these.

I ask unanimous consent that H.R. 4120 be discharged from the Judiciary Committee; that the Senate immediately proceed to the bill; that all after the enacting clause be stricken and an amendment at the desk consisting of text of subtitles (d) and (e) of title II of S. 3297 be inserted in lieu thereof; that the amendment be considered and agreed to, the bill as amended be read a third time and passed, and the motions to reconsider be laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, a question for the majority leader: Is this bill similar to what we had discussed in our negotiations and does it, in fact, include the SAFE Act or not?

Mr. REID. This is not the PROTECT Act. These are on child pornography. This is not the PROTECT Act.

Mr. CORNYN. Pending looking at what the majority leader sent over, on our side we look forward to supporting that, should it be as represented by the majority leader. Reserving the right to object, I will object at this time until we have a chance to look at that.

## UNANIMOUS-CONSENT REQUEST—H.R. 1199

Mr. REID. Another bill in the Judiciary Committee title package was a bill that reauthorized the Drug Endangered Children Program. There may be families who have not been affected by drugs in some way. It may not be their immediate family. It may be some distant family members, it could be neighbors. But my nephew died of a drug overdose. He had a problem from his time as a teenager until he died at the age of 38 or so. There is a terrible problem with illegal drugs; it leaves many victims. Many are innocent children who are found in homes, hotels, automobiles. My nephew died in a sleazy motel. Among those are innocent children who are found, as I have indicated, in homes, hotels, automobiles, and apartments where all kinds of illegal substances are produced.

The product that is causing so much problem now is meth, methamphetamine. This bipartisan bill would authorize the Department of Justice to award $20 million per year—remember, this authorizes it—in grants designated to improve coordination among law enforcement, prosecutors, child protection services, social service agencies, and health care providers to help transition these drug-endangered children into safe residential environments.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1199 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed and the motion to reconsider be laid on the table; that there be no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I would object pending our review of the legislation.

## UNANIMOUS-CONSENT REQUEST—H.R. 293

Mr. REID. One of the bills in this package that has been languishing for well over a year—and I think it is shameful that is, in fact, the case—is the Emmett Till Unsolved Civil Rights Crime Act.

Emmett Till was a 14-year-old boy from Chicago visiting his relatives in Money, MS, way back in 1955 when he was brutally mutilated and killed for whistling at a white woman. Remember, his courageous mother, wanting everyone to see the brutality of how her boy was killed, had an open casket. That open casket said it all.

The killers in this case, like so many others during that time, were never

punished for their violent, treacherous acts. However, by passing this Emmett Till Unsolved Civil Rights Crimes Act, the Justice Department will have the tools necessary to investigate and prosecute violations of the civil rights statutes in which the alleged violation occurred before January 1 of 1970 and resulted in death.

The bill has broad bipartisan support. I hope we can pass the House-passed bill. That way, the bill will be signed by the President immediately.

I ask unanimous consent that the Senate proceed to Calendar No. 237, H.R. 293, that the bill be read a third time and passed, and the motion to reconsider be laid on the table with no intervening action or debate.

The PRESIDING OFFICER (Mrs. MCCASKILL.) Is there objection?

Mr. COBURN. Reserving the right to object, I have a question for the majority leader. I understood from your statement that this does not have any of the changes we talked about, this is strictly the House-passed bill.

Mr. REID. That is right.

Mr. COBURN. Reserving the right to object further, we will relook at what that is. I will object at this time and hope we can work out with the majority leader what we had discussed earlier in terms of a compromise.

## UNANIMOUS-CONSENT REQUEST—S. 1738

Mr. REID. Madam President, again, as has happened during this long process where these bills have languished, we keep getting suggestions for changes. We make them, and it does not make any difference. And last night, again, Senator COBURN suggested a change. We certainly can go along with that. We will make the change, send it over to you, and take a look at it.

I want to take a minute to talk about another one of the 34 pieces of legislation that is so important. Its name is ''PROTECT Our Children Act,'' or the PROTECT Act. This bill seeks to increase the prosecution of individuals producing and trading in child pornography by providing funding to the Internet Crimes Against Children Task Force.

The Crimes Against Children Task Force has developed the ability to identify individuals in the online distribution of child pornography but lacks the manpower needed to pursue and prosecute the offenders. This bill would give the Crimes Against Children Task Force the resources it needs.

This bill would also help promote coordination and strategic planning of Government resources to catch child predators by requiring DOJ to develop and implement a national strategy to combat child exploitation.

This bill would go a long way toward rescuing the thousands of children who are being exploited by child predators. Studies show that 30 percent of the people identified by the Crimes Against Children Task Force are actively engaged in molesting a child. Yet, right now, of the over 500,000 known cases, we are investigating 2 percent of them because law enforcement does not have the resources to do more.

This legislation was introduced in October 2007 and passed the House about a year ago, 415 to 2. The Senate companion legislation passed the Judiciary Committee. The Senate bill Republican cosponsors include Senators STEVENS, HATCH, HUTCHISON, and MURKOWSKI. So it is the right thing to do to pass this bill.

I ask unanimous consent that the Senate proceed to Calendar No. 862, S. 1738, that a substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, a question again for the majority leader. As confused as I was on a previous act, this does not include the language of the SAFE Act?

Mr. REID. That is right. The reason it doesn't—there are lots of reasons it doesn't, but we have a letter from the Justice Department. The Justice Department—Bush's Justice Department we all know about—decided to take a look at that. Even the Bush Justice Department said this needs a lot more work. Keep in mind, I have described in detail what we are trying to do. The SAFE Act the Senator is talking about is a different piece of legislation, and it should not be tied into what we are trying to do with this child pornography thing. I would hope we would get this done. We will be happy to work with the Justice Department and everybody else to see if we can work something out on the SAFE Act. It is not yet ready for passage. We all agree there is a need to combat Internet pornography. But important questions about the text of Senator COBURN's proposed legislation must be answered. We have questions. I used the Justice Department as an example. It is not only us. It is the Bush Justice Department. While some version of the SAFE Act might pass, let's not fool ourselves. The SAFE Act will help develop leads, but right now only 2 percent of all cases are investigated because law enforcement does not have the resources. The SAFE Act does absolutely nothing to bolster law enforcement resources. The PROTECT Act fills the known hole that has resulted in 98 percent of existing leads on child predators to go uninvestigated.

The Judiciary Committee, the committee of jurisdiction, has not held a hearing on the SAFE Act. It has not been the subject of committee markup. I don't believe any Republican on the committee even formally asked for a markup. It is ironic that Senator COBURN, the self-designated champion of insisting that bills be scrutinized before passage, now wants to circumvent the legislative process for a bill he never even bothered to raise in committee.

The Justice Department has serious concerns about this act. In a six-page letter sent last year, DOJ made numerous suggestions for improving the text of the bill. Some of the suggestions were addressed in the House version of the bill but many were not. In addition, officials from the Internet service providers that would implement this new law have raised important practical questions. They are concerned about vague definitions and requirements in the bill. There is no point in rushing to pass a bill that will be ineffective or struck down by the courts as unconstitutionally vague.

Last week, I asked my staff to convene a group of Republican and Democratic staffers to try to revise the text of the bill in light of the concerns expressed by the Department of Justice and others. Senator COBURN's staff is part of that effort. I am hopeful we can reach bipartisan agreement on the SAFE Act. The staff negotiations are ongoing. We will continue to work in good faith to get this bill in shape, but we are not there yet. Meanwhile, we are there on the PROTECT Act. It is ready to go. It has been for a long time. We can pass it today and get it to the President's desk immediately.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Continuing my reservation of the right to object, by the same logic that the majority leader has argued on all these other bills, the SAFE Act passed the House 390 to 2. So with the wisdom of the House, under which we are basing all the other requests for unanimous consent, why is that wisdom not any good now with the SAFE Act? The fact is that it isn't. I regret that unless we can pass the PROTECT Act with the SAFE Act and unless we can actually do something—the SAFE Act actually will do something tomorrow, the day it is signed. The PROTECT Act will not do anything until the money comes through Congress a year from now. So the fact is, if we had the SAFE Act, we will stop child pornography faster than if we don't. The question of the fourth amendment rights of child pornographers versus the rights of children being abused is not a hard thing to figure out. With that, I object until we add that to the bill.

Mr. REID. It is interesting how my friend isn't interested in the authorization of money this takes. It is obvious from what we have heard from my friend, supported by his Republican colleagues, that these important pieces of legislation have been held up and are continuing to be held up. That is unfortunate. We have not a single piece of legislation today that has been approved. That is the way it is, this arrangement. I hope the Republicans accept what they have done. They have supported this. The Republicans have

supported Senator COBURN's blocking bills that have passed overwhelmingly in the House. They would pass overwhelmingly here, but Republicans are supporting his procedural blockage of these bills.

## UNANIMOUS-CONSENT REQUEST—S. 2982

Mr. REID. Another bill is the Runaway and Homeless Youth Protection Act. It would help combat youth homelessness and help protect vulnerable runaway youth. The prevalence of homelessness among young people is high. Recent studies have suggested that more than 2 million young people either run away or are thrown out of homes each year. Many of them become homeless. That this problem continues in the richest country in the world means we need to redouble our commitment and efforts to safeguard our kids.

I ask unanimous consent that the Senate proceed to Calendar No. 751, Calendar No. 2982; that all after the enacting clause be stricken and the text of subtitle (a) of title II of S. 3297 be inserted in lieu thereof; that the amendment be considered agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, pending examination of what we received less than 30 minutes ago—we have to take a look at that, and I will come back to the majority leader—I object.

## UNANIMOUS-CONSENT REQUEST—S. 2304

Mr. REID. One of the other bills is the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act. This bill was introduced by Senator DOMENICI, who has been a leading advocate throughout his Senate career on issues relating to people who are mentally and emotionally ill. This bill would help ensure that offenders who are mentally ill get the treatment they need. It would provide training and resources to State and local criminal justice systems. The House bill didn't even have a vote. It passed by voice vote, it was so overwhelmingly popular.

I ask unanimous consent that the Senate proceed to Calendar No. 622, S. 2304; that the bill, as amended by committee, be read a third time and passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, pending the information, I will get back to Senator REID. I object until that time.

## UNANIMOUS-CONSENT REQUEST—S. 3297

Mr. REID. Madam President, there is a homeland security bill in the package that Senator COBURN's office has objected to, being supported by his Republican colleagues. This legislation would establish two programs to assist African Americans and others in conducting genealogical and historical research. It would require the Archivist of the United States to establish, as part of the National Archives, an electronically searchable database and of historic records of servitude, emancipation, and post-Civil War reconstruction contained within Federal agencies. The bill would also require the National Historical Publications and Records Commission to provide grants to States, colleges, universities, libraries, museums, and genealogical associations to preserve records and establish databases of local records of such information. The bill passed the House 414 to 1.

I ask unanimous consent that the text of subtitle (b) of title VI of S. 3297, that we proceed to that, that the bill be read three times and passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, with the same answer as before, I object.

Mr. REID. Madam President, directing a question to my friend. He has indicated he is going to look at these. When should we come back and see if we can get some of them done?

Mr. COBURN. My answer, through the Chair, Mr. Majority Leader, I appreciate that you have made concessions on many bills. I have not seen those. My staff is working on what you have sent over 30 minutes ago. I will communicate to you as soon as we finish the review, which should be before 1 o'clock today.

## ALS REGISTRY ACT

Mr. REID. One last thing, again, we have been told by our staffs that the ALS question you had has been all taken care of. I assume you will take a look at that and see if that, in fact, is the case.

Mr. COBURN. Answering the majority leader through the Chair, my staff has advised me a moment ago that we have come to agreement on that. I have no objection to the way that is written at this time.

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 518, the ALS Registry Act, that all after the enacting clause be stricken and that an amendment at the desk, consisting of a compromise amendment based on the language of subtitle A of title I of S. 3297 be inserted in lieu thereof; that the amendment be considered and agreed to; that the bill, as amended, be read a third time and passed; and the motion to reconsider be laid on the table.

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

The Senate proceeded to consider the bill (S. 1382) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''ALS Registry Act''.*

***SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.***

*Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:*

***''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.***

*''(a) ESTABLISHMENT.—*

*''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—*

*''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and*

*''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.*

*''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—*

*''(A) better describe the incidence and prevalence of ALS in the United States;*

*''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;*

*''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;*

*''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and*

*''(E) other matters as recommended by the Advisory Committee established under subsection (b).*

*''(b) ADVISORY COMMITTEE.—*

*''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—*

*''(A) two-thirds of such members shall represent governmental agencies—*

*''(i) including at least one member representing—*

*''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;*

*''(II) the Department of Veterans Affairs;*

*''(III) the Agency for Toxic Substances and Disease Registry; and*

*''(IV) the Centers for Disease Control and Prevention; and*

*''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and*

*''(B) one-third of such members shall be public members, including at least one member representing—*

*''(i) national and voluntary health associations;*

*''(ii) patients with ALS or their family members;*

*''(iii) clinicians with expertise on ALS and related diseases;*

*''(iv) epidemiologists with experience in data registries;*

*''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and*

*''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.*

*''(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—*

*''(A) the development and maintenance of the National ALS Registry;*

*''(B) the type of information to be collected and stored in the Registry;*

*''(C) the manner in which such data is to be collected;*

*''(D) the use and availability of such data including guidelines for such use; and*

*''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.*

*''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.*

*''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).*

*''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—*

*''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—*

*''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—*

*''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;*

*''(ii) the Department of Veterans Affairs ALS Registry;*

*''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;*

*''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;*

*''(v) State-based ALS registries;*

*''(vi) the National Vital Statistics System; and*

*''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and*

*''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.*

*''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.*

*''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.*

*''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $16,000,000 for each of fiscal years 2010 through 2012.''.*

***SEC. 3. REPORT ON REGISTRIES.***

*Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report outlining—*

*(1) the registries currently under way;*

*(2) future planned registries;*

*(3) the criteria involved in determining what registries to conduct, defer, or suspend; and*

*(4) the scope of those registries.*

*The report shall also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.*

The amendment (No. 5637) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''ALS Registry Act''.

**SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

**''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may if scientifically advisable—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee may submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary may ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.''.

**SEC. 3. REPORT ON REGISTRIES.**

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services may submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report may also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

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

The bill (S. 1382), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Madam President, let me say, as Senator COBURN leaves the floor, he knows there isn't a single bit of my mind or body that has any ill will toward him. He does this. I disagree with his doing this. He has a right to do this. My objection is not with him. It is his colleagues who procedurally support him in this. I want him to know our relationship is very good. I like him. The fact that I like him doesn't take away from my ability to disagree with him. Again, I would hope that maybe later today we can come here and pass some of these other bills we have tried to do today.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, it is my understanding I have 14 minutes remaining in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. Madam President, I appreciate the attitude with which the majority leader comes. We have attempted to work out several bills that I think we will get worked out today. I would like to provide a more general discussion about what went on here because the American people need to know.

All these bills could have come to the floor for debate and amendment. They haven't been blocked. What has happened is one Senator, myself, to the dismay of most of my colleagues on my side of the aisle who want these bills to pass, has said the American people ought to hear a debate. We ought to be able to amend the bills. We are talking about $10 billion in new spending, 37 new Government agencies, and we are to pass that by not having any debate and just saying yes.

I will not do that. I understand that is frustrating to my colleagues on both sides of the aisle. As a matter of fact, I get much more consternation from Republicans than I do from Democrats for my desire for us to be frugal with taxpayer dollars and also to be transparent. The fact is, we ought to have debates. We ought to amend. If one watches C–SPAN at all, what they see is, the vast majority of time, we are not doing anything in here. So there is plenty of time for us to do it.

I will make another significant point. We have in front of us a financial crisis that we are going to ask the American taxpayer to fund, some $700 billion in guarantees on loans, one way or the other, for loans that are not performing, whether that be mortgages or other loans, commercial real estate, home real estate. We are getting ready to ask the American people to do that. The contention I have had in this body since I have been here is completely opposite of what Senator REID voiced yesterday and again this morning, that these don't cost anything. If they don't cost anything and we are not going to spend any money, then they are not ever going to have any impact, if we don't spend the money. The fact is, authorizations matter because we do intend to spend the money. Therefore, if we continue to authorize and authorize and grow the Government bigger than what it is today—and one of reasons we are in the jam today is because the Federal Government is trying to do things totally outside the enumerated powers of the Constitution that were specifically given to us to limit the range and impact and reach of the Federal Government. That is why we are going to be asking for $700 billion of the next generation's money to make up for mistakes that Congresses have made as we have reached beyond what the Constitution says.

The very idea to claim that these don't spend any money flies in the face of reality. I would like to submit to the record a release on military aid spending. It shows the duplicity associated with our words. The majority leader said none of this spends any money. We passed the Defense authorization bill. Lo and behold, what are the releases of all the Members of Congress that had marks and things that go home on parochial interests? Here is what they say. They will spend money. Major research and military infrastructure needs will receive an enormous boost. Nearly $200 million in Federal spending to ensure the State's bases have everything they need.

Well, if authorizations do not spend any money, why are we claiming in press releases they do? We cannot have it both ways. The fact is, if we say they do not spend any money, and we do not intend to appropriate it, what we are doing is playing a hoax on the American people.

We are going to have before us this week some very difficult challenges for the Congress. The medicine, the painful medicine this country is going to have to take to reestablish confidence in our financial markets is directly related to the behavior of not deauthorizing and not getting rid of wasteful programs. The fact is, the Government Accountability Office has specifically listed out, along with the inspectors general of each of the agencies, as well as the Congressional Budget Office and Congressional Research Service, over $300 billion of waste, fraud, or duplication.

When was the last time we aggressively eliminated waste, we aggressively eliminated fraud, we aggressively eliminated duplication? The President has admitted that combining the debt with what we are borrowing from Social Security, this next year we are going to have a $600 billion deficit.

Not only are we going to take $700 billion and put it into nonperforming loans, we are going to borrow another $600 billion from the next generation to operate the Government, when we know over $300 billion of that is waste.

What are we doing? We are passing more authorizations with new spending, which will get spent, or we are being dishonest with those people who say we are supporting those programs. It is time for a change. Both campaigns on the Presidential side are talking about that. But the change that needs to happen is a change inside Congress, that we will start addressing the real problem. Imagine the fact that HHS put out that in 2007 31 percent of all Medicare payments were improperly made, with about 80 percent of those being overpayments.

It does not sound like much until you see that is almost 80 billion of Medicare dollars that were improperly paid. Where is the bill on the floor now to fix that? Where is the bill on the floor to get us out of the energy jam we are in? Instead, we are authorizing new programs without eliminating others and continuing the very errors of our ways that got us into the jam we are now going to ask the American taxpayers to give us $700 billion to get us out of.

It time for a timeout in Washington. It is time for us to reconsider how we do things, why we do things, and when we do things. Passing large numbers of new authorizations without eliminating the areas that are not working now does not fix anything. All it will do is make it more expensive to continue to fail. It also means we do not hold the bureaucracies accountable, which we are not.

I ask the Presiding Officer the amount of time I have.

The PRESIDING OFFICER. Six minutes 41 seconds.

Mr. COBURN. I thank the Presiding Officer. I will finish in a moment.

The question the American people ought to be asking of Congress right now, I believe, is this: You took an oath to uphold the Constitution. The Constitution has in it this very significant component that is called the Enumerated Powers Act. It is article II, section 8. It tells us exactly what we are to be about, what we are to do, and what we are not to do. The question you ought to measure us on is: Are we following the U.S. Constitution? Many of the bills Senator REID just brought forward are well within the bounds of the Enumerated Powers, but many of them are not. Yet we think at a parochial level and a political level about our own reelections and we forget this document that has guided this country so well.

My hope is the American people will start demanding that we follow this rule book, this guide book. If we do, not only will we eliminate that $300 billion of waste, fraud, and abuse, we will eliminate another $300 billion worth of programs that do not have any role coming out of the Federal Government, and we will put Government closer and more directly accountable to the very people who are being governed, and that is back at the local and State levels.

I will say in finishing up, Senator REID made several references to the Republican caucus. I will assure him that the vast majority of the members of my caucus do not support my position on authorizations. Their only support of me came in light of contrasting it next to an energy bill, which we still have not accomplished.

Congress has still not done anything about the No. 1 national security issue facing us, which is our dependence on foreign sources of energy. That is what we ought to be about this week. We ought to pass a CR. We ought to do what we have to do to fix the financial crisis. And we ought to be back making sure that another year does not go by where we do not have a comprehensive plan that utilizes every bit of America's talents, every bit of America's resources to make us less dependent and more secure on the issue of energy.

Madam President, I ask unanimous consent that this document be printed in the RECORD.

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

REID SET TO DELIVER NEARLY $200 MILLION TO NEVADA TO AID MILITARY

WASHINGTON, DC.—Major research efforts in Nevada and military infrastructure needs statewide could soon receive an enormous boost from Nevada Senator Harry Reid, who is delivering nearly $200 million in federal funding to help ensure the state's bases have everything they need.

As part of the defense authorization bill passed Wednesday by the Senate, Nevada will see important benefits if President Bush drops his veto threat. Notable are the construction of a $33.9 million Army Reserve Center in Las Vegas, as well as nearly $64 million in improvements at Nellis Air Force Base. This includes construction of a hangar and aircraft maintenance unit, and infrastructure upgrades for the F–16 aggressor squadron at the base.

There is also more than $32 million for improvements at Creech Air Force Base in Indian Springs, including funds for the construction of the Unmanned Aerial Systems Flight Simulator and Academics Facility.

''Safety abroad begins with strength at home, and I will always make sure Nevada's military installations are as strong as possible,'' Reid said. ''This money will improve both our ability to protect our country and the quality of life for the troops we appreciate so greatly. I will always deliver for our military and for our veterans when their military service ends, and I call upon the President to do the same by signing this bill.''

Mr. COBURN. With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

## IN REMEMBRANCE OF KENNETH N. HARRIS, SR.

Mr. CARDIN. Madam President, I rise today with a heavy heart to remember Kenneth N. Harris, Sr., of Baltimore City.

Ken Harris was a Baltimore City councilman, community activist, and champion of safe and family friendly neighborhoods. He loved his family, was so proud of his children, and he was my good friend.

Ken grew up in west Baltimore's Sandtown and Park Heights neighborhoods, where the strict guidance of a single mother and afternoons at the YMCA gave him the self-assurance and direction he needed to succeed in an environment where so many others struggled to survive. He graduated from Dunbar High School and worked four jobs to put himself through Morgan State University. After graduation, Ken went to work for Blue Cross and Blue Shield of Maryland and began his professional life in the corporate world, including Comcast Cable. For many, professional achievement and financial security are enough. But not for Ken.

Concerned about his children's school and his neighborhood, Ken soon became a community leader serving as president of the Leith Walk Elementary School PTA and the Glen Oaks Community Improvement Association. Encouraged by his ability to make a positive change, Ken ran for office and was elected to two terms in the Baltimore City Council, representing the 4th District, an elected office he would, no doubt, continue to hold today had he not decided to run for president of the city council.

While in the city council, Ken championed the rights of his neighbors. He sponsored legislation to stop landlords from throwing tenants' belongings out on the street—saving many tenants from homelessness and cleaning up the streets. He pushed for remedial programs in the public schools, such as the Baltimore Truancy Assessment Center, to encourage students to stay in school. He took the police to task for not having enough real community policing but too many reckless warrants, arrests. Last month, when the new Hilton Hotel opened in downtown Baltimore, it was remembered that it was Ken Harris who insisted that if the city was going to financially ensure the development of the hotel, the city and the developer also had to ensure financial support for college students and afterschool recreational opportunities for schoolchildren.

I ask my colleagues to join me in thanking Ken's family, his wife Annette, his daughter Nicol, and his son Kenneth, Jr., for sharing her husband and their father with our city and the State of Maryland. His life, which ended all too soon, made a difference in the lives of many others, and his contributions will not be forgotten.

Madam President, I yield the floor and 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Madam President, I ask unanimous consent that morning business be concluded.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 6049, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6049) to amend the Internal Revenue Service Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

AMENDMENT NO. 5633

Mr. BAUCUS. Madam President, on behalf of Senator GRASSLEY and myself, I call up amendment No. 5633, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. REID, proposes an amendment numbered 5633.

Mr. BAUCUS. Madam 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. BAUCUS. Madam President, this amendment would extend and improve tax incentives for clean, renewable energy. It is a good energy amendment and energy policy for America.

Here is the bottom line: This amendment would create thousands of new American jobs—jobs that would pay good wages. This amendment would begin the end of America's dependence on foreign oil. And this amendment gives us a chance to show America, before we go home in October, that Congress can actually work for them.

This amendment would extend and improve tax credits for wind and solar power. It would extend and improve tax incentives for building and appliance efficiency. And it would extend and improve incentives for clean coal and biofuels.

And this amendment would create new incentives for clean energy. It includes a credit of up to $7,500 to help consumers purchase plug-in hybrid cars. It includes a breakthrough credit for the capture and storage of carbon dioxide.

And it includes a new tax incentive for what people are calling ''smart meters.'' Smart meters provide real-time information on electricity use. And thus smart meters have proven to reduce electricity use.

This amendment would allow my home State of Montana to further develop its vast energy resources, from wind power to biofuels, from clean coal to solar power.

I have been trying to pass a version of this amendment for most of the last couple years. And I am very pleased that passage may well be at hand.

Mr. President, the last bill that extended energy tax provisions was the Tax Relief and Health Care Act of 2006. The ink was hardly dry on that law before I set out to extend and modify the energy incentives that it included.

The Finance Committee undertook a series of hearings on energy-tax policy at the beginning of last year. Our hearing topics ranged from renewable electricity to biofuels, from electric vehicles to carbon sequestration, from energy efficiency to clean coal technology. We heard from a wide range of experts on the need for reliable, long-term tax incentives for clean energy, and how best to invest in these incentives.

We used this input to develop a far-ranging clean-energy bill. It would have invested roughly $30 billion over 10 years.

Our bill included long-term extensions for the wind and solar tax credits. It included long-term extensions and modifications of incentives for improved building efficiency. It included new incentives, such as favorable tax treatment for transmission lines, so we can get renewable power to the market. And it included a credit for cellulosic biofuels, which I am proud to have helped pass a couple months ago in the farm bill.

In keeping with the philosophy of paying-as-you-go, the Finance Committee offset the cost of that package. The offsets largely scaled back or repealed tax breaks for the long-established oil and gas industry.

We scaled back tax incentives for oil and gas companies in order to increase tax support for clean energy. Our rationale was twofold.

First, we argued that as America moves to address global warming, we should begin to provide Federal support for energy that is less carbon-intensive, not more.

Second, we argued that with oil and gas prices on the rise, the oil and gas industry did not need tax incentives that it may have needed in the past. Indeed, in 2005, President Bush said, ''I will tell you with $55 oil we don't need incentives to oil and gas companies to explore.'' When the Finance Committee reported our bill on June 19, 2007, oil traded at more than $69 a barrel.

We needed 60 votes to pass the bill. And the oil and gas industry lobbied hard to prevent us from reaching that threshold. We had a strong Senate majority for the Finance Committee product. But we fell 3 votes shy of the 60 needed to break a filibuster.

So we went back to the drawing board. We listened to the concerns from the other side that the oil and gas tax offsets were too big. We scaled back our bill. We worked with the House Ways and Means Committee to produce a package with a roughly $20 billion pricetag—about a third smaller than our committee-reported bill.

And the argument for our offsets grew stronger. When the Finance Committee reported its bill, a barrel of oil sold for $69. Four weeks later, oil crossed the $75 threshold. In October of last year, oil topped $85 a barrel. And a month after that, oil reached $95 a barrel.

In December of last year, we presented our revised $20 billion energy package to the Senate. When the Senate voted on that package, oil traded at $92 per barrel.

Our argument swayed a couple of votes, but not enough to break 60. Despite dramatically scaled-back oil and gas tax offsets, our bill fell short by just one vote: 59 votes to 40.

So I went back to the drawing board another time. I wrote an energy tax package without oil and gas offsets.

I introduced legislation to pay for an energy-tax package by closing tax loopholes and by delaying a tax benefit for multinational corporations. These items also offset the cost of expiring nonenergy tax provisions, such as the tuition deduction and the research and development credit.

I have tried to move this package for the last several months. While I dropped the oil and gas tax offsets, some still objected. We made several attempts to pass this vital legislation, with non-oil and gas tax offsets. But it did not clear the Senate.

But now energy prices are sky-high. And many more Senators have come to agree that it makes sense to scale back oil and gas tax breaks.

So Senator GRASSLEY and I worked together to rewrite our energy tax package one more time. The package before us today is a bit more modest than it used to be. But it is still a valuable set of incentives.

It would foster clean-energy jobs, here in America. It would help us to address energy independence. And it would help us to address global warming.

Our amendment would extend the section 45 production tax credit, for wind and biomass and geothermal. It would provide an 8-year extension of the credit for solar projects. And it would remove the $2,000 cap on the residential solar credit, giving consumers a strong incentive to power their homes with solar power. The amendment would extend the biodiesel credit, as well as the incentive for property used to refuel alternative vehicles.

As before, today's amendment also has several new incentives. It includes the new plug-in hybrid credit—an incentive of up to $7,500 for consumers to purchase clean-running, next-generation vehicles. The amendment includes new incentives for conservation as well—in the form of those ''smart meters'' and investments in recycling property.

This energy package would help move us in the right direction toward cleaner, home-grown energy.

The amendment is offset by a series of tax provisions, both energy- and nonenergy-related. For example, the amendment addresses the section 199 manufacturing deduction for oil and gas activity. Congress passed this deduction in 2004, when oil traded at about $50 a barrel. It is set to increase to 9 percent in 2010. Our amendment would freeze that deduction at 6 percent for oil and gas activity.

Another offset closes a loophole related to oil companies' foreign income. This provision passed the Finance Committee last year. And it would streamline and simplify reporting of income earned on overseas oil and gas activity.

Another offset is basis reporting. This provision would improve tax compliance. It would require brokers to tell their clients and the IRS the cost basis of securities sold during the year. This provision would help taxpayers to file more accurate tax returns. And it would help the IRS to more efficiently identify tax returns that are not correctly filed.

In essence, it will help us close the tax gap. As you know, about $340 billion a year worth of revenue legally owed to Uncle Sam is not being collected today. This tax reporting provision will help put a dent in that tax gap.

This amendment does not include everything that I would like. On the clean energy incentives side, I would have liked to extend the renewable production credit for a longer period. I would have liked to provide incentives for improving our electricity grid.

I would have liked a more robust set of measures to address the use of clean coal. No matter how much some people dislike coal, the fact is that we get half of our electricity from coal. We need to burn it cleanly.

As for offsets, while oil has retreated from an all-time high of nearly $150 per barrel, the price of crude closed at $121 a barrel yesterday. That is still a very strong incentive to explore and produce. Whether the price of oil is $121 or $150—or even, as President Bush said, $55—it's hard to argue that oil and gas activity needs a boost from the American taxpayer. We will continue this debate in the next Congress.

This amendment does not do everything. But it would prevent vital energy tax extensions from expiring. And it would add new clean-energy incentives. We cannot start addressing global warming without a recognition that—at least for now—clean and alternative energy generally cannot compete with the fossil-based variety without at least a little help from incentives like these.

And so I urge my colleagues to support this amendment. I urge their support to create thousands of jobs in the clean tech industry. I urge their support to help address global warming. I urge their support to help foster greater energy independence.

Let's adopt this amendment. Let's show America that Congress can work for them. And let's finish what we have to do before the end of the session.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I am pleased that we are finally discussing legislation that is designed to deal with time-sensitive tax matters. I thank Chairman BAUCUS for his cooperation in working in a bipartisan way on this legislation.

There are five categories of time-sensitive tax matters. These are things that are sunset. For those in the public who don't recognize the word ''sunset,'' at certain times, legislation comes to an end and must be reenacted. That is called sunset.

The first category of this sunset legislation is the alternative minimum tax fix. It expired on December 31 of last year. If we don't act, 24 million families will face an average tax increase of at least $2,000 each.

The second category of tax relief includes several tax benefits available to middle-income taxpayers. These expired also December 31 of last year. Included are deductions for out-of-pocket expenses for teachers who buy supplies for their classrooms, sales tax in various States that have a sales tax but not income tax, and college tuition for middle-income families. Millions of taxpaying families would face an unexpected tax increase if this sunset legislation is not reenacted.

The third category in the bill consists of many valuable business incentives, such as the research and development tax credit that has likewise expired and has put corporations in a position of not doing research and development or maybe wondering whether the tax incentives are going to be available to them. This will reenact incentives such as that.

In this time of high oil prices and instability in the energy market, Congress should send a clear signal in support of alternative energy and conservation. This very important issue is dealt with in the fourth category in this bill. We will be considering that issue today to send a strong signal in support of alternative and renewable energy, as well as conservation. We will not let the wide assortments of tax incentives for alternative energy and conservation expire this year, which would otherwise happen.

The fifth and final category deals with the disasters that have ravaged the Nation's heartland, especially my State of Iowa and, of course, most recently the gulf coast, particularly along Galveston. We need to respond to help these folks in these regions, and these tax incentives are meant to help both business rehabilitation, as well as individual rehabilitation.

I believe this legislation is must-do business. Congress cannot dawdle any longer. And with a sense of emergency and urgency, Senator REID and Senator MCCONNELL, the leaders of the Senate, have devised a path for the Senate to complete action on these provisions. I would rather have processed this legislation over a period of time. Several months ago would have been a better time to process this sensitive business. Better late than never, and this is late, and better to do it now than not to get the job done at all.

Our leaders provided Chairman BAUCUS and me with the authority to do a compromise. That, of course, was a critical step. I am glad our leaders were able to get together on that point. So Chairman BAUCUS and I pulled out our note pads and resharpened our pencils and, of course, here we are with this bipartisan compromise.

I am confident that the Senate will approve the first and third amendments that will be before the Senate. The first amendment will deal with the fully offset energy tax incentives package that I will deal with in some detail in a minute. The third amendment will contain a bipartisan compromise on the alternative minimum tax fix and, of course, these business extenders to which I have referred.

In between those two bipartisan amendments will be an amendment to be offered by Senator REID for the Democratic caucus. All amendments will face a 60-vote threshold.

Last year, I laid out the principles Senate Republicans would follow when it came to revenue raisers, and those principles are still in effect, somewhat modified by the bill before us. But the basic rationale behind the Senate Republicans on revenue raisers is still there.

The first principle I laid out is whether the proposal is good tax policy. If the proposal is good tax policy, then we would support, and vice versa, not support if it is bad tax policy.

The compromise before us meets fully the needs of all Republicans on this point that the principles of this bill are good tax policy.

The crackdown on offshore deferred compensation plans is appropriate tax policy. I am pleased we made it tougher on hedge fund managers by removing a charitable loophole. Likewise, the offsets in the energy portion of the bill are appropriate policy.

The second principle I laid out last year deals with how revenue raisers are accounted for. This is where our two parties differ. How do the two caucuses differ? Republicans do not want to go down the slippery slope of building in a bias toward automatic tax increases—I should say almost automatic tax increases—and against current law tax relief. This is especially compelling when appropriations are wholly outside the Democratic version of their pay-as-you-go principle.

Let me explain that we find it in our Republican caucus inconsistent that Democrats would say, when you are going to continue existing tax policy, you need to raise taxes on other Americans to pay for it. We believe existing

tax policy should be continued without offset.

The inconsistency for us comes from the Democratic point of view that if you want more spending in appropriations bills, you don't have to pay for it. We find that highly inconsistent.

Also, I could say that expiring entitlement spending does not figure in to the Democratic caucus's pay-as-you-go proposition—another inconsistency.

The Democratic version of pay as you go sets us down an irreversible path of higher taxes and higher spending. If expiring tax relief and expiring spending and appropriations were treated similarly, maybe the deficit reduction rationale behind pay as you go would be credible. As it exists now, it only reinforces an ideology of higher taxes and higher spending. The rejection of Senator MCCONNELL's deficit-neutral offer on alternative minimum tax and the extenders proves my point. I will refer to a chart which shows the bias toward more spending and against current law tax relief.

If we look at that chart, we see the red line is one of mandatory expiring spending. We see the annual increase in nondefense discretionary spending going up very much. We see the annual cost of increased AMT, the solid green line, going down, and we see making certain other tax provisions permanent and what that does.

In any event, we found ourselves at an impasse on this point, but we still were able to reach this compromise that is before us.

In getting to that compromise, Democrats insisted on offsetting current law tax relief, and Republicans resisted more tax and spend. Republicans were willing to use revenue raisers for new policy and for long-term or permanent tax policy. Republicans did not want to use revenue raisers for new spending.

We came to a compromise by looking at this impasse as kind of a prism. A prism breaks one beam of light into several different shades. I have a chart showing the most famous prism of recent decades. It is a copy of the album entitled ''The Dark Side of the Moon'' by the band Pink Floyd. I am not, of course, a big fan of rock music. I am not a fan of its lyrics and its culture, but I think this piece of art by itself makes this very important point as ideal with this compromise legislation before us.

As we can see, there is a beam of white light on the left side of the triangular prism. On the right side, the beam of light is very fractured and multishades.

At the end of the day, we will have an alternative minimum tax fix, we will have extenders, and we will have an energy and disaster relief package that is a compromise. That is the white light on the left side. Republicans will see that the compromise meets their principles.

Let's say Republicans see the red light on the right. The offsets are good policy. From a Republican standpoint, there is enough new policy in the energy part of the deal to tie the nonenergy offsets; otherwise, energy incentives are reformed. That is our way of looking at this within the policy I annunciated a year ago. Republicans can see that the biggest item in the bill, the alternative minimum tax, is not offset. That preserves our point that the unfair alternative minimum tax—hitting 23 million middle-class Americans if we don't fix it—should not be a reason to raise taxes on other taxpayers.

Likewise, there is enough new and modified policy to tie to the offshore deferred compensation revenue. The bottom line is that the leaders were able to secure a longer term extension of current policy, as well as with the revenue.

Democrats are able to see the offset policy from their standpoint. That is the blue strand of light on the right side of the prism. Democrats wanted significant revenue raisers, and they got them. Both sides wanted the underlying revenue-losing extensions and new policy.

Most prisms are delicate. They are transitory. This one is no different. Our friends in the House need to see that. They can break this fragile prism. The shards will cut millions of taxpaying families.

This deal defers the very vital debate between Republicans and Democrats on whether we tax our way out of this fiscal situation—the Democratic view—or contrariwise, do we restrain spending. That is the Republican view. That is a very important debate which has held us up for so very long. That very important debate is deferred to another day.

Each side holds to its principles. Each side does the people's business. I thank Chairman BAUCUS and both leaders for getting us to this point of compromise where each of us can have some victories. But for me, it is preserving the very basic policies of the Republican caucus.

Using the prism that presents the opportunity to preserve tax relief for millions of middle-income families, I ask that we pass this compromise.

Madam President, one of the amendments we will be voting on today is the energy tax extenders bill that I just told you I would refer to in detail, and here it is.

I once heard a man say he always went everywhere with his wife because he never wanted to kiss her goodbye. Our dependence on foreign oil is very similar. As Americans, we know our dependence on foreign oil is not pretty but have not found a way to kiss that dependence goodbye. We need to enact commonsense, bipartisan laws, such as this energy tax extenders amendment that we will be voting on, the first vote midafternoon. It will help America move toward ending its dependence on foreign oil.

We are almost three-quarters of the way through this year, 2008. Since January 1 of this year, a number of energy tax relief provisions have already expired. In addition, a number of energy tax provisions are set to expire in just 3 months. For example, section 45, production tax credit for energy production for wind and refined coal, is extended through the year 2009.

Importantly, the wind production tax credit does not have the harmful 35-percent cap that the House Democratic leadership wants to place on it.

Another provision contained in this amendment is a new credit for electric plug-in vehicles. Consumers who purchase an electric plug-in—and it has to be a passenger vehicle—can get up to a $7,500 tax credit. If Americans are using electricity instead of gas to power their cars, it is a step toward reducing our dependence on foreign oil, much as ethanol has reduced our dependence on foreign oil for use in our cars by at least 5 percent.

Included in this amendment is a provision to reduce the tax on idling reduction units. These units are designed to eliminate the need for a big rig to idle to provide heating, air-conditioning, and electricity when it is stopped.

That brings me to the fact that we are saving diesel in big Mack trucks because they don't idle because we have this incentive for the separate unit to keep the cab cool while people are sleeping. It irritates me then, when I look back to this summer—and maybe even right now for all I know—when I saw Government officials using their chauffeured SUVs which were idling outside our office buildings wasting a great deal of fuel. As Members of Congress, we should be setting a good example for the American people by conserving fuel and not wasting it. For instance, I have a Ford Taurus. You don't see it idling outside my home or outside of wherever I am momentarily stopped. You surely would not see my driver in it because I don't have one. If you do see anyone else driving my Taurus, please call the police because someone has stolen my car. I would like to refer to Ashton Kutcher, from Cedar Rapids, IA, saying: ''Dude, Where's my car?''

So far, the Senate has not passed these popular expiring and expired energy tax extender provisions. However, the Senate has now reached a bipartisan agreement that should enable us to pass this first amendment that we will be voting on midafternoon. This first amendment contains these popular energy tax extender provisions—many beyond what I have already talked about—as well as revenue offsets for these provisions.

My fellow Republicans were divided on whether energy should be offset. Some opposed any tax increase on oil and gas. Others, such as this Senator, looked to convert conventional energy tax incentives into incentives for alternative energy and conservation. On the other hand, almost all Democrats were in this ''conversion'' camp. I kind of

feel myself like we have had a lot of incentives for old-time fossil fuels; that those industries are developed, and it is okay to move that money from that source over to alternative energy—a new industry that we are in the middle of developing and, in the case of ethanol, for a long time have been developing.

We compromised between Republicans and Democrats by cutting back the following oil and gas tax incentives, which totaled roughly $9 billion. First, we froze the manufacturing deduction for all oil and gas production at 6 percent. We reformed the use of the foreign tax credit for major oil companies. This offset is very important to get done. Finally, we raised the cap on funding for the oil spill trust fund.

To reach the $17 billion target for fully offsetting this energy tax package, we used a couple of nonoil and gas offsets totaling roughly $8 billion. First, we included the Bush administration's ''tax gap'' proposal to have securities firms report the cost of stock purchases and sales to the Internal Revenue Service. Secondly, we extended the unemployment surtax.

In keeping with the principle that tax offsets should make good policy sense and should be used to pay for new tax policy, we used these $8 billion in nonoil and gas offsets to pay at least $8 billion in new energy tax policy because it is a Republican program that if you have new tax policy, it should be offset. Our objection is to offsetting existing tax policy that might sunset; that you want to extend it in the same way it has been functioning for the last several years.

So the bottom line of this is that both sides compromised. Democrats yielded on unoffset popular current law tax relief—AMT as an example—and Republicans agreed to offsets that were good tax policy. But we ensured that our principle that major current law tax relief, such as the alternative minimum tax fix, should not be conditioned on other tax increases.

It is important to note that if we don't do more to encourage alternative energy, we might one day run out of oil and end up having to drive the alternative vehicles, such as Fred Flintstone, as you recall from the cartoon on television.

So I urge a ''yes'' vote on this first amendment that we will be voting on midafternoon, and I hope we can get this bipartisan agreement through and get it to the House of Representatives because we only have a little time left before we adjourn for the elections.

I yield the floor, and as I don't see any other Member who wants to speak, I suggest the absence of a quorum, and I ask unanimous consent, Madam President, before you call the roll, to divide the time that lapses in the quorum call between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, I have been in meetings all morning trying to work through the hurricane relief package that is certainly important to my home State of Texas, meeting with the mayors of Houston and Galveston as they go to their hearings for oversight for FEMA and disaster relief. I know we are learning much about what can be done, but I think we are doing so much better than with any previous hurricane relief.

But I am also absorbed in the financial crisis that is certainly present in our country today and is affecting so many people, so many jobs, so many families, and so many lives. All of us are going to be making some very tough decisions this week, and I wished to talk about the parameters I am going to put around any package that is put before us for passage that would help us get through this historical time in our country with regard to our economy.

Here is what I am looking for. I am looking for a package that, first and foremost, protects the American family who is doing the best they can and doing the right thing; the family who has put their money in a money market fund, as well as bank deposits. We need to protect them. We are hearing that will be done without any further action. So we need to do that. We need to protect those money market funds so no one will lose their life savings because they are doing what is right for their families—saving for their retirement or for their futures or for their emergency needs or people trying to keep their homes. If they are keeping their mortgages current or they are working with their bank to try to extend or lower interest rates, and they have an agreement in order to keep that mortgage going, we want to make sure they are able to do that.

That is what we are looking for in a package that we would pass. It is the most important thing that every American is looking toward Congress to do. We want to work together in a bipartisan way—the Congress, the administration, the Federal Reserve—to address this financial issue in a way that protects every family and every person who is doing what is right for their futures and their families.

The second major part of any package has to be protection of the taxpayers. The taxpayers are going to basically underwrite what we decide is the right thing to do. So if we are going to underwrite, we want the taxpayers to also have an upside. We want the taxpayers to be protected. We want the taxpayers to have the regulatory underpinnings that would assure they are protected and we want them to have the upside. There is an upside in the AIG bailout that the Federal Reserve has put in place, and that is good, because I believe there is a great chance that will turn out to be a profit for the taxpayers if that is done correctly.

I think that should be the model for the package coming forth this week upon which we will decide; that there will be an upside position for the taxpayer, so that when the packages are put together and the bad loans—or the nonperforming loans—are taken off the books, there is an upside to that if those loans perform or if the company succeeds after the bad loans are out.

Going down the road, I do think Senator GREGG is saying it best. I think he will probably be able to come out and talk about his view, but it is that we put everything that comes back—in the stabilization that we would provide—to debt reduction. Instead of taking the debt up to possibly $1 trillion, we would pay down the debt so there would be relatively no cost to the taxpayer and we would begin the very long process of not only putting our financial house in order, but we would also start putting our monetary system and our debt repayment back in order.

Before 9/11, this country had wiped out the deficit. Congress had wiped out the deficit. We had wiped out the deficit and were paying down the debt. That is where all of us want to be again—that we would wipe out deficits by careful, prudent spending and that we would start paying down that debt so the interest payments do not overwhelm us. Those are the basic parameters I believe Congress should put in the mix, as we are being asked to vote for a very important stabilization of the financial institutions and the families of this country. Congress can put its stamp on this package in our fiduciary responsibility and we can do this right and assure that we do it right. That is our job. That is our responsibility—to carefully look at the package that will be put forward, to have input from Congress and the key people in Congress who are working with the Secretary and the Chairman of the Federal Reserve, to do what is right for our country. Politics should be thrown out the window right now. We should be talking about what is our role, our fiduciary responsibility as elected officials, elected by the taxpayers, and we should be doing it on a bipartisan basis. We should be inclusive, not exclusive.

I think we are going to do it. We have an opportunity here to give the taxpayers and American people the confidence that we will do this in their best interests and do it right. That is my hope. I do have the confidence we can do it.

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. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENSIGN. Mr. President, I rise today to speak about the importance of the renewable energy amendment that is coming before us on the next vote in the Senate. For the past several months I have worked with Senator CANTWELL, as well as many other Members of this body, in a bipartisan manner to develop a way forward on renewable energies.

We know and agree that more renewable green energy is needed for the United States. That was evidenced by an amendment that Senator CANTWELL and I brought to the floor on the housing bill last April that passed by a vote of 88 to 8. We all realize that there is broad bipartisan consensus and that we want more renewable green energy for the United States.

The question was, how do we get it enacted into law? What we have before us today, through working together in a bipartisan way once again, is a compromise of how to offset the cost of some of these tax credits.

I am very pleased that, with the help of Chairman BAUCUS and Ranking Member GRASSLEY of the Finance Committee, Senator CANTWELL and I were able to come up with this renewable energy amendment that is fully offset and fully paid for, so that we can get this bill finally passed into law.

What does this mean for our country? Well, first, I think most Americans are well aware of what is going on in Washington right now. Our country is on the brink of financial catastrophe. We are working very hard to stop this from happening and bring consumer confidence back to our financial markets.

This, however, only solves the immediate crisis. We have a longer term economic problem in this country. There is nothing more important to our economy than having a comprehensive energy plan for the United States. Renewable energy is only part of that comprehensive energy plan for the United States though.

Within the bill we have before us, there are strong incentives for all types of clean energy, including solar power, geothermal, wind, and biofuels. If somebody wants to add solar power panels to their home, there are currently some incentives in today's law, but those incentives are not adequate. We encourage more and more people to put solar power into their own homes so they can actually help solve the energy problems we have in this country in their own home.

I think it is important that the Senate say to the House of Representatives, let's pass this bill in a strong bipartisan fashion. This is so the House of Representatives will take up this bill, pass it, and send it to the President where he can sign this bipartisan piece of legislation into law.

I strongly believe that we need a comprehensive energy plan for the United States of America that includes an all-of-the-above approach. This would include alternative green energies, drilling for more oil and natural gas, more clean coal energy, and clean nuclear energy, all of which include more conservation for the United States. We need all of this if we are to stop sending $700 billion overseas. A lot of that money is going to countries who do not like us. Some is even going to fund terrorist organizations that want to do harm to the United States of America.

It is critical that we have a comprehensive energy plan. Let's at least do the renewable energy part of the energy plan, today. I want to thank all who have worked so hard on this. On the solar part of this bill alone, it is estimated that 400,000 jobs could become permanent in the United States between now and the year 2016. These people would be building solar panels for houses, for businesses, for powerplants and the like. Over 1 million jobs will be produced in the building of a powerplant.

This is a good bill for our economy. It is a good bill for the power generation of the United States of America, and it is a good bill for our environment.

In many ways, this is a very exciting bill. Right now, unfortunately, it is being overshadowed by what is happening in our financial markets. But that does not mean this bill is not important; it is more important than ever. I encourage all of our Senators to vote for it, and then the message needs to go to the House of Representatives: Let's not delay on this bill; let's get this bill signed because this is the last week of business we have this year. Let's get it passed in the House and sent to the President so that he can sign this bill into law and we can start getting these jobs now.

I yield the floor. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, this afternoon we will vote on energy tax extenders or tax incentives for renewable energy. I wanted to make a comment about the importance of this legislation. I believe this will be our tenth vote to try to extend the tax incentives for renewable energy. It has been previously blocked nine times, which is almost unbelievable to me.

But at a time when we face a very severe energy problem in this country, and when we need to incentivize and begin developing additional renewable sources of energy to make us less dependant on Saudi Arabia and Kuwait, Venezuela, Iraq, at a time when we need to be less dependent and produce other kinds of energy, we have been blocked in extending these energy tax credits. It makes no sense at all to me.

If you are going to address the energy problem in this country, we need to do a lot of things. We need to conserve more. Yes, we need to drill more, and we need much greater energy efficiency. We need to do a whole lot of things, but this country needs to move ahead with respect to renewable energy on a much more aggressive path.

A substantial amount of energy comes every day from the Sun, and we use precious little of it. A substantial amount of energy is available from the wind, and we use too little of it.

How does this compare to other energy resources? Now, here is what we have done in the past for those who look for oil and gas. In 1916 this country said: If you are searching for oil and gas, we are going to give you a big fat set of tax breaks, because we want you to find oil and gas. That has existed for nearly 100 years, those tax incentives for those who search for oil and gas. Contrast that with what we have done for those who want to proceed with renewable energy such as wind and solar.

In 1992, we put in place the production tax credit. These were short-term and rather shallow tax incentives. They have been extended short term five times. They have been allowed to expire three times. We have seen projects to put up new wind turbines and new solar projects put on the shelf because these tax incentives have been in a start-stop, stutter step approach. It makes no sense. It is a pathetic, anemic response.

This country should be saying: Here is where we are headed for the next decade. For the next decade you can

count on this. We are going to develop wind resources and solar energy all across the country that will make us less dependent on Saudi Arabia, Kuwait, and others. That is what this country should do.

We have had great difficulty getting a 1-year extension from these production tax credit for wind energy, as an example until December 31 next year. I am going to celebrate today, if we pass this legislation. I believe we will. It is an achievement, but it is not a giant step forward. It is a baby step in the right direction because we have been blocked nine times by the minority from passing this legislation during this Congress. My hope is that today, finally, we will get it done and get this finally sent back to the House and to the President for signature.

We have had a lot of time on the floor of the Senate in recent weeks, a lot of wringing of hands, mopping of brows and gnashing of teeth about energy. This country's economy runs on energy. Sixty-five percent of the oil we use comes from overseas. We are unbelievably dependent on foreign sources of energy. How do we overcome that dependence to make us less vulnerable? We can do that by producing more here, which means drilling and by substantial amounts of conservation. We are prodigious users of energy, and we waste a lot. So while we produce more, we need to conserve more too. In everything we use every single day, from the time we turn the light switch on in the morning, to all of our appliances like refrigerators, air-conditioners, dishwashers, and more, we must make them more efficient. Many of these machines are more efficient now than they were in terms of all appliances. But we can impose even greater standards and create greater efficiency. So production, conservation, and efficiency—all are elements of an important national energy program.

I believe most important is the decision to pursue renewable energy. We do it with ethanol by taking alcohol from corn and extending our energy supply. We do it with biodiesel too. We do it with a range of areas. Especially in the area of biomass, wind, solar, and geothermal energy, there is such great potential. We have had so much difficulty providing certainty about where America is going to head with renewable energy.

I have introduced legislation saying we ought to do this for a full decade. We ought to say to the world, to investors and businessmen and women: Here is where America is headed. You can count on it. We will produce a lot of energy from renewable sources. We will maximize the opportunity to receive energy from the Sun. We have some projects that are interesting, but we have fallen far behind on solar energy. We are not anywhere near where we ought to be in producing solar energy. We are not near where we can be in producing energy from the wind. We have unbelievable turbines now that are much more powerful. They can take energy from the wind and use that energy to extend America's energy supply.

This is a very important vote, but it is only a small step forward in the right direction. It needs to be followed by a much larger step that tells the world where America is going. Yes, we will drill, conserve, all those things, but this country needs to decide that we want substantial amounts of additional renewable energy to make this economy less dependent on Saudi Arabia, Kuwait, Iraq and Venezuela. They provide us energy that comes from off our shores. Using more renewable energy and using this energy wisely are very important elements to sustain our country's economic strength and opportunity in the future.

I yield the floor.

Mr. ALEXANDER. Mr. President, today I will vote for the renewable energy tax legislation, Baucus-Grassley Amendment No. 5633, included in the tax extenders package because it is the best balanced approach to encourage renewable and alternative forms of clean energy that the Senate has had a chance to consider. I especially like the fact that, after many years, Congress is finally encouraging solar power in a serious way.

But the proposal would be much better if it would use the subsidy money designated for wind power instead for a dramatic new Federal investment in clean energy research and development.

This legislation adds nearly $5 billion to the $11.5 billion in Federal taxpayer dollars that are already committed to subsidize wind power over the next 10 years. This means that Congress will be spending two-thirds as much over the next 10 years to subsidize wind turbines as it did—in today's dollars—on the Manhattan Project to build the atom bomb. Wind power is a proven technology, useful in some places for clean electricity, but this disproportionate allocation of tax dollars is unwise because:

Wind turbines produce 1 percent of America's electricity.

There is only one wind farm in the southeastern United States because the wind doesn't blow hard enough in that part of the country.

There is almost nowhere in the U.S. where consumers can rely mainly on wind power without also needing coal, nuclear or gas—or maybe solar thermal—plants.

Wind power provides 2.7 percent of U.S. carbon-free electricity, which helps deal with climate change, but nuclear power provides 69 percent of U.S. carbon-free electricity.

Under existing law—without the new subsidies in this energy tax legislation—beginning in 2010 the largest Federal taxpayer subsidy for producing electricity would go to wind.

Per kilowatt hour, Federal subsidies for wind in 2007 were: 53 times the subsidy for electricity made from coal; 15 times the subsidy for nuclear power; and 27 times the subsidy for all other forms of renewal electricity.

If the Federal Government were to subsidize each kilowatt hour that nuclear power produces at the same rate it now subsidizes wind power, the cost to taxpayers for the nuclear subsidy over the next 10 years would be $289 billion.

On average, for every dollar Texas utilities pay wind developers, the Federal taxpayer pays another 69 cents.

Some say that by 2030 wind could generate 20 percent of America's electricity. Over 10 years the Federal tax subsidy for this much wind power would be enough to give 55 million Americans $3,000 to help buy an electric plug-in car or truck.

Wind turbines are a dramatic disruption to the landscape. A typical 1.5 megawatt wind turbine is as tall as a 40-story building. Its blades reach from 10 yard line to 10 yard line on a football field, and its blinking lights are visible for up to 20 miles.

I suspect the value of my vacant lot on Nantucket Island will go up when values go down on the other side of the island where a wind farm is being built.

Wind power is useful but not a true alternative energy because it blows only when it wants to—turbines operate, on average, 34 percent of the time—and can't be stored for baseload power, the kind our jobs and homes depend on, or for peaking power, the kind utilities buy in the late afternoon when every home appliance is on. When cost of transmission from remote locations is added, wind power can become very expensive.

Instead of spending another $5 billion to subsidize a proven technology, wouldn't it be wiser to make a dramatic new Federal investment in energy research and development—a series of mini-Manhattan Projects, for example—to: Make electric cars and trucks commonplace, make solar power cost competitive, capture and store carbon from coal-burning power plants, reprocess and store nuclear waste, make advanced biofuels from crops we don't eat, encourage green buildings, and provide energy from fusion.

According to MIT president Susan Hockfield, Federal funding for energy research has ''dwindled to irrelevance''—$2.4 to $3.4 billion a year—less than half the R&D budget of America's largest pharmaceutical company.

Use the wind subsidy money for new Manhattan projects, and use wind turbines where the wind blows and where transmission line costs make sense—and where both don't spoil the natural beauty of the great American outdoors.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 5634

(Purpose: To provide alternative minimum tax relief, and for other purposes)

Mr. CONRAD. Mr. President, I ask unanimous consent that the pending

amendment be temporarily set aside so I may call up amendment No. 5634.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 5634.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CONRAD. What is the time on this amendment?

The PRESIDING OFFICER. One hour equally divided.

Mr. CONRAD. Mr. President, I have offered this amendment to prevent the alternative minimum tax from hitting 26 million taxpayers in 2008. My amendment is fully paid for. That is how we should provide alternative minimum tax relief.

We need to wake up around here. We are facing a fiscal crisis, in part because of the massive deficits and debt we have run up as a Nation that has helped propel this bubble. Our markets are in turmoil. The Bush administration is now proposing to spend hundreds of billions of taxpayer dollars to stabilize Wall Street. We simply cannot continue to pile debt on top of debt. We have to begin to send a signal that the United States is going to start paying its bills. We are running massive budget deficits, massive trade deficits. The debt of the country has mushroomed.

In one fell swoop, the administration is proposing adding $700 billion more. That is on top of the $100 billion dedicated to Fannie Mae, the $100 billion dedicated to Freddie Mac, and the $85 billion dedicated to AIG. Let's add that up. That is nearly a trillion dollars. Let's add the $30 billion for Bear Sterns. We are over a trillion dollars.

Let's think very carefully about what is happening. Yesterday, the Washington Post reported the dollar declined in value against the euro by more than 2 percent in a single day. I ask people who are watching and listening to think very carefully now about how these events are connected. The dollar has gone down in value sharply. Already in the last 6 years it has gone down about 40 percent against the Euro. Yesterday, in one day, it went down 2 percent. In one day, the stock market went down almost 400 points. In one day, the price of oil went up by a record amount for a single-day increase. These events are all connected. We have to connect the dots. The dollar goes down in value, oil sells in dollar terms. That puts upward pressure on oil prices.

Of course, as people see that we are headed toward some kind of economic weakness, they look for safe havens. One place to look is commodities. A key reason people are losing confidence in the dollar is the mushrooming debt. To add in just a matter of days almost a trillion dollars to a debt that already stands at $9.6 trillion has an effect on people's confidence in the ability of the United States to repay. That means they are going to insist on higher interest rates in order to continue to extend us credit.

As we run up these massive deficits and debt, where do we get the money to pay for this? We get it by borrowing, and increasingly we have been getting it from borrowing from other countries. We cannot afford to continue on this course of not paying for things.

We can look back now and see the results of these irresponsible fiscal policies. In the last eight years, we have seen the five highest deficits ever recorded, with the highest of those now projected to come in 2009. The 2009 estimate of the deficit does not include the still unknown cost of the Federal intervention to help the financial markets. But our budget situation is actually even worse. The debt is going up much more rapidly than the reported deficit. For example, the increase in the debt in 2008 will be far greater than the estimated $407 billion deficit. That is because the general fund of the United States is taking the surpluses from Social Security and Medicare and using those funds to pay other bills. Let me repeat that: The debt increase in 2008 will not be the $407 billion advertised deficit. The increase in the debt will be $647 billion. For next year, the deficit is estimated to go up $438 billion. The debt will go up by more than $800 billion. And all that is before we include those bailouts. We could easily see the debt of the country go up a trillion dollars next year. The debt, as we sit here today, is $9.6 trillion. That is the gross debt of the United States.

This President has been building a wall of debt: $5.8 trillion at the end of his first year; now they want to increase the debt ceiling to over $11 trillion. This chart shows $10.4 trillion in 2009. That has now been erased because what they are proposing to do is increase the debt ceiling to over $11 trillion, nearly a doubling of the debt in that short period of time.

Here is what the New York Times headline from this weekend said: ''Administration Is Seeking $700 billion for Wall St.; Bailout Could Set Record.'' That could mean hundreds of billions of dollars of debt added to the wall of debt we already face. That is an unsustainable circumstance. It is a key reason why the dollar went down 2 percent in value in one day.

One of the great risks that is being run by this fiscal policy is the risk of a sharp downward break in the value of the dollar. If that were to occur, we would be faced with a series of unpleasant alternatives. One would be a sharp cut in spending by the United States. A second possibility would be a dramatic increase in taxes. A third would be a substantial increase in interest rates to attract additional capital to float this boat.

I hope people are listening. I know this is hard to fully comprehend because economic issues are complex. But they are related. They are tied together. The fact that we have dramatically increased the debt and deficit has an impact on the value of our dollar. When we flood the world with dollars, the value of those dollars goes down. When those dollars go down in value, that puts us in a position of having to find some way to attract additional dollars. One way open to us is to increase the rent we pay for those dollars we call interest. If we had to dramatically increase the interest rate to attract dollars to be able to float this enterprise, that would have an adverse effect on economic growth and economic activity.

So all of these things are connected. They are related, and they matter. We are already seeing the dollar fall further in response to the prospect of billions of dollars of additional debt being piled on.

The Washington Post article I showed earlier said ''Currency's Dive Points to Further Pain.'' ''Currency's Dive Points to Further Pain''—again, a 2-percent reduction in the value of our currency in a single day. This is after the dollar has already lost about 40 percent of its value against the euro since 2002.

I am not the only one who believes we have to start paying for things. Earlier this month, the former Chairman of the Federal Reserve reiterated his opposition to deficit-financed tax cuts. This is what Alan Greenspan said on Bloomberg Television:

[U]nless [tax cuts are] paid for on the so-called pay-go, I'm not in favor of it. I'm not in favor of financing tax cuts with borrowed money.

To my colleagues who say: Well, it is the people's money so let's give it back to them in a tax cut, what people are we talking about here? It is the people's money, so we give it back to them. The problem is, the people's Government does not have any money. The people's Government is out of money. It is borrowing money, and increasingly it is borrowing from foreign entities. So when people say: We ought to give the people's money back to them, it is a little late. We already did that. We did that, and much more. We went and borrowed money to give it to them.

Now, who is going to get stuck with the tab? It is going to be the American taxpayer. Because you can only continue to stack up debt for so long. At some point the chickens come home to roost. That is why I support a fully paid-for alternative minimum tax relief amendment. This alternative minimum tax relief provides tax relief in the first year costing $76 billion, but it is paid for over the next 10 years.

I remind my colleagues that pay-go does not require that these bills be paid for immediately. It requires the legislation be paid for over 6 and 11 years. Given the economic downturn and turmoil we now confront, I would not call for paying for AMT relief right now. But we can provide offsets over time to cover the cost. That would be the responsible thing to do, and it would send

a signal to the financial markets that we are serious about putting our fiscal house back in order.

Some have argued we should not be raising taxes to pay for alternative minimum tax relief. We are not talking about raising taxes. We are talking about closing tax loopholes and making hedge fund managers and oil companies pay their fair share.

Here is a list of the offsets or the pay-fors included in my amendment.

One, ending deferral of offshore compensation by hedge fund managers trying to evade current taxation. Two, delaying implementation of a new worldwide interest allocation provision designed to benefit some multinational corporations. Three, correcting underpayment of royalties for oil and gas production on federal land in the Outer Continental Shelf. Four, codifying economic substance—prohibiting transactions with no economic rationale, done solely to evade taxes.

Does anyone oppose closing these loopholes? Does anyone oppose these offsets, these means of paying for what is needed? Because certainly alternative minimum tax relief is needed. Otherwise, 26 million people are going to get hit by the alternative minimum tax.

It is important to recognize these annual alternative minimum tax fixes, as costly as they are, conceal the much longer and larger long-term cost of fixing this problem. The cost to reform the alternative minimum tax over the next 10 years is a staggering $1.6 trillion. Let me repeat that. To fix the alternative minimum tax over the next 10 years would cost $1.6 trillion.

So if we continue to pass alternative minimum tax patches that are not offset, that is the real amount, as shown on this chart, we are going to be adding to the Nation's debt. Over the summer, I asked the Congressional Budget Office to examine the impact on our budget and economy from continuing to pass these unoffset tax cuts. CBO found that the debt absolutely explodes if we continue with unoffset alternative minimum tax reform and unoffset extension of the President's tax cuts—rising to 602 percent of the gross domestic product by 2082.

Let me repeat that. This is what the Congressional Budget Office has told us will happen if we continue on this course. As shown on this chart, this is the debt if we proceed with the current policies. That is the green line. Now, this is the debt that will accrue if we continue to pass alternative minimum tax reform unpaid for. That is the black line. Finally, the red line is what happens to the debt with unoffset alternative minimum tax reform and extension of the Bush tax cuts. In that case, the result is the debt of the country goes to 600 percent of gross domestic product. That is five times the record amount. That is five times the record amount of debt to gross domestic product in our Nation's history.

What is the implication of such an explosion of debt? What would it mean? I asked the Congressional Budget Office to tell me what would happen if we fail to pay for alternative minimum tax reform and the Bush tax cuts. What would happen to economic growth? Here is what they concluded. As shown on this chart, the black line is the economic loss from not paying for alternative minimum tax reform. You can see, it is very dramatic, the drop in GNP per person. Here is what happens to economic loss from not offsetting the alternative minimum tax reform and the extension of the Bush tax cuts. CBO projects that, over time, it would reduce American living standards by 50 percent.

It is because the debt operates as a gigantic drag on the economic growth of the country. How is that possible? Well, very simply, as I described earlier, if you keep adding to the debt, you have to finance it. How do you finance it? You borrow it. Increasingly, we borrow from abroad. That undermines the value of the dollar. That puts upward pressure on interest rates. Rising interest rates stifle economic growth. Again, that is not just my view. Here is what the Congressional Budget Office said in a letter to me on July 17 of this year concerning their estimates:

> Despite the substantial economic costs generated by deficits in that model, such estimates may significantly understate the potential loss to economic growth from financing the tax changes with deficits . . . In reality, the economic effects of rapidly growing debt would probably be much more disorderly and could occur well before the time frame indicated in the scenario.

Is anyone listening to what our own advisers are telling us? Deficit financing of tax cuts hurts long-term economic growth, and the reaction could be disorderly changes in the markets well before the models suggest. I believe that, in part, that is what we are seeing today: a sharp drop in equity values, a sharp drop in the value of the dollar, and all the while we see a massive increase in our deficits and debt.

As shown on this chart, this is the long-term budget scenario of the Congressional Budget Office. This is where we are to this point. This is where we are headed without fundamental changes. If we keep patching the alternative minimum tax without paying for it, if we extend the Bush tax cuts without paying for them, there is going to be, according to those who advise us, a sharp reduction in economic growth, a sharp reduction in the economic strength of our country.

We have to start somewhere. I propose we start today by paying for the alternative minimum tax relief that is needed. We could do it today. We could open a new chapter. We could get serious about the long-term economic prospects of our country. The alternative is to stay on the current course, keep running up the debt, keep running the risk of a sharp break in the value of the dollar, keep running the risk of a sharp break in the economic strength of our country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). Who seeks recognition?

The Senator from Utah.

AMENDMENT NO. 5633

Mr. HATCH. Mr. President, I appreciate my colleague from North Dakota. He is diligent. He means well. And I care for him a great deal. He has an impossible job, in my opinion. One reason he does is because one side thinks the only way to solve our problems is to increase taxes. Our side believes the only way to solve our problems is to reduce spending. We all know the only way you can do that and be significant is to take on some of the entitlement problems that exist, and that causes even more of an explosion. But I respect him very much for the fight he wages all the time.

I rise today to express my support for the Baucus-Grassley substitute and perfecting amendments to the tax extenders bill before us today. These amendments may sound a bit confusing, so I will try to clarify briefly what they do.

The Baucus-Grassley substitute amendment is a bipartisan compromise on the soon-to-be expired tax provisions dealing with energy production, alternatives, and conservation. This important group of tax incentives enjoys a great deal of support from Members on both sides.

Unfortunately, the passage of these energy extender provisions has been held up over discussions about energy policy in general, and more particularly, over the question of whether and how to offset the lost revenue.

The Baucus-Grassley perfecting amendment is also a bipartisan compromise, but this amendment features the retroactive extension of important tax provisions that expired at the end of last year, as well as extending the so-called alternative minimum tax patch for 2008, and a package of disaster relief tax provisions.

This long-delayed group of provisions also enjoys broad support among Senators, but it too has been held up by the question of how or if to pay for the lost revenue.

I want to first congratulate those of my colleagues whose hard work and flexibility have made these compromises possible. Getting to this point where we can hopefully pass this tax extenders bill today is a big achievement, and one that should not be overshadowed by the necessities of dealing with other urgent legislative business this week.

The chairman and the ranking Republican of the Finance Committee, Senators BAUCUS and GRASSLEY, along with the majority leader and the republican leader, deserve all of our thanks for guiding us to this compromise.

As with all compromises, this one is completely satisfactory to no one. My position all year long on the offset question, along with that of most of my Republican colleagues, can be summed up in two sentences. First, it

is wrong to raise taxes on one group of Americans in order to prevent another group of Americans from suffering a tax increase. Second, it is wrong to raise taxes on a permanent basis in order to pay for the temporary extension of expired or expiring tax provisions.

The other side has put forward the position that, in the name of fiscal responsibility, we should not allow the budget deficit to grow higher as a result of extending current law tax provisions. I respect this position, and as someone who has long been concerned with this Nation's fiscal health, I also do not want to see the deficit climb.

However, the rate of Federal spending for the past several years has grown alarmingly high. According to the CBO's latest baseline budget projection, the deficit is estimated to explode from last year's $161 billion to $431 billion by 2010. So, yes, it is obvious that we have a deficit problem. However, over this same 3-year period, annual Federal revenues are projected to increase by $313 billion from fiscal year 2007 levels. This is an increase of more than 12 percent.

Over that same period, however, the amount of annual Federal spending is projected to climb by $583 billion. This is an increase of more than 21 percent. Therefore, it seems obvious that we do not have a problem with revenues. We have a problem with spending growing much faster than revenues are growing.

It seems to me that the answer to the offset question is not to raise taxes but to cut spending growth. And yet after months of impasse, we made no progress in getting the other side to line up for spending restraint instead of tax increases.

However, the leadership on both sides, along with the two leaders of the Finance Committee, have found a way to move us forward in a manner acceptable to both sides.

The energy extenders amendment is fully offset, as has been insisted upon by the Democrats. However, it is true that much of this amendment is comprised of expansions of current policy and not strictly extensions of current law. Therefore, some offsets are acceptable. I wish they were offsets in the form of spending cuts, but my voice is in the minority on this desire.

Moreover, the tax increases in the energy amendment have been moderated from earlier versions. Instead of a full repeal of the deduction for the domestic production of oil and gas, the amendment freezes the current deduction at 6 percent. And, instead of an obnoxious and unprecedented new Federal severance tax on oil drilled in the Gulf of Mexico, the amendment includes a small set of offsets that are relatively acceptable in light of the positive provisions included in the package.

In the AMT and extenders amendment, the other side has conceded that it need not be fully offset. This amendment does include a large tax offset dealing with offshore deferred compensation. I am not fully convinced that current law is in need of reform in this area. However, again the benefit to our economy and to taxpayers of having the expired provisions extended on a retroactive basis justifies this compromise.

We are obviously in a time of great economic peril. While the size of this combined tax extenders package might pale in comparison with the larger number of dollars involved with legislation we are considering this week to ensure the liquidity of our financial markets, we should not underestimate the importance of these tax provisions to our economy.

We must not subject another 23 million American families to the cruelties of the alternative minimum tax. What a nasty and unfair surprise to these unsuspecting households we would be leaving at their doorsteps absent this bill. Because the AMT patch will save these taxpayers almost $62 billion, in just one year, not passing the AMT patch would go a long way toward reversing the benefits of this year's economic stimulus tax rebates.

Let me mention two other vital provisions that are extended in this package, among many important ones.

First is the provision to extend the exemption of active financing. I know this sounds confusing, but it is critically important to keeping America's financial services firms competitive with their overseas counterparts.

The Internal Revenue Code imposes worldwide taxation on its citizens and domestic corporations. Many of our trading partner nations do not impose this kind of taxation on their home-based companies. Without the exemption for active financing income, which expires at the end of this year, our firms will have a significant disadvantage in competing with companies based in these other nations.

The second, and I believe, the most important, is the research credit, which expired at the end of last year. Research and development is the lifeblood of American innovation. This is an area where our Nation has clearly held the lead for decades.

However, we are at serious risk of losing this edge to other countries. No longer is the U.S. the only place to find talented scientists and other researchers. No longer does the U.S. have the only world class research facilities. And certainly, no longer do we have the only tax incentives for research in the world. Many other countries, each of which would love to take our lead away, are vying for this research.

We simply cannot afford to allow this credit to lose its incentive value and thus allow research to escape our shores. I fear it is already happening, but passing this bill is the first step in fighting to keep this indispensable segment.

This is obviously a historic week in a monumental year. Hugely important questions with tremendous ramifications lie before the Congress and before the American people and must be decided in the next few days and weeks.

The issue at hand today might be overshadowed by other matters, but is nevertheless a vital one. We must pass this tax extenders and energy incentives bill, and I hope the House can get it done this week as well. Let us put this part of our financial house in order today.

Then, I hope and pray we as a Congress can make the right decisions in solving our financial and liquidity crisis, and that the people of America choose wisely in the elections that are just a few weeks away.

As a Nation and as a Congress, we have a lot of work ahead of us to bolster the confidence of the people. We need health care reform and we need a tax system that helps us compete in the world, instead of leaving us at a disadvantage.

I personally compliment the distinguished Senator from Montana and the distinguished Senator from Iowa, Senators BAUCUS and GRASSLEY, for the work they have done, and, of course, others who have participated in this. Let's build on this work as we move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 10 minutes from the time in opposition to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to talk about the series of votes we are going to be having on the extenders package and to thank my Chairman, Senator BAUCUS, for his leadership on this legislation because this is important legislation my colleagues are going to be voting on in a short period of time.

Senator BAUCUS has been diligent in working with Senator GRASSLEY on various provisions that I believe are good for Washington State and for the country—specifically, the R&D tax credit and the continuation of that credit for 2 years. I thank Senator BAUCUS and Senator HATCH, who worked out a more robust tax credit for the future. We also are extending the college expense deduction; a continuation of that at $4,000. Many parents are struggling with many financial obligations, and college education costs that are continuing to rise. This legislation makes sure they can deduct some of these expenses and helps out those taxpayers.

For us in Washington State, it also is critically important we be able to continue to deduct sales tax from our Federal income tax obligations. It was about 22 years ago that Congress took away this opportunity for Washingtonians to be treated fairly, just like other States in the Union, to be able to deduct sales tax. We recently reestablished this policy, and this bill continues it for another 2 years, so that we

are able to deduct what obligations we pay to the State of Washington from our Federal income tax obligation. This is stimulus to us in Washington State, and it is about tax fairness. We are glad that, for 2 more years, Washington residents will be able to either take a standard deduction or itemize their deductions and claim these taxes against their Federal tax obligation.

I remind my colleagues, too, about the importance of the energy provisions we are about to vote on. We are making a significant change in energy policy by promoting clean energy solutions for our country. In fact, were we to look at the 2005 bill we passed, which had many similar tax provisions in it related to energy production, it was probably two-thirds tilted toward fossil fuel and one-third for green energy. This bill turns that equation on its head; it is two-thirds for green energy solutions and one-third for fossil fuel. That heads us in the right direction as a Congress and as a country, it is where we should put our priorities.

This legislation unleashes the ability for us to focus on solar power in America. It unleashes the ability of solar power by giving it an 8-year tax credit horizon, the same we are giving to fuel cell technology. Concentrating solar power technology is a new endeavor that holds great promise for us in America and particularly in the Southwest. We think that over 400,000 jobs could be created in the next 8 years thanks to this technology, and those are jobs right here in the United States. That gives the United States the ability to produce enough power for probably over 7 million American households. It is also a $232 billion investment that we expect to see into our economy coming from these investment in solar energy. We are truly unleashing that power and producing what will be emission-free fuel for our homes and businesses.

For plug-in electric cars, this bill provides up to a $7,500 tax credit so an American citizen will be able to get a plug-in car and use that to drive down their cost of transportation. If you think about it, instead of spending $4 a gallon for gasoline, with a plug-in vehicle, your cost per gallon would probably be only about a dollar. That would be significant savings for the American consumer.

Third, we are including, for the first time in the Tax Code, faster depreciation for what are called smart meters. This technology is going to help us as consumers understand the power we are using and how we can manage that usage to reduce our energy costs. Tom Friedman has done a good job of evangelizing this. He believes this is where IT meets ET—where Internet technology meets energy technology. The fact is that we can build a smart electricity grid that understands what consumers are using and empowers those consumers to help drive down their costs. Once we get these meters installed throughout the country we will begin to realize energy savings just by moving power more efficiently around the electricity grids. We can save 10 percent on what power we are using today by just consuming it in a more efficient fashion.

This provision will help with the deployment of smart meters and smart grid technology that will help us move forward.

When we think about this platform of distributed generation, smart grid technology, the advent of efficiencies, we can see how we can build a national smart grid that will help us immensely because we know we are going to have an increase in demand, we know we want to reduce carbon emissions, we know there are intermittent sources of power such as we are talking about with wind and solar that we can work in cooperation with our other power sources, and we know that substituting electricity for oil can make a major transition for us in getting off our dependence on foreign oil.

All of these are improvements to that electricity grid. It is like taking our current two-lane dirt road highway and turning it into a superhighway of a smart electricity grid that can empower us in making this transition.

I am very happy that the accelerated depreciation provision made it into the legislation. I thank Chairman BAUCUS and Senator GRASSLEY for making that part of the tax incentives we are going to pass here today.

Lastly, there are over $10,000 in tax breaks to American consumers to try to help them lower their energy costs into the future. I know from the Presiding Officer that in the Northeast part of our country, a lot of people have suffered under the high cost of home heating fuel. This legislation helps them with tax breaks on wood-burning stoves so they can install the latest technology to turn wood pellets into a better, more efficient source of fuel and help drive down the demand on home heating oil. Hopefully this can help reduce the cost to many of the Northeast residents who are still using oil as their primary heating source.

The $10,000 in tax breaks, as I said, for items such as plug-in automobiles, wood stoves, solar panels on the homes, small wind farms, and a variety of things are going to help the American consumer reduce the burden they are now facing from higher energy costs.

We are taking this direction and moving closer to what we think the United States can be—a world leader in green technology. We are creating the platform and putting in place the right incentives in this legislation that will move our country away from its dependence on fossil fuel and on to the clean energy technologies that will make the United States a world energy leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 5635 TO AMENDMENT NO. 5633

(Purpose: To amend the internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes)

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside and I be allowed to call up my amendment No. 5635.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. REID, proposes an amendment numbered 5635 to amendment No. 5633.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I yield 10 minutes of the time in favor of the third amendment to the senior Senator from New Mexico, a lead sponsor of the mental health parity provisions in the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, my thanks to the chairman.

First, I wish to thank a number of individuals and institutions.

First and foremost, I thank Senator KENNEDY. Senator KENNEDY is my long-time partner and friend in our work on parity and other mental health issues. Obviously, he cannot be here today, but he is fully aware of what we are doing. I know he is very pleased with what we are doing and thrilled that we have found the offset for our bill, the bill that has been accepted by the House.

The question is whether our bill with the offset or our bill with a different offset becomes law. There should be no doubt that we will now get parity of treatment for a large number of Americans suffering from mental illness.

My further thanks go to Senator ENZI. I could not have asked for a better colleague to help work on this issue of mental health parity.

Senator DODD, my long-time friend, has done an admirable job standing in for Senator KENNEDY, not to mention his own work on mental health issues.

Chairman BAUCUS and Senator GRASSLEY: Simply put, we could not be here without you.

Leaders REID and MCCONNELL: I cannot say enough about the fantastic assistance the leaders have provided and they should certainly share with us the optimism that comes from this bill.

Members of the House of Representatives KENNEDY and RAMSTAD, the chairmen and members of the committees of jurisdiction and the leadership in the House; our superb coalition outside the Senate and House. Mental health groups, insurance companies, and business organizations banded together and stayed together to ensure a broadly supported bill.

It might shock some, but I read the long list of those who banded together. And yes, you will see that this bill is supported by businesses—by big businesses—by those who pay for the large numbers of people who are covered by insurance and who are going to be guaranteeing parity of treatment under this bill. Finally, my dear friend Paul Wellstone. He was always the one who pushed and prodded me to move quicker and faster. I know he is watching us today and is extremely proud of what we have accomplished.

Let me take a couple of minutes to talk about the historic mental health parity compromise before the Senate.

Twelve years have passed since the Mental Health Parity Act of 1996 became law. The compromise is the product of 3-plus years of continuous work and thousands of hours of labor. Rather than say just thousands, I will say a thousand hours at a minimum. For those 3-plus years I would walk into my office from time to time and I would see my conference room occupied by 30 or 40 people. Whenever that conference room was full, I knew that the member of my staff who handles mental health parity, Edward Hild, who is sitting at my right hand today, was among them. He was working with them to see what they could agree on and to see which problems could be solved. Joined with him was Senator KENNEDY's aide, Connie Garner. I thank the two of them especially. Without them we could not have completed this bill. They worked and worked in order to get all sides to agree. And now we have what many have waited for a long time. My thanks to Ed Hild, and Connie Garner, who works for Senator KENNEDY.

What does this bill do? It provides mental health parity for about 113 million Americans who work for employers with 50 employees or more. It ensures that 98 percent of the businesses that provide a mental health benefit do so in a manner that is no more restrictive than the coverage of medical and surgical benefits.

It ensures that health plans do not place more restrictive conditions on mental health coverage than on medical and surgical coverage; parity for financial requirements, such as deductibles, copayments, and annual and lifetime limits; parity for treatment limitations, and the number of covered hospital days and visits.

It provides an out-of-network parity for mental health coverage if a plan provides out-of-network coverage for medical and surgical benefits.

It provides a small employer exemption for companies with fewer than 50 employers and provides a cost exemption to all covered employers.

Simply put, our legislation will ensure that individuals with a mental illness have parity between mental health coverage and medical and surgical coverage. No longer will people with mental illness have their mental health coverage treated differently than their coverage for other illnesses. That means there will be parity between the coverage of mental illness and other medical conditions such as cancer, heart disease, and diabetes.

No longer will people be treated differently only because they suffer from a mental illness. And that means 113 million people in group health policy plans will benefit from our bill.

We have worked with the mental health community and business and insurance groups to carefully craft a compromise that all members of the coalition support.

I wish to take a minute to talk about what we are doing and what we are not doing. I have done that in all of my remarks, talking about what we are doing and what we are not doing.

Mr. President, I say to everyone here, I do believe that if Senator KENNEDY had his way, he would be standing over there where his chair is and he would be speaking as long as I speak or maybe longer. He and I would be discussing how difficult it has been to get this very basic American insurance coverage for the mentally ill.

Parity means fairness. We have been unfair to the mentally ill since we started medical insurance coverage for people with illnesses. Somehow we got off the track. We said, of course, we will treat everything that has to do with the heart, but, for instance, we won't do anything having to do with illnesses that affect the brain. Perhaps, it was because we didn't know that illnesses such as schizophrenia were diseases of the brain. We started talking about them as if they were something else. So we began saying they don't get the kind of coverage that people with heart problems do, or people with cancer do, or people with tuberculosis do.

What we have had is millions of Americans, since health insurance was first started, to this date, millions of Americans have been born and died with mental illnesses. Illnesses never covered by health insurance. However, over time the unfairness has been whittled away, and we have become more and more fair.

Today this bill says all of the group insurance policies in the United States of America, no matter who wrote them, no matter where they were written, no matter which company they were written by or for, will have to provide for the mentally ill who are covered. If they are going to have any mental health coverage, those insurance companies must cover them with the exact same coverage they give to others who suffer from other diseases as I have described in the last 6 or 7 minutes.

This is a red-letter day for fairness, a red-letter day for doing something very positive. This was a tough one, and it should have been easy. But it was tough. It took many years to get it through here. In fact, the last effort we had, believe it or not, we had a Senator who was so concerned about his work that he said he wanted one more weekend. To which I said: What can you do in one more weekend? And his response—and he was sincere—he said: I want to finish reading the bill. Nobody tells us that, but he did. He finished reading the bill. I thank him. I said: You must be a genius to understand what we wrote. I compliment you. That was one of our last hurdles. That was months ago in the Senate. Then it got to the House, this final bill, this bill before us today.

We had a parity bill a number of years ago which was quasi almost parity. That got through here a little easier, although even that bill was resisted in the House. Many of us have warmed to the idea finally that the mentally ill of our country are truly people who are sick, and if they are treated by doctors or in hospitals for that ailment—be it schizophrenia, be it bipolar, be it depression, any of those doctors have to treat—those patients ought to be covered by general health insurance.

I am so pleased we are finally doing this bill. I am so unhappy that my friend Senator KENNEDY cannot be here today. He and I spent many hours talking about this legislation, changing it, moving it around. I know he would have loved to have been here. So I say on behalf of Senator KENNEDY that he and I thank the Senate for this bill. It will be adopted shortly.

My 10 minutes is up. This is on a bill which is destined to pass. We were glad to put it on the bill. Maybe we helped the bill; maybe the bill helped us. In any event, we are trying to do everything that anybody asks of us. We even had the Congressional Budget Office say this bill costs the Government money, and that was a hard thing to eat and buy, but we did buy it. It took us a long time because we had to have an offset. We did get one.

For those people interested in the bill, I have said everything about the bill and the people with mental illness across our land. I have seen these people by the thousands—the mothers and fathers and relatives of the mentally ill. They are my friends across the land. Today, we have added other things and we are getting close to covering the mentally ill, as we should—as a concerned, considerate country should do.

I yield the floor. 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. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the third amendment.

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

Mr. WYDEN. Mr. President, I particularly wish to thank my friend from North Dakota, Senator CONRAD, for his courtesy because I know his remarks

are extremely important, given these tough fiscal times.

I will be speaking on the third amendment and particularly the part of that third amendment that addresses the extraordinary economic hurt in much of rural America. Senator BAUCUS and the ranking minority member, Senator GRASSLEY, have worked very closely with me and a number of Members of the Senate who represent rural communities where the Federal Government owns much of the land, and tonight it looks like there is some promising news ahead for these desperately hard-hit rural communities.

More than 100 years ago, our rural communities entered into an agreement with the Federal Government. What these rural communities said was that, in effect, they would give up their land so there could be a national forest system, and in return the Federal Government would ensure that these rural communities would have sufficient funds for schools and basic services.

This was facilitated by tying these payments to the rural communities to the amount of timber that was cut in these areas.

Now, this went quite well for many years. But as the environmental laws in our country began to change, this money shriveled up. It shriveled up and we were faced, in rural communities, with the prospect of having school 3 days a week. In my part of the country, our law enforcement officials were faced with not having the funds that they desperately needed to fight this epidemic of methamphetamines. Suffice it to say there was a real question—and there continues to be—as to whether some of these communities and some of these rural counties would actually survive. We have three in our State that are walking on an economic tightrope right now.

So what Chairman BAUCUS and Senator GRASSLEY have done, working with a host of us from these communities—myself, Senator BINGAMAN, Senator FEINSTEIN, Senator CANTWELL, Senators MURRAY, SMITH, BOXER, CRAPO, CRAIG, and other colleagues on both sides of the aisle—is they have given us the opportunity, if this third part of the extenders package passes tonight, to give new hope to these rural areas. The hope comes in the form of a multiyear reauthorization of the law that I wrote in 2000 with Senator CRAIG to the Secure Rural Schools legislation.

It provides a safety net for these communities in our part of the country so they can educate their kids, fight drugs and crime, and pay for essential services. Right now, pink slips have been sent out in my State and elsewhere to county workers, teachers, and others. Without the legislation that has been put together so carefully by Chairman BAUCUS and Senator GRASSLEY, my view is we will see devastating losses to the very fabric of rural communities. Some of those rural communities will not survive. Today's vote—the vote we are going to have this afternoon—provides the best opportunity we have seen in many months to ensure that rural communities do not drown in this economic crisis.

The reason this proposal is so very important is that it is a multiyear reauthorization of the law that Senator CRAIG and I wrote in 2000. The reason we feel so strongly about a multiyear reauthorization is it will give our rural communities an opportunity to plan for new economic development efforts where they can create good-paying jobs for their people.

I know for a fact, given the huge problems we have had with fires in the West, that it will be possible to put together a strong thinning program, where we can thin out, for example, the overstocked second growth stands and get those merchantable materials—they are merchantable materials—to the mills and put our people to work.

We are going to be able to take other steps. We want to have new clean energy programs, using biomass, something where the Senate has brought together the forest product sector, the environmentalists, scientists, and others. We are looking at new opportunities in carbon sequestration. But to have the time for our rural communities to get into the thinning, to get into biomass, to get into carbon sequestration, we desperately need this 4-year reauthorization program to take these rural communities off the economic roller coaster they have been on since the time in which these funds ran out.

We have had wave after wave of bad economic news in rural America. We are now in a position to vote for a measure that will give new opportunity to these rural communities and particularly the opportunity over the next few years to survive and to look at additional business ventures that are tailor-made for the times. They are going to be greener, they are going to be sustainable, but they are going to create family wage employment.

In our part of the country, we recognize this is a different day than it was 100 years ago, when folks in the Northwest and other parts of rural America made this agreement with the Federal Government. Times have changed, and they are certainly tough fiscal times, made tougher by the events of the last few weeks. But the people I have the honor to represent in the Senate are up to making these changes.

On this legislation that we will vote on shortly, I am very hopeful that this time the other body will finally approve it; we have had 74 votes in the Senate in favor of this package. What Chairman BAUCUS and Senator GRASSLEY have added to the legislation virtually mirrors the vote that we had on the amendment I offered earlier in the Congress. Chairman CONRAD worked very closely with westerners to ensure that this was fiscally responsible. Senator GRASSLEY, the ranking Republican on our Finance Committee, on which Senator CONRAD and I serve, worked closely with us. This is truly bipartisan. It is a vote that would bring new hope to rural America, ensuring their survival and the chance for better days ahead.

I urge my colleagues to support the third part of the tax extenders package.

I thank my colleague from North Dakota for the courtesy of speaking at this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to address the extenders package and the alternative minimum tax amendment now under consideration.

Earlier this morning, we debated an amendment to provide several critical energy tax provisions which was fully offset—it was fully paid for. They were important items, such as provisions that will promote renewable and alternative sources of energy. But now we are debating another important amendment, the underlying provisions of which I also support, such as the extension of the research and development tax credit, and other important extender provisions that will help middle-class families and promote economic growth, and another 1-year fix for the alternative minimum tax to ensure that 26 million taxpayers are not thrown onto the alternative minimum tax in 2008.

But as the chairman of the Budget Committee, I wish to be clear to my colleagues that the provisions in this amendment are not paid for. The extender and other provisions are only partially paid for, and the alternative minimum tax relief is not paid for at all. That, I believe, is a serious mistake. I fully support these provisions, but they should be paid for. I earlier offered an alternative minimum tax package that was paid for—fully paid for—and paid for in a way that it should be.

This spring, I made a commitment to the Blue Dogs in the House that I would raise a point of order against any unpaid alternative minimum tax bill in the Senate. The Blue Dogs are to be commended for fighting for fiscal discipline. I intend to keep my commitment to them and to raise a pay-go point of order against this bill. I do it not just because I made that commitment but because I believe it is the right policy as well.

I wish to remind my colleagues that pay-go does not require that these bills be paid for immediately. Pay-go requires that the legislation be paid for over 6 and 11 years. Given the economic downturn and turmoil we now confront, I would not call for paying for these tax reductions right now. But I also do not believe we can simply add them to the national debt without any offset over any period of time. That I believe is a mistake.

We can provide offsets to pay for these measures over the longer term, and we should. That would be the responsible thing to do, and it would send

a signal to our financial markets that we are serious about putting our fiscal house back into order. So I will vote to uphold my point of order today, but I also recognize my point of order will fail and that this legislation will pass and be sent to the House.

Now, why is there a need to have alternative minimum tax relief? Well, the simple answer is: Because if we don't, 26 million people will be hit with additional taxes. In 2008, we would have 4.2 million affected if we passed the alternative minimum tax relief. With no AMT fix, 25.7 million would be affected. In other words, we would have 21 million more affected if we don't have a 1-year fix.

The 1-year cost of this alternative minimum tax and extender package is $104 billion. But these annual fixes, as costly as they are, conceal the much larger long-term cost of fixing this problem. The cost to reform the alternative minimum tax over the next 10 years is $1.6 trillion. Let me repeat that. The cost to fix the alternative minimum tax over the next 10 years is $1.6 trillion.

On the path we are following, we will absorb all that additional debt without a dime of it being paid for. I believe that is a profound mistake. Not only do I believe it, but the Congressional Budget Office confirms it. Over the summer I asked the Congressional Budget Office to examine the impact on our budget—and, more importantly, on our economy—from continuing to pass these unpaid-for, unoffset tax reductions. The Congressional Budget Office found that the debt absolutely explodes if we continue to pass the alternative minimum tax fixes without paying for them, without offsets. To go further, to pass an extension of the President's tax cuts without paying for them, without offsets, would increase the debt as a share of the gross domestic product to 602 percent.

Is anybody fiscally responsible in this Chamber anymore? Does anybody care about the effect on the debt, and more importantly, on the economy? The Congressional Budget Office, let me repeat, made it very clear. Here is what is going to happen to the debt without fixes to the alternative minimum tax, without extending the President's tax cuts. You can see the debt under any scenario is going to rise dramatically, but, if we keep passing alternative minimum tax fixes without paying for them, the debt will skyrocket. If we add to that an extension of the President's tax cuts without it being paid for, the red line shows what happens to the debt. Under that scenario, according to the Congressional Budget Office, the debt will reach 602 percent of the gross domestic product in 2082.

After World War II, the debt as a share of GDP was about 125 percent. The debt was about 125 percent of the gross domestic product. The Congressional Budget Office is telling us if we continue to pass these alternative minimum tax fixes without paying for them, and add in the cost of the President's tax cuts, the debt will reach over 600 percent of gross domestic product in 2082.

More importantly, the Congressional Budget Office concluded that the effect on economic growth would also be dramatic and devastating. Specifically, the Congressional Budget Office found that a failure to pay for these policies, the alternative minimum tax fixes and extension of the President's tax cuts, will result in an economic loss of almost 50 percent in the gross national product, per person, in roughly the next 65 years. In other words, instead of growing the economy, the Congressional Budget Office is finding and telling us that the debt created by these unoffset tax cuts will act as a giant anchor on this economy, dragging us down with debt and deficits, leading to higher interest rates, leading to less economic growth, more unemployment, and a weaker America.

In CBO's letter to me presenting the results of its analysis, the agency noted that the economic disruption caused by these deficits and debt is likely to be far worse than their own models show. Here is what they said:

> Despite the substantial economic costs generated by deficits in that model, such estimates may significantly understate the potential loss to economic growth from financing the tax changes with deficits . . . In reality, the economic effects of rapidly growing debt would probably be much more disorderly and could occur well before the time frame indicated in the scenario.

Mr. President, I ask unanimous consent for an additional minute.

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

Mr. CONRAD. Mr. President, I don't know when we are going to absorb this cruel lesson, but deficits and debt do matter. It is not just numbers on a page. This is the question of the economic performance of this country. What the Congressional Budget Office is telling us is that the explosion of deficits and debt hurt long-term economic growth and hurt it a lot—a reduction of 50 percent of the gross national product per person of this country.

I deeply believe one of the reasons we have the economic turmoil we have now is because of the explosion of deficits and debt fueling a gigantic bubble. That bubble is bursting and the pain is spreading.

We have to make a judgment. We have to make a determination. When do we start paying for things around here? When do we quit shuffling it off onto the debt? When do we stop threatening long-term economic growth and the economic strength of the country?

Today could be the day that we begin the march toward responsibility. For that reason I will offer a budget point of order on this measure that is unpaid for and urge my colleagues to support the previous amendment I offered to fully pay for the alternative minimum tax fix that otherwise will hit over 25 million Americans.

Mr. President, under the rules of the Senate I will offer the budget point of order as we approach that vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 5634

Mr. GRASSLEY. Mr. President, I want to speak on the second or third amendments we are going to be voting on. But before I do that, I think the Senator from North Dakota has asked a very important question that I want to address: Is anyone around here concerned about the debt?

I want to remind everybody that it seems uncharacteristic to be able to speak about concern about the debt when it comes to the issue of tax policy, and not reducing taxes but basically in this bill keeping taxes where they have been for years and in some instances for more than a decade, but at the same time not think in terms of the debt when it comes to spending policy.

I have heard the Senator from North Dakota speak about concern about the debt when it comes to tax policy and the necessity to raise taxes to keep the existing tax policy in place. But at a time that we have increases in spending, I do not hear people talking about offsetting increases in expenditures.

I spoke this morning about pay-as-you-go somehow applying to taxes, but when it comes to increased spending we do not see the same concern about spending as it is with tax policy. That is an inconsistency that shows to me that the other party—at least the Senator from North Dakota—is concerned about the debt when it comes to talking about taxes, but when it comes to talking about spending I do not see that same concern. Hence I see an inconsistency in the debate on the issue of pay-as-you-go.

On this issue in this tax bill we are not talking about reducing taxes, we are talking about taxes that have sunset and periodically Congress deals with: Should we keep those same tax policies in place? For the most part, this bill is nothing more than keeping existing tax policy in place. As on the alternative minimum tax, it has been a policy of this Congress for a long period of time, at least since 2001, that we would not tax middle-income people because the alternative minimum tax was not indexed. This bill does that for the year 2008, so 25 million middle-income families do not pay more. They were not intended to pay it with tax policy of that nature—keeping it right where it is.

It is one thing to say we ought to raise taxes on other Americans to keep that tax policy where it has been, of not taxing the middle-income folks with the alternative minimum tax. But the game around here and in the amendment suggested by the Senator from North Dakota is to raise taxes permanently but to reduce the alternative minimum tax—I should not say reduce it, keep it so it doesn't hit 25

million Americans, where it has been, for 1 more year. So you have a tax increase forever to offset the tax policy that is for 1 year and sunsetting and have to deal with it next year. So next year we come back and if you follow his analogy, you raise taxes someplace else forever but probably deal with the alternative minimum tax for a short period of time of a year or probably at most 2 years.

We see it as a gimmick to raise taxes forever but not to take care of the problems of middle-income taxpayers not being hit by the alternative minimum tax, but for 1 year—once in a while for 2 years but in this bill for 1 year. So that is my response to the Senator from North Dakota. I hope people, as we have, do as we have done before. This body last year decided that when we keep tax policy where it has been for a long period of time and we want to extend it for 1 more year, we do not raise taxes on other Americans to continue doing what we have done for a long period of time.

While Members of this body may disagree on a lot of issues, there are some concepts that I think we should all be able to agree on. For instance, I think we can all agree it is not fair to penalize one group of people for another group of people's mistakes; second, that two wrongs don't make a right. Despite the fact that all of us may agree on these basic ideas, the amendment we have before us today suggests otherwise. So the Conrad amendment attempts to violate these principles—first by punishing taxpayers for the repeated mistakes of Congress not indexing the alternative minimum tax and, second, by attempting to correct Congress's original mistakes with yet another mistake.

The original mistake I am referring to, of course, is the alternative minimum tax. We all know the story. The alternative minimum tax was created 40 years ago in response to the discovery that a few people, 155 wealthy taxpayers, were able to eliminate their entire tax liability through legal means. The goal of the AMT was to guarantee that extremely wealthy people were not able to game the system and avoid paying some income tax. While this doesn't sound like a bad plan—on the surface, at least—the design and execution of this plan could not have been worse. That is because it was not indexed. Today, nearly 40 years after this travesty of a law that was put into place, the alternative minimum tax continues to fail on every level as a policy instrument while plaguing more than 4 million American taxpayers on a yearly basis. If we do not do something, 25 million more people will be hit this very year.

Since 2001 the Finance Committee has produced annual legislation to do what we call hold harmless the amount of families and individuals who are subject to this AMT. The amendment before us, if agreed to, would fully offset the alternative minimum tax fix for the year 2008. While I have said it on numerous occasions in the past, I want to say it again: The alternative minimum tax is a phony revenue source. It should not be offset, since it collects revenue that was never meant to be collected in the first place. In other words, it was meant to be collected only from very wealthy people and not from middle-income Americans. Therefore, I urge my colleagues to join me in rejecting this amendment.

Let's look at some of the reasons the 2008 AMT fix should not be offset. First, we need to go back to the original purpose of the alternative minimum tax. As I said earlier, 155 wealthy taxpayers were able to completely avoid Federal income taxes in 1969, and the AMT was put in place to make sure this practice did not continue.

So in 2008 has this problem been eliminated? Well, the answer is, absolutely not. In 2004, IRS Commissioner Mark Everson informed the Finance Committee that the same number of taxpayers, as a percentage of the tax-filing population at large, continued to pay no Federal income tax. In fact, the most recent IRS data available on high-income returns show that this problem is getting worse. According to an IRS analysis of tax year 2004, 2,351 taxpayers with incomes of $200,000 or more who do not use the medical or dental expense deduction had no income tax. In 2005, the number rose to 6,640. In other words, 6,640 taxpayers with incomes of $200,000 or more paid no income tax in 2005, which is over 42 times greater than the number—the 155—of wealthy taxpayers who paid no income tax in 1969. After nearly 40 years of failure and futility by the alternative minimum tax, the problem of wealthy taxpayers legally eliminating their entire tax liability is over 40 times worse than it was in 1969.

Clearly, the alternative minimum tax was and is a mistake. It is not doing what it was proposed to do. If you keep it on the books, it is going to kill the middle-income taxpayer.

Despite widespread agreement that the alternative minimum tax is a mistake and that something needs to be done about it, agreement on what exactly to do is not so widespread. A major factor in the disagreement relates to the massive amount of money the alternative minimum tax brings into the Federal Government, which is the only thing the AMT actually does well. In 2006, AMT filers paid more than $21.8 billion into the Federal Treasury, which is up from $17.2 billion in 2005 and greater than the $12.8 billion in 2004.

If we do not extend the most recent AMT hold harmless, that number is projected to balloon to a much greater amount, and long-term budget forecasts currently show this greater amount coming into the Treasury. When forecasters put their projections together, they are working under assumptions that the hold harmless that was extended last year will not be extended again because they base their assumptions on what the law says right now. Because of this, budget planners make the assumption that revenues will be much higher than everyone who is frustrated with the AMT thinks they ought to be because we have concluded that middle-income people never have paid this tax, never should pay it, so consequently the revenue is not going to come in. But the reason for this is then the AMT balloons the revenue base as it is projected to increase revenues as a percentage of GDP. There is a great deal of evidence to support this. Therefore, since these projections showing the AMT ballooning revenues are used to put together budgets, the central problem in dealing with the AMT is money.

There are some people who say we can only address the AMT if offsetting revenue can be found to replace the money the AMT is currently forecast to collect. Anyone who says this sees the forecasts showing revenues being pumped up as a percentage of GDP and wants to keep them there.

This argument is especially ridiculous when one considers that the AMT was never meant to collect nearly so much revenue. Subscribers to this argument want taxpayers to pay the price for a tax that was designed poorly and, through a comedy of errors, was allowed to flourish. It is simply unfair to expect taxpayers to pay a tax they were never intended to pay.

Offsetting the AMT would be a clear case of attempting to correct a past congressional mistake by punishing innocent taxpayers both today and into the future. If we are going to solve this problem, we need to look on the other side of the ledger; that is, the spending side. Budget planners need to take off their rose-colored glasses when looking at long-term revenue projections and read the fine print. In general, it is a good idea to spend money within your means, and that wisdom holds true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the AMT, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and recognize that the AMT is a phony revenue source.

As we continue to consider how to deal with the AMT, we must first remember that we do not have the option of not dealing with it. The problems will only get worse every year and make the solution even more difficult.

We must also be clear that offsetting the revenue that the AMT would fail to collect as a result of repeal or reform should not be a condition of repeal or reform. We should not call it ''lost revenue'' because it is revenue that we never had to begin with. Making the offsetting of the AMT's ill-gotten gains a condition of an AMT fix is to punish the American taxpayer for ill-conceived and poorly executed policy that has been a total failure.

Aside from not increasing the proportion of wealthy taxpayers who pay income tax, the AMT is projected to balloon Federal revenues over historical averages and to become a greater source of revenue than even the regular income tax. Budget forecasters need to recognize that the AMT is not a legitimate source of revenue, and Congress needs to be disciplined enough to show restraint on spending so that the AMT solution does not boil down to the replacement of one misguided policy with another. The amendment before us would certainly be such a misguided policy, so I urge my colleagues to reject this amendment because two wrongs certainly do not make a right.

We are almost three quarters of the way through the year 2008, and since January 1 of this year, several tax relief provisions have expired. These are what we call the tax extenders. The biggest one I have just referred to is the alternative minimum tax affecting 25 million Americans. There are a number of other widely applicable tax relief provisions in the bill. One provides millions of families with the deduction for college tuition, and another provides a deduction for teachers for out-of-pocket expenses. There is one that is very important to innovation in American business, which is a research and development tax credit.

All of these tax relief provisions expired over 8 months ago. So far, the Senate has not passed these popular expiring and expired tax extender provisions. However, the Senate has now reached a bipartisan agreement that should enable us to pass this third amendment we will be voting on shortly. The third amendment contains these popular individual and business tax extender provisions as well as the alternative minimum tax fix, the incentive stock option AMT fix, disaster tax relief, and other important provisions such as the secure rural schools and mental health parity provisions.

You might ask, now that the Senate is expected to pass these tax extenders and other tax relief in this third amendment, what could hold up these important, bipartisan, time-sensitive tax relief measures? They are time sensitive. In short, the answer is, the philosophy in the other body by the Democratic leadership's version of pay-go.

I have worked with the Senate Democratic leadership, including my friend Chairman BAUCUS, in putting together this bipartisan tax relief package. However, it seems in the other body the leadership is saying that instead of taking this amendment we will pass today, along with the energy tax extenders we will pass today, they will instead insist that more of this tax relief be offset with tax increases elsewhere.

I have spoken on this before, and the hangup the leadership in the other body has is that they obsess over raising taxes to offset continuing current tax relief policies. I offered a deficit-neutral path for these tax extenders, a restraint on new spending, but I got no takers. The leadership of the other body has been so obsessed with raising taxes that they were willing to hold hostage popular, bipartisan tax relief measures. Now the House leadership is threatening to kill these tax extenders unless they get the tax increase they want so badly.

It reminds me of the nursery rhyme story. I am referring to the story of the big bad wolf. I have a chart here that depicts the big bad wolf. You remember the story—the big bad wolf that threatened the three little pigs. He said: I am going to huff and puff and blow your house down. The Democratic leadership is playing the role of the big bad wolf right now. There is some serious huffing and puffing from my friends in the Democratic leadership in the other body.

For those millions of families sending their kids to college, forget about your tax deduction unless Democrats get their offsetting tax increases. They have ignored the spending cut proposals I circulated a few months ago. So they are not holding tax extenders hostage to a pledge to pay for them; they are holding tax extenders hostage to their version of pay-go, which is guaranteed tax increases. More revenue means more spending and bigger Government.

What we have is huffing and puffing and a threat to blow the tax extenders house down by the big bad wolf. A partisan obsession with a tax-increase version of pay-go will not, at the end of the day, trump bipartisan, popular tax relief measures that millions of families are counting on. The House should take up the bill we have passed today and pass it through the House as well so we can send it to the President for his signature. If the House does not do this, the House leadership will have some explaining to do to millions of families and hundreds of thousands of businesses that will ask: What is more important—a partisan agenda or doing the taxpayers' business? Will House Democrats tell their constituents that having a big Government was more important to them than providing tax relief to their constituents suffering from natural disasters, as one example? Will House Democrats tell their constituents that partisan politics was more important to them than providing tax incentives to lower the high gas prices they are paying and moving away from our dependance on foreign oil, as another example? I will wait for a response from the House leadership. More importantly, the House Democrats' constituents should hear the answer.

I urge you to vote yes on this third amendment. I also urge our friends in the House to pass this genuine compromise.

I ask unanimous consent to have printed in the RECORD a copy of the President's Statement of Administration Policy dated September 23 in support of this compromise.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC,
*September 23, 2008.*

STATEMENT OF ADMINISTRATION POLICY

SENATE AMENDMENTS TO H.R. 6049—ENERGY IMPROVEMENT AND EXTENSION ACT OF 2008 AND TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

The Administration supports prompt passage of the above-named Senate amendments to H.R. 6049. This legislation is important to protect about 26 million Americans from an unwelcome tax increase in the form of the Alternative Minimum Tax. This legislation would also extend the tax credit for research and experimentation (R&E) expenses, incentives for charitable giving, subpart F active financing and look-through exceptions, and the new markets tax credit. The Administration supports these provisions and supports the passage of this legislation, despite the inclusion of several provisions that the Administration opposes.

The Administration supports tax incentives for renewable energy and has proposed replacing the current complicated mix of temporary incentives with a comprehensive unified approach that is carbon-weighted, is technology-neutral, and provides long-term certainty. The Administration believes this approach would be preferable to the provisions included in the Senate amendments.

It is the policy of this Administration that efforts to avoid tax increases on the American people should not be offset by provisions to increase revenue and treated as the equivalent of additional government spending under budgetary guidelines. Protecting taxpayers from the higher 2008 AMT liability and extending current rules for business taxation should not be impeded by the same procedural barriers as provisions to increase Congressional spending. For this reason, the Administration supports the provisions in the Senate amendments that provide individual and business tax relief without subjecting Americans to offsetting tax increases.

The Administration remains strongly opposed to provisions that would freeze the domestic manufacturing deduction for one industry, change the tax treatment of foreign income for American energy companies operating abroad, and eliminate the cap on the oil spill liability trust fund, raising the price of a barrel of oil. These provisions will increase the costs of American oil production, will give further advantages to foreign suppliers, and will likely result in higher prices at the pump. At a time when consumers are already struggling with the high price of gasoline and diesel fuel, Congress should not put additional upward pressure on fuel prices. As a matter of general principle, the Administration opposes singling out particular industries, based on political considerations, to be denied the full amount of broadly available tax advantages. In addition, the Administration strongly opposes the provision in the bill treating U.S. citizens with deferred compensation from certain employers, in all industries, more unfavorably than other U.S. citizens. The Administration is also concerned about certain incentives included in the bill, such as expensive and highly inefficient tax credit bonds. The Administration urges Congress to eliminate all such provisions from the final bill. Finally, the Administration opposes new mandatory funding for Payments in Lieu of Taxes, and believes that any extension of rural community payments should be phased out, as it

has previously proposed. The Administration urges Congress to eliminate all such provisions from the final bill.

The Administration supports passage of mental health parity legislation included in the Senate amendments to H.R. 6049 that eliminates disparities between mental health benefits and medical and surgical benefits without significantly increasing health coverage costs. Also, the Administration is pleased that the Senate amendments include the President's Budget proposal to restructure and eventually retire the debt of the Black Lung Disability Trust Fund.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I yield 10 minutes from the time on the bill to the senior Senator from Connecticut, a senior member of the HELP Committee and a longstanding advocate of the mental parity part of the third amendment. I also yield 10 minutes to the Senator from Minnesota from the time on the bill for her to use after the Senator from Oregon speaks, following the Senator from Connecticut.

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

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, first let me thank my dear and longtime friend, Senator MAX BAUCUS, for his kind comments. I appreciate them very much. And let me thank him and Senator GRASSLEY as well. There are a lot of people to thank about all of this, but we wouldn't be here today talking about this were it not for MAX BAUCUS and CHUCK GRASSLEY making it possible, as part of the tax extenders bill, to deal with this longstanding issue, mental health parity, that affects so many millions of our fellow citizens. I am confident mental health parity is going to become the law of the land before we adjourn, in a few days, this session of Congress.

I rise in strong support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, which, as I mentioned, is included in the tax extenders package. This is a very proud moment for millions of Americans who have fought for this but also who know, who are themselves, have family members, neighbors, friends, neighbors, coworkers affected by mental illness.

Let me begin by commending someone who is not here today, Senator TED KENNEDY, who we all know is recovering from a strong challenge himself at his home in Massachusetts. He asked me, along with BARBARA MIKULSKI, to take on a couple issues when he had to leave and go back home to try and get his health back. BARBARA MIKULSKI did a remarkable job in dealing with the higher education bill. Senator KENNEDY asked me to monitor and work with our Senate colleagues and our colleagues in the other body on the mental health parity bill. While it has not yet been adopted, we are about to do so in the Senate. It is a moment to congratulate our friend and colleague from Massachusetts who needs no further words from me about his commitment or his family's commitment, his remarkable sisters, Eunice Shriver, Jean Kennedy Smith, and his brothers over the years. This has been a family crusade, the issue of mental health parity, in addition to the work of Paul Wellstone and PETE DOMENICI.

This is also a great triumph. I know it is a matter of deep pride but also of relief as well that at long last we will recognize the importance of mental health. Let me mention PETE DOMENICI. PETE is a wonderful friend of mine. We are two people of opposite political parties who don't agree on a lot, looking back over the years we have been here together. We have taken different sides of many issues. But PETE and Nancy Domenici are remarkable people. He will be leaving the Senate in a few days after a distinguished career. I had the honor of being with PETE and Nancy in Las Cruces, NM, to speak at a dinner for him at the Pete Domenici Center for Public Policy, which is now going to be part of New Mexico State University. I had dinner with PETE and several colleagues, past and present, who have worked with him over the years. The Domenicis know about this issue, not just from an intellectual standpoint but a personal one as well. It is a matter of great pride to PETE and his family as well that our country, at least by the expression of this body and the other, recognizes the deep importance of this issue. We will hear shortly from my friend from Oregon who understands this matter very well indeed, personally, as well.

I thank all those involved. Paul Wellstone was a remarkable guy. What a tragedy to lose him a few years ago, him and his family, in that dreadful plane crash. No one cared more about this issue day in and day out than Paul Wellstone. The first day he arrived, he started talking about it and never stopped during his tenure. Today, we are recognizing him by calling this the Paul Wellstone and Pete Domenici mental health parity bill. His son Dave has been a champion on behalf of his father's cause. I wish to mention Dave and how proud his parents would be that he has carried this cause on to both Chambers. PATRICK KENNEDY as well has championed this issue on the House side, Senator TED KENNEDY's son, who is a distinguished Member in his own right of the House of Representatives and has done a great job on this issue. I know there are a lot of others who are part of this. I don't want to forget anyone.

I ask unanimous consent that a list of some 250 organizations that have been a part of this crusade be printed in the RECORD. I also ask unanimous consent that a statement by Mrs. Rosalynn Carter, Former First Lady of the United States and Chairwoman of the Carter Center's Mental Health Task Force, in support of passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 be printed in the RECORD.

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

MENTAL HEALTH LIAISON GROUP,
*September 10, 2008.*

Hon. NANCY PELOSI,
*Speaker of the House,*
*House of Representatives, Washington, DC.*
Hon. JOHN BOEHNER,
*Minority Leader,*
*House of Representatives, Washington, DC.*
Hon. HARRY REID,
*Majority Leader,*
*U.S. Senate, Washington, DC.*
Hon. MITCH MCCONNELL,
*Minority Leader,*
*U.S. Senate, Washington, DC.*

DEAR SPEAKER PELOSI, LEADER BOEHNER, LEADER REID, AND LEADER MCCONNELL: We are writing to express our support for the mental health and addiction parity compromise developed by House and Senate negotiators. We urge Congress to pass this important legislation before adjourning in September.

Congress has taken a major step forward in developing this thoughtful and balanced bipartisan legislation. We applaud the long, hard work engaged in by you and your colleagues in approving and reconciling the bipartisan House and Senate parity bills (H.R. 1424, S. 558). We urge Congress to take the last, most important step by passing this legislation.

Passage of the balanced and bipartisan mental health and addiction parity legislation would represent the fruition of many years of work by members of Congress, advocates, employer organizations and health plans to build on the Mental Health Parity Act of 1996. This broad and diverse coalition stands united in support of the parity compromise. Now, Congress has the chance to reach the goal of enacting this consensus legislation, before a new administration and a new Congress take office, and broader health policy issues begin demanding policymakers' time and attention.

We ask Congress to pass federal mental health and addiction parity legislation now.

Sincerely,

Active Minds, Inc.; ADAP Advocacy Association; Aetna; AFL–CIO; Alliance for Children and Families; Alliance for Eating Disorders Awareness; America's Health Insurance Plans; American Academy of Child and Adolescent Psychiatry; American Academy of Cosmetic Surgery; American Academy of Family Physicians;

American Academy of Neurology Professional Association; American Academy of Pediatrics; American Academy of Physician Assistants; American Association for Geriatric Psychiatry; American Association for Marriage and Family Therapy; American Association of Children's Residential Centers; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Practicing Psychiatrists; American Association of Suicidology.

American Association on Intellectual and Developmental Disabilities; American Benefits Council; American Counseling Association; American Dance Therapy Association; American Federation of Teachers; American Foundation for Suicide Prevention; American Group Psychotherapy Association; American Hospital Association; American Humane Association; American Jail Association; American Mental

Health Counselors Association; American Music Therapy Association; American Nurses Association; American Occupational Therapy Association; American Orthopsychiatric Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association; American Psychological Association; American Psychotherapy Association.

American Public Health Association; American School Health Association; American Society of Addiction Medicine; American Society of Plastic Surgeons; American Thoracic Society; Anxiety Disorders Association of America; Aspire of Western New York; Association for Ambulatory Behavioral Healthcare; Association for Behavioral Health and Wellness; Association for Psychological Science; Association for the Advancement of Psychology; Association of American Medical Colleges; Association of Jewish Family & Children's Agencies; Association of Recovery Schools; Association of University Centers on Disabilities; Association to Benefit Children; AstraZeneca Pharmaceuticals—US; Autism Society of America; Barbara Schneider Foundation; Bazelon Center for Mental Health Law.

Betty Ford Center; BlueCross BlueShield Association; Bradford Health Services; Brain Injury Association of America; Caron Treatment Centers; Carter Center Mental Health Program; Center for Clinical Social Work/ABE; Center for Policy, Advocacy and Education, Mental Health Association of NYC; CENTERSTONE Child, Adolescent and Family Division (Nashville, TN); Child and Family Guidance Center (Tacoma, WA); Child Neurology Society; Child Welfare League of America; Children & Families First (Wilmington, DE); Children and Adults with Attention Deficit/Hyperactivity Disorder; Children's Healthcare Is a Legal Duty; Children's Hospital Boston; Children's Aid and Family Services, Inc. (Paramus, NJ); Children's Defense Fund; Church Women United; Clinical Social Work Association.

Clinical Social Work Guild 49; College of Psychiatric and Neurologic Pharmacists; Community Anti-Drug Coalitions of America; Corporation for Supportive Housing; Council for Children with Behavior Disorders; Council for Exceptional Children; Council of Family and Child Caring Agencies (New York, NY); Council of State Administrators of Vocational Rehabilitation; County of Santa Clara, CA; CT Chapter National Alliance Methadone Advocates; Cumberland Heights; Davis Y. Ja and Associates, Inc.; DePelchin Children's Center; Depression and Bipolar Support Alliance; Disability Rights Education and Defense Fund; Easter Seals; Eating Disorder Hope; Eating Disorders Coalition for Research, Policy & Action; Emerge—Career Services (Minneapolis, MN); Emergency Nurses Association.

Empowered and Supporting Treatment of Eating Disorders (FEAST); Ensuring Solutions to Alcohol Problems; Epilepsy Foundation; Faces & Voices of Recovery; Families First; Families for Depression Awareness; Families USA; Family & Children First (Louisville, KY); Family & Community Service of Delaware County (PA); Family and Children's Center, Inc; (Mishawaka, IN);

Family Conservancy (Kansas City, KS); Family Counseling Service (Aurora, IL); Family Service Association (Langhorne, PA); Family Service Association (Moreno Valley, CA); Family Service Association of New Jersey; Family Service Centers, Inc. (Clearwater, FL); Family Service of Greater Baton Rouge; Family Services of Northeast Wisconsin; Family Services, Inc. (North Charleston, SC); Family Violence Prevention Fund; Family Voices.

Federation of American Hospitals; Feeling Blue Suicide Prevention Council; General Board of Church and Society of the United Methodist Church; Hazelden Foundation; Higher Education Consortium for Special Education; Human Rights Campaign; Jewish Family Service of Bergen County, Inc. (NJ); Jewish Family Service of Los Angeles; Jewish Family Services, Inc. (Milwaukee, WI); Jewish Federation of Metropolitan Chicago; Johnson Institute; Judson Center (Royal Oak, MI); Kids Hope United; Kids Project; Kristin Brooks Hope Center; Learning Disabilities Association of America; Legal Action Center; LifeSpan, Inc. (Hamilton, OH); Light For Life Foundation International.

McShin Foundation; Mental Health America; Methodist Home for Children (Philadelphia, PA); Metropolitan Family Service (Portland, OR); Metropolitan Family Services (Chicago, IL); Minnesota Council of Child Caring Agencies; Minnesota Indian Women's Resource Center; Missouri Recovery Network; NAADAC, The Association for Addiction Professionals; National Advocacy Center of the Sisters of the Good Shepherd; National Advocates for Pregnant Women; National African-American Drug Policy Coalition, Inc.; National Alliance for Hispanic Health; National Alliance for Research on Schizophrenia and Affective Disorders; National Alliance on Mental Illness; National Alliance to End Homelessness; National Asian American Pacific Islander Mental Health Association; National Association for Children of Alcoholics; National Association for Children's Behavioral Health; National Association for Rural Mental Health. National Association for the Dually Diagnosed; National Association of Addiction Treatment Providers; National Association of Anorexia Nervosa and Associated Disorders—ANAD; National Association of Councils on Developmental Disabilities; National Association of Counties; National Association of County and City Health Officials. National Association of County Behavioral Health and Developmental Disability Directors; National Association of Health Underwriters; National Association of Mental Health Planning and Advisory Councils; National Association of Pediatric Nurse Practitioners; National Association of Psychiatric Health Systems; National Association of School Psychologists; National Association of Social Workers; National Association of State Alcohol and Drug Abuse Directors; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association of State Mental Health Program Directors; National Coalition for the Homeless; National Coalition of Mental Health Consumer/Survivor Organizations; National Coalition of Mental Health Professionals and Consumers.

National Council for Community Behavioral Healthcare; National Council of Jewish Women; National Council on Alcoholism and Drug Dependence; National Council on Family Relations; National Council on Independent Living; National Council on Problem Gambling; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Eating Disorders Association; National Education Association; National Empowerment Center; National Federation of Families for Children's Mental Health; National Foundation for Mental Health; National Law Center on Homelessness & Poverty; National Mental Health Awareness Campaign; National Organization of People of Color Against Suicide; National Partnership for Women & Families; National Physicians Alliance; National Research Center for Women & Families.

National Respite Coalition; National Retail Federation; National Spinal Cord Injury Association; Neighborhood House, Inc. (Columbus, OH); New Jersey Alliance for Children, Youth, and Families; NISH; Northamerican Association of Masters in Psychology; Obsessive Compulsive Foundation; Our Family Services (Tucson, AZ);

PACER Center; Paralyzed Veterans of America; Pennsylvania Educational Network for Eating Disorders; Presbyterian Church (USA) Washington Office; Remuda Ranch; Renfrew Center for Eating Disorders; RiverzEdge Arts Project (Woonsocket, RI); Rogers Behavioral Health System, Inc.; Rogers Memorial Hospital; Schizophrenia and Related Disorders Alliance of America; School Social Work Association of America.

Shaken Baby Alliance; Sjögren's Syndrome Foundation; Society for Adolescent Medicine; Society for Personality Assessment; Society for Research in Child Development; Society of Professors of Child and Adolescent Psychiatry; Specialized Alternatives for Families and Youth; State Associations of Addiction Services; Substance Abuse and Addiction Recovery Alliance of Northern Virginia; Suicide Awareness Voices of Education; Suicide Prevention Action Network USA; Teacher Education Division of the Council for Exceptional Children; The Advocacy Institute; The Arc of the United States; The Bridge, Inc. (Caldwell, NJ); The Emily Program; Therapeutic Communities of America; Title II Community AIDS National Network; Tourette Syndrome Association; U.S. Chamber of Commerce.

Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Church of Christ Mental Illness Network; United Church of Christ, Justice and Witness Ministries; United Jewish Communities; US Psychiatric Rehabilitation Association; Wellstone Action; White Fields, Inc. (Piedmont, OK); Wisconsin Association of Family & Children's Agencies; Witness Justice; Word of Hope Ministries, Inc. (Milwaukee, WI); Yellow Ribbon Suicide Prevention Program.

STATEMENT FOR THE RECORD IN SUPPORT OF THE PASSAGE OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACTION OF 2008, BY MRS. ROSALYNN CARTER, FORMER FIRST LADY OF THE UNITED STATES, CHAIRWOMAN, CARTER CENTER'S MENTAL HEALTH TASK FORCE, ATLANTA, GEORGIA

I am pleased to have the opportunity to express my strong support for the passage of a critical health issue facing millions of Americans: parity for the treatment of mental illnesses and substance use disorders.

I have been working on mental health issues for more than 35 years. When I began no one understood the brain or how to treat mental illnesses. Today everything has changed—except stigma, of course, which holds back progress in the field.

Because of research and our new knowledge of the brain, mental illnesses now can be diagnosed and treated effectively, and the overwhelming majority of those affected can lead normal lives—being contributing citizens in our communities.

I join many individuals and hundreds of national organizations calling for an end to the fundamental, stigmatizing inequity of providing far more limited insurance coverage for mental health care than for treatment of any other illnesses. Again, I join forces with my friend Betty Ford in urging action on this important issue.

Jimmy and I founded The Carter Center 25 years ago, and I have a very good mental health program there. Annually we bring together leaders to take action on major mental health issues of concern to the nation. We have focused many times on stigma and discrimination and the importance of insuring adequate, equitable coverage for people with mental illnesses.

To me, it is unconscionable in our country and morally unacceptable to treat 20 percent of our population (1 in every 5 people in our country will experience a mental illness this year) as though they were not worthy of care. We preach human rights and civil rights and yet we let people suffer because of an illness they didn't ask for and for which there is sound treatment. Then we pay the price for this folly in homelessness, lives lost, families torn apart, loss of productivity, and the costs of treatment in our prisons and jails.

I have always believed that if insurance covered mental illnesses, it would be all right to have them. This may be why the stigma has remained so pervasive—because these illnesses are treated differently from other health conditions.

All mental illnesses are potentially devastating. But today living a life in recovery from a mental illness is not only possible, but expected. We had an intern at The Carter Center this spring, for example, who has obsessive compulsive disorder and depression. While she was in high school, she once spent two solid weeks in her house, unable to leave or be with her friends. I am happy to say that she received treatment, is a college graduate with Phi Beta Kappa honors, and just got a job in Washington, DC. Without resources and support, she could still be sick and shut in her home, which is what happens to so many who do not get the help they need because of lack of the ability to pay for services. We as a country lose all the many contributions of these wonderful people.

I have the pleasure of being friends with Tom Johnson, the former publisher of the Los Angeles Times and former CEO of CNN and a person who has struggled with depression. He has been interested in the mental health benefits offered by employers in Atlanta. He and two other prominent CEOs in the Atlanta community—all of whom have suffered from severe depression and are now great leaders—have had an enormous impact on businesses in the area.

Through the research of people like Howard Goldman and Richard Frank, we know that parity in insurance benefits for behavioral health care has no significant increase in total costs when coupled with management of care. We also know that a number of enlightened companies such as AT&T, Delta Air Lines, Eastman Kodak, General Motors, and IBM have provided comprehensive coverage for their employees. (Report to the Office of Personnel Management, by Washington Business Group on Health)

Since the mental health commission we held during Jimmy's presidency, there have been several major reports released including the first Surgeon General's Report on Mental Health, President Bush's New Freedom Commission on Mental Health, and the Institute of Medicine included mental and substance use conditions in its series of reports on the quality of American health care. All of the reports reinforce the statement that effective treatments are available, but most people who need them do not get them.

The whole nation has learned a lot about the importance of mental health issues through the events of Hurricane Katrina and the needs of our returning soldiers and National Guard troops. We support our troops in the field, and it is critical that we continue to support them when they come home.

Finally, I would like to comment on the number of states that have moved ahead with parity. These have been long-fought battles with some states managing wonderful successes. It is so important that stronger state parity laws continue to improve the lives of people with mental illness and addiction. It is also critically important that plans not override the intent of this legislation by discriminating against those with certain diagnoses of mental illness and addiction in their coverage. I am glad to see that this legislation includes efforts to keep a close watch on this issue. The intent of this law is fairness, not discrimination.

After waiting for 15 years, we finally have mental health and addiction parity legislation in sight. If this legislation is passed, many of our citizens will be healthier, and our nation will be stronger, more resilient, and more productive.

On behalf of the millions of people affected by mental illnesses, I applaud your efforts to pass the mental health and addiction parity legislation. I know the work has been hard, but the benefits to our nation will be enormous.

Mr. DODD. I thank them and others who have been a part of this. Senator HARRY REID, the majority leader, doesn't often get recognized, but without him, none of this happens. While we associate mental health parity issues with Senator KENNEDY and Paul Wellstone and PETE DOMENICI and others, the majority leader makes all this possible. While he probably wouldn't say so himself on this issue, I can guarantee you we were not going to leave for this session of Congress without a chance to vote on this issue. HARRY REID made it a quiet, personal commitment that this body would have a chance to express itself on this issue. Without that kind of commitment from the distinguished majority leader, these matters often can slip away and disappear. To HARRY REID, the majority leader, the Senator from Nevada, to the millions of people affected by this issue as well, we thank him for his commitment.

This legislation has the potential to impact 1.8 million insured individuals from my home State of Connecticut, 150 million Americans in the United States, but with 1 in 5 American families directly affected by mental illness, the impact of this legislation will be much broader. Every one of us, every American knows a friend, has a relative, a neighbor, a coworker, colleague whose life has been touched by mental illness in one way or the other. With this legislation, we are saying that mental illness will no longer take a backseat to physical illness.

With this legislation, we are taking an important step toward tearing down the stigma that people with mental illness face every single day and have for decades. The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act will end health insurance discrimination between mental health and substance abuse disorders and medical and surgical conditions. Upon passage of this bill, health insurers will no longer be permitted to charge higher copays or limit the frequency of treatment for people with mental illness than what they would for a medical or surgical condition. The bill before us builds on what the Senate passed unanimously 1 year ago. The bill strengthens the requirements around out-of-network benefits for mental illness and improves the transparency of decisions made by insurance companies with respect to mental health coverage.

A component of the bill I wish to highlight is its protection of State laws that provide for greater consumer protection than what exists in Federal law. I take pride in the fact that I represent the small State of Connecticut. Yet my State recognized the disparity between insurance coverage for physical and mental illness years ago. They did so by taking a significant step to address mental illness by enacting strong mental health parity and consumer protection laws. These laws far exceed what currently exists in Federal law, and I believe the bill before us today will allow my State and others to maintain those strong laws in the future. The protection and preservation of State law is an issue I have fought long and hard for during Senate consideration of this bill. It is an issue of crucial importance to my State and will no doubt be a central issue next year, when I hope this body acts on legislation to finally make mental health care universal in this country as part of a universal health care effort.

Of all the health care issues I have worked on, it is a rarity to find an issue with as many diverse interests putting their full weight behind passage of a bill such as this. As I mentioned, more than 250 national organizations, representing consumers, family members, advocates, professionals, and providers have signed a letter urging Congress to pass this legislation

into law. It is so important that we have that kind of support. I will not go through all the organizations involved, but I wish to highlight the work of the Connecticut Psychological Association, Aetna, which is headquartered in Hartford, and the Connecticut Insurance Department and Office of Healthcare Advocacy. They have all played an important role in this legislation.

Again, I urge my colleagues to act now and pass this bill. We tip our hat to TED KENNEDY, Paul Wellstone, PETE DOMENICI, and all those who fought and care about this issue. It is a great moment for the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Madam President, I thank the Senator from Connecticut, Mr. DODD, for his statement on health parity. When I first began wrestling with this issue, he was unusually helpful to me in breaking the dam, this cause of mental health and suicide prevention. I thank him for that. I will never forget him for that. I think of Senator KENNEDY and of PETE DOMENICI and others who have been my allies to move not just the youth component but mental health parity as an essential ingredient, to help move it forward and put it on a basis that is equal with physical health. The truth is, if you have physical health and you don't have mental health, you do not have health. In fact, you may have something just as lethal as leukemia or any other dreaded disease.

America is taking a great step forward with the passage of this extenders package today. I suspect many of my colleagues are having their phones ring off the hook as we speak on the issue of financial insecurity that is leading the headlines of the papers and on all the news shows and talk shows. It is something that is deeply distressing to every American and certainly to this American.

What we have in this country that we are dealing with, at its root, is a crisis in confidence over credit. Right or wrong, like it or not, commerce in this country runs on credit. Small businesses without cashflow have to take out loans. As I evaluate this package—and I have made no decision on it—I am going to be looking to make sure there are no golden parachutes, to make sure this is not a bailout of fat cats but that this goes to Main Street in ways that help people who are already suffering the consequences. We can do things such as extending unemployment insurance, improving LIHEAP. We can even add additional funds to food stamps. But at the end of the day, what does matter to the people who have a job and go to work is to have employers who are creditworthy. If their banks are not creditworthy, if their banks have written their assets down so much that when you put your money in, they keep it, they don't lend it out—when that happens, commerce stops. Jobs are lost. The carnage spreads. That is what we are dealing with in this very difficult week in the Senate, to make sure we do the best we can in this deliberative body that the Constitution gives the purse strings.

We have to do it right. If it comes up wrong, we have to start over and do it better. There is no place for golden parachutes for those who have taken advantage of the rules on Wall Street in ways that have victimized many people. We have already put $300 billion toward the bailout of Fannie Mae and Freddie Mac. These are government-sponsored enterprises. In those institutions, apparently the leaders, the boards, were playing fast and loose with the terms Congress gave them in their charter in a way that is both deplorable and more than lamentable. There are people who need to be held accountable for what has happened. But Fannie and Freddie are the central plank in the problem of our credit. That is what started the dominos.

Having said that, I do wish to suggest that this extenders package is most worthy of passage, not just because of the mental health parity that is included, but I wish to talk about another feature that my colleague RON WYDEN and I have been working on ever since we have been in the Senate together. That is the secure rural schools extension. This has been most difficult because it has not been easy to explain to our colleagues all over the country who do not know what it is like to have the Federal Government own most of your State. When the Federal Government owns your State, the local governments cannot tax the Federal Government. So dating back to the beginning of statehood in Oregon in 1859, there was a relationship developed between the Congress and Oregon, and other similarly situated States, whereby they would receive 25 percent of what are called timber taxes or mining taxes or extraction taxes, these kinds of resources that come from public lands.

It is through that, because the counties don't have a tax base, that rural folks are able to have schools, streets, and neighborhoods that are safe, with police protection. That worked very well, even through a big reformation period under Teddy Roosevelt, when these things were redone. It has worked very well. But in the 1990s, there came a great effort to save the spotted owl. There came a change in forest policy with the Clinton administration. The purpose was to save the spotted owl. We learned now, decades later, that the spotted owl was not imperiled by logging. It is now imperiled by catastrophic wildfire. It is now imperiled by a nonnative owl called the bard owl, and the bard owl likes to eat the spotted owl. Nevertheless, the carnage has been done. At the end of the Clinton administration, the President was good enough to sign replacement revenues which are called county payments or secure rural schools funding.

It has been hard to get these funds reauthorized. We had it extended by one year last year. This package extends it 4 years. It needs to be extended. This is not a golden parachute. This is keeping the covenant with rural counties. This is vital if we are to keep faith with rural places and people in very vulnerable areas.

I am delighted this legislation is included in the package. The Senate has passed it before with huge majorities because Senator WYDEN and I—he has worked that side of the aisle and I have worked this side of the aisle—made sure we got it in, that we keep enough support on both sides that it could make it to the House of Representatives, where I hope and I pray it will be accepted.

But I would conclude my remarks by saying: I understand from some of my neighboring States that the formula had to be changed. This bill represents a declining interest to Oregon of 60 percent. The 60 percent is based on a cut to Oregon, which is based on a new formula. The new formula is not based on history. You see, the old formula was that the money goes to those counties where God put the trees. Now, it is distributed differently, so our neighboring States can get more, and Oregon gets less. I do not like that.

But I want to say there is a way to remedy that deficiency, and that is to go back to a balance on forest policy that allows for a sustainable yield, allows for the creation of timber jobs, allows for the development of American timber for American homes and American commerce. Instead of being a nation that imports lumber, we can once again be a self-sufficient country in lumber.

We need the help of the administration. We have had it with President Bush. We have not had it with the courts. But the courts, I hope, are changing because this is literally a matter of economic life and death for vulnerable rural communities. So what we have to have is this, which is the best we can get, and we need it for 4 years.

Then we need to make up this deficiency the old-fashioned way, by letting men and women in rural places go back to work, to manage our forests, these public lands that can be managed in a way that is consistent with the environment and creates the economic blessings Oregon and other places have known in the past. Those blessings, in short, are family-wage jobs, the kinds of jobs that pay property taxes, build schools, pave streets, and keep neighborhoods safe. If we can do that, all will be well and this day will represent a good day for the State of Oregon and particularly its rural parts and places.

With that, I thank the Presiding Officer for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Oregon for his support for the Paul Wellstone and

Pete Domenici mental health parity bill, something I am going to talk about in a minute.

Madam President, as we focus on the very serious and urgent challenge facing our financial system, we must not lose sight of the equally serious challenge of building a solid foundation for America's economy in the long term. Today, we have the opportunity to vote on a bipartisan bill—the Energy Improvement and Extension Act—which will help America build that long-term foundation.

I thank Senator GRASSLEY and Senator BAUCUS for their work on this bill. The bill we vote on today provides an opportunity for the first step to move America forward. The way we have been handling these energy incentives has been like a game of red light, green light: on again, off again, on again, off again. While our country develops so much of the technology for wind and solar, we have now been leapfrogged by other countries that have more long-term policies in place that encourage investment in these areas.

You can drive past hundreds of massive wind turbines along Buffalo Ridge in southwestern Minnesota. My State is the third leading producer of wind power, and that is because our State, on a bipartisan basis, has set some standards and put those incentives in place. On the Iron Range in northeastern Minnesota, a large mining company has just announced it will invest $15 million to build a facility to produce a renewable biofuel using a variety of sources, such as switchgrass, corn husks and stover, wood byproducts and oat hulls. This is about the future of energy.

When I get questions about this and how we need to move with energy, I always remind people of the first start of the computer age when we had those big computers in those big rooms and they were inefficient, and over time they got more and more efficient, so those computers can fit in the palm of someone's hand. But to do that, as a country we are going to have to have that individual focus and that determination to invest and set those standards.

Today is the first step. I think our energy challenge offers similar opportunities that we had when we put a man on the Moon. So we have to ask ourselves this: Will the United States be a leader in creating the clean energy technology jobs and industries of the future or are we just going to sit back and watch the opportunities pass us by with Japan and Europe and India leading the way? Today, with the bill before us, we have the opportunity to be that energy leader.

AMENDMENT NO. 5635

We also have a chance to be a better leader in an area of health care where we have come up short for far too long. I am referring to the mental health parity bill that is included in this package. We have tried to pass this legislation through the Senate over and over again. These efforts predate my time in the Senate, and they continue to this day.

My friend and our former colleague, the Senator from Minnesota, Paul Wellstone, fought for this law as a matter of justice and fairness. Senator DOMENICI, on the other side of the aisle, was right there with him and has continued to press for this legislation. Senator KENNEDY has been a champion for this legislation, and Senator DURBIN. In the House, there is PATRICK KENNEDY and one of my favorite Republican Congressmen, JIM RAMSTAD from Minnesota. He is stepping down this year, and he does not want to leave until this bill gets done.

As Paul Wellstone always insisted: A mental health parity law is about equality and fairness. It is also about human dignity. Although much has changed over the years, people who suffer from a mental illness continue to suffer from a deep social stigma—something that can be just as challenging to live with as their illness. Their families suffer too. This legislation is not just about health insurance. It is also about eliminating the stigma and affirming the dignity of the Americans who suffer from a mental illness or an addiction.

Paul knew about this and cared about this issue because of his brother Steven who had a mental illness. He was hospitalized. His family was thrown into debt. Paul would often talk about how, during those years, there was a darkness in their home. Paul's brother eventually got proper treatment and secured his dignity at great cost to their family. Paul did not want anyone else to go through what their family went through.

He also cared about this bill because he always cared about the underdog, the person for whom it seemed as though there was nothing else there for them. That is what Paul Wellstone was about: putting those people first in the Halls of the Senate.

Whenever I walk through the Senate and say I am a Senator from Minnesota, I hear stories from other Senators about Paul. But the stories I remember most are those I hear from the secretaries in the front offices or the tram drivers or the police officers who guard the front of the Capitol. They, too, tell me about Paul and how good he was to them and how he treated them with respect. That is what Paul brought to this job. That is why he cared so much about this legislation.

In 1995, Minnesota enacted a mental health parity law that is among the strongest in the Nation. In the past 10 to 15 years, other States have enacted some version of mental health parity. The problem is that despite these State laws, 82 million Americans do not benefit because their employers' self-insurance plans come under the jurisdiction of the Federal Employee Retirement Income Security Act, or ERISA. It is time for them to receive the same protection as Americans whose insurance does not come under ERISA.

I think about the legendary Supreme Court Justice, Justice Brandeis, who had a famous saying about States being the laboratories of democracy. He said:

> It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

But Justice Brandeis did not mean that ''novel social and economic experiments'' must forever stay at the State level. If an experiment is successful at the State level—especially in many States—then it may very well be something that should be taken up on a larger national scale. Mental health parity has proven its value in State after State. Now it is time to take this well-tested innovation to the national level so our country has a uniform, equal standard of mental health parity that applies to self-insurance plans under the jurisdiction of ERISA.

There are so many good reasons for our Nation to have a mental health parity law: economic reasons, health reasons, criminal justice reasons, and reasons of basic fairness and human dignity. For me, there is one special reason why we must pass this legislation. That reason is Paul Wellstone. This legislation is about everything he stood for—about fighting for people who do not have power and do not have a voice, people who would rather hide than speak up because of the stigma and the shame, people who needlessly suffered because of discrimination and prejudice. This bill is about Paul. It is about his brother Steven. It is about his family. And it is about his determination to help bring justice and dignity to millions of Americans who live in the shadow of mental illness. When Paul was alive, many people in this Chamber said they wanted to pass this bill, and when Paul died, they said they wanted to pass this bill. Well, the time has come to pass this bill.

Senator KENNEDY, home watching everything that goes on in this Chamber, wants to get this done. Before he retires, JIM RAMSTAD wants to get this done. And Paul Wellstone's sons have been here day after day walking the halls of the Capitol, knocking on doors, trying to do this for their father's memory. We have waited too long.

We have the opportunity to finally get this bill into law. It is an opportunity to put aside all the excuses and, instead, to put front and center all of the many good reasons this law will serve our Nation well. I hope, when this vote comes up today, this bill will pass and it will pass by a large margin. It is a tribute to Paul and to all the people who have waited for so long to get their dignity.

I thank the chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this third amendment, which I hope we vote

on successfully very soon, addresses tax relief for American families and tax relief for American businesses. The amendment addresses jobs, families, disaster relief, and mental health parity.

I was particularly struck by the last speaker. She is right. The mental health parity provision is so important for so many reasons, especially for the people who deserve equal treatment, in addition to being in honor of Senator TED KENNEDY and also in honor of Paul Wellstone.

This amendment also prevents the alternative minimum tax from hitting millions more American families. Our economy is struggling, and so are America's working families. Markets are experiencing volatility. At times such as these, Americans need tax cuts that they have come to count on and that can help them get by. That is why this amendment includes a 1-year patch for the alternative minimum tax. This patch would protect more than 21 million Americans from falling victim to the AMT. We will not let more taxpayers fall into the alternative minimum tax.

In addition, the amendment would extend expiring individual and business tax provisions for 2 years. These provisions include the qualified tuition deduction to give families relief from high tuition costs. In my home State of Montana alone, almost 14,000 families would get help with high college tuition.

The amendment also includes the teacher expense deduction. This deduction gives back to teachers some of the money they spend on school supplies to educate America's children.

The amendment includes a State and local sales tax deduction for those States without an income tax.

The amendment covers several business incentives that help keep American businesses competitive and create jobs. The amendment includes incentives such as the research and development credit. This credit gives an incentive to businesses to invest in research. It helps to create and keep American jobs with good wages, and it helps to keep America competitive in the global economy.

This package does more than just extend expiring provisions. It expands the refundable child tax credit. By expanding this valuable credit, nearly 3 million more children will be eligible for this tax incentive.

This amendment would also help to improve health care for countless families dealing with mental illness. This mental health parity legislation would mandate equal assistance for those suffering from mental illness. This legislation has been championed by our late colleague, Paul Wellstone, and our colleagues TED KENNEDY and, of course, PETE DOMENICI. It has long been a goal in the Senate and it is a goal that we can finally meet today.

The amendment would provide much-needed relief to families and businesses that have been devastated by natural disasters.

Right now, our country is experiencing rough economic times. Congress should do more than just extend legislation; Congress needs to meet the needs of the American people.

Let us help to create jobs. Let us help working families make ends meet. Let us achieve mental health parity once and for all. Let us provide relief for those who have suffered from natural disasters.

I urge my colleagues to support the amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent that at 4:45, all time be considered yielded back, and the Senate then proceed to vote in relation to the amendments and the motion to waive the Budget Act in the order in which offered; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be 10 minutes in duration, with the remaining provisions of the previous order governing consideration of H.R. 6049 still in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I further ask unanimous consent that upon disposition of H.R. 6049, the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BAUCUS. Madam President, a couple words on the first amendment to be voted on. The energy amendment would help create well-paid jobs in the growing field of new energy technology, help to secure our independence from high-priced foreign oil, and move us closer to addressing global warming. I urge my colleagues to vote for the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I speak in favor of the Baucus-Grassley amendment, which is an important step in our effort to free America from our addiction to foreign oil. The amendment converts tax incentives for conventional energy and, in turn, puts that as an incentive for alternative energy, as well as conservation.

The amendment continues the path to development of clean coal, hybrid vehicles, and biofuels. A vote for this amendment is a vote for a brighter American future for all families, for cleaner fuel. I ask that you all support the amendment.

Madam 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 amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Domenici | Menendez |
| Alexander | Dorgan | Mikulski |
| Allard | Durbin | Murkowski |
| Barrasso | Ensign | Murray |
| Baucus | Enzi | Nelson (FL) |
| Bayh | Feingold | Nelson (NE) |
| Bennett | Feinstein | Pryor |
| Bingaman | Graham | Reed |
| Bond | Grassley | Reid |
| Boxer | Gregg | Roberts |
| Brown | Hagel | Rockefeller |
| Brownback | Harkin | Salazar |
| Bunning | Hatch | Sanders |
| Burr | Hutchison | Schumer |
| Byrd | Inhofe | Sessions |
| Cantwell | Inouye | Shelby |
| Cardin | Isakson | Smith |
| Carper | Johnson | Snowe |
| Casey | Kerry | Specter |
| Chambliss | Klobuchar | Stabenow |
| Clinton | Kohl | Stevens |
| Coburn | Landrieu | Sununu |
| Cochran | Lautenberg | Tester |
| Coleman | Leahy | Thune |
| Collins | Levin | Vitter |
| Conrad | Lieberman | Voinovich |
| Corker | Lincoln | Warner |
| Cornyn | Lugar | Webb |
| Craig | Martinez | Whitehouse |
| Dodd | McCaskill | Wicker |
| Dole | McConnell | Wyden |

NAYS—2

Crapo
Kyl

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Kennedy | Obama |
| DeMint | McCain | |

The amendment (No. 5633) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is made and laid on the table.

AMENDMENT NO. 5634

There will now be 2 minutes of debate equally divided on Conrad amendment No. 5634.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the amendment I have offered today is a fully paid for alternative minimum tax fix. To go down the road of fixing the alternative minimum tax without offset, without paying for it, will only

grow the debt dramatically. The 10-year fix for the alternative minimum tax costs $1.6 trillion, all of it added to the debt.

Yesterday, I say to my colleagues, the dollar dropped 2 percent in value in 1 day, after already falling 40 percent in value over the last 2 years. The key reason analysts gave was burgeoning debt in the United States that undermines the credibility of our national credit.

It is time to start paying for things. This is a fully paid for, fully offset alternative minimum tax, paid for in ways that are not controversial.

I thank the Chair, and I urge my colleagues to vote aye.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, everyone, of course, agrees with the Senator from North Dakota that the fiscal situation is unsustainable. So as an alternative—as the minority ought to offer a reasonable alternative—on this side, our leader a few weeks ago offered a deficit-neutral proposal on AMT and on extenders. That proposal would have reduced new above-baseline spending nondiscretionary appropriations for future years. That deficit-neutral proposal was rejected. In its place is this amendment, which insists that AMT relief be conditioned on a tax increase.

A vote for this amendment is a vote to hold AMT relief now, and in the future, hostage to a tax increase. That is not reasonable. I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5634.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), 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 South Carolina (Mr. DEMINT) 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 53, nays 42, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—53

| | | |
|---|---|---|
| Akaka | Coleman | Klobuchar |
| Baucus | Collins | Kohl |
| Bayh | Conrad | Landrieu |
| Bingaman | Dodd | Lautenberg |
| Boxer | Dorgan | Leahy |
| Brown | Durbin | Levin |
| Byrd | Feingold | Lieberman |
| Cantwell | Feinstein | Lincoln |
| Cardin | Harkin | McCaskill |
| Carper | Inouye | Menendez |
| Casey | Johnson | Mikulski |
| Clinton | Kerry | Murray |
| Nelson (FL) | Salazar | Tester |
| Nelson (NE) | Sanders | Voinovich |
| Pryor | Schumer | Webb |
| Reed | Smith | Whitehouse |
| Reid | Snowe | Wyden |
| Rockefeller | Stabenow | |

NAYS—42

| | | |
|---|---|---|
| Alexander | Crapo | Lugar |
| Allard | Dole | Martinez |
| Barrasso | Domenici | McConnell |
| Bennett | Ensign | Murkowski |
| Bond | Enzi | Roberts |
| Brownback | Graham | Sessions |
| Bunning | Grassley | Shelby |
| Burr | Gregg | Specter |
| Chambliss | Hagel | Stevens |
| Coburn | Hatch | Sununu |
| Cochran | Hutchison | Thune |
| Corker | Inhofe | Vitter |
| Cornyn | Isakson | Warner |
| Craig | Kyl | Wicker |

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Kennedy | Obama |
| DeMint | McCain | |

The PRESIDING OFFICER. Under the previous order, 60 votes being required to adopt the amendment, the amendment is withdrawn.

AMENDMENT NO. 5635

There is now 2 minutes of debate equally divided on the Baucus-Grassley perfecting amendment. Who seeks recognition?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, 53 Senators voted to pay for an alternative minimum tax fix. That is a majority. I am now raising the point of order, a budget point of order against an unpaid-for alternative minimum tax fix, again reminding our colleagues the cost to continue on this path to fix the alternative minimum tax for 10 years is $1.6 trillion, all added to the debt.

Yesterday the dollar went down 2 percent in value in 1 day. Colleagues, we simply have to begin to pay for things; otherwise, the creditworthiness of our country will be in question and at risk.

Therefore, I raise a point of order that the pending amendment violates the pay-go section 201 of the S. Con. Res. 21, a concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I move to waive the applicable budget provisions for the consideration of the Baucus-Grassley amendment No. 5635.

I might say, if this point of order is not waived, then the underlying extenders bill will not pass and AMT will be felt by millions of taxpayers next year. As much as we would like to pay for everything, we cannot pay for everything in this context at this time. Without this amendment, the tax extenders will not pass. The underlying bill for the AMT should pass for a year. It fixes the child tax credit, provides support for rural schools, the mental health parity provisions, as well as finally it provides disaster relief for families and businesses. I urge my colleagues to support the amendment and waive the point of order.

Mr. REID. Mr. President, if I could direct a question to my friend, the chairman of the Budget Committee. We already had this vote. Do we need another one? It is obvious it is not going to get it. I committed to the House we would have a vote. What purpose is there of this vote? We have already proven we cannot get 60 votes, so why do we need another vote?

Mr. CONRAD. We have raised the point of order. I made a commitment to our colleagues in the House to carry that out. I feel honor bound to have a vote.

The PRESIDING OFFICER. The Senator from Montana is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), 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 South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—84

| | | |
|---|---|---|
| Akaka | Dorgan | Menendez |
| Alexander | Durbin | Mikulski |
| Allard | Ensign | Murkowski |
| Barrasso | Enzi | Murray |
| Baucus | Feinstein | Nelson (FL) |
| Bayh | Graham | Nelson (NE) |
| Bennett | Grassley | Pryor |
| Bingaman | Gregg | Reed |
| Bond | Hagel | Reid |
| Boxer | Harkin | Roberts |
| Brownback | Hatch | Rockefeller |
| Bunning | Hutchison | Salazar |
| Burr | Inhofe | Schumer |
| Cantwell | Inouye | Sessions |
| Cardin | Isakson | Shelby |
| Casey | Johnson | Smith |
| Chambliss | Klobuchar | Snowe |
| Clinton | Kohl | Specter |
| Coburn | Kyl | Stabenow |
| Cochran | Landrieu | Stevens |
| Coleman | Lautenberg | Sununu |
| Collins | Leahy | Tester |
| Cornyn | Levin | Thune |
| Craig | Lieberman | Vitter |
| Crapo | Lincoln | Warner |
| Dodd | Lugar | Webb |
| Dole | Martinez | Wicker |
| Domenici | McConnell | Wyden |

NAYS—11

| | | |
|---|---|---|
| Brown | Corker | Sanders |
| Byrd | Feingold | Voinovich |
| Carper | Kerry | Whitehouse |
| Conrad | McCaskill | |

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Kennedy | Obama |
| DeMint | McCain | |

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to the previous order, the amendment is agreed to and the motion to reconsider is considered made and laid on the table.

NATIONAL DISASTER RELIEF

Mrs. BOXER. I thank Senator BAUCUS, for joining me to discuss the Senate Finance Committee's substitute amendment to H.R. 6409.

Mr. BAUCUS. It is my understanding that the Senator would like to speak about an issue related to the national disaster relief section of the Finance Committee substitute to H.R. 6409.

Mrs. BOXER. The Senator is correct. Throughout the summer a swarm of dry lightning storms sparked more than 2,000 fires across drought-ridden land in California, burning over 900,000 acres of public and private land. These fires damaged and destroyed homes and businesses across the State.

As the Senator knows, his bill makes taxpayers in ''federally declared disaster'' areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act eligible for certain tax relief provisions.

Under the Stafford Act, the President has the ability to designate a disaster area under a ''major disaster declaration'' or an ''Emergency Declaration.'' Areas affected by wildfires in California this year were provided an ''Emergency Declaration'' by the President.

In the matter of what ''federally declared disaster'' areas are eligible under the bill on the floor, the Senator's Finance Committee staff and the Congressional Research Service have indicated that both categories of disaster declaration have historically been eligible for disaster tax relief purposes.

Is it the Senator's understanding that the term ''federally declared disaster'' includes both categories of disaster declarations, and that Californians affected by the 2008 wildfires are eligible under division B, title VII, subtitle B, sections 706–711 of the substitute to H.R. 6409?

Mr. BAUCUS. Yes, it is the committee's intention that Californians in federally declared disaster areas will be eligible for tax relief in the sections the Senator has referenced.

Mrs. BOXER. I thank the Senator.

Mr. COLEMAN. Mr. President, I rise today in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

Enacting comprehensive parity legislation is long overdue. This is simply a matter of fairness and I hope the Senate will pass this compromise legislation so it can be sent to the House today. We owe nothing less to the more than 80 million Americans suffering with mental illness and addiction.

Thoughtful compromises were made so that the bill we are considering today provides mental health and addiction benefits on par with other medical and surgical conditions and, for the first time after 12 years, a compromise is supported by all of the business, insurer, addiction and mental health groups.

Throughout my time in office, I have been a strong advocate for ending the discrimination against people suffering from mental illness and addiction and ensuring those in need have access to effective treatment services. This passion was shaped by the many Minnesotans who have raised their voices to get us to where we are today in this important fight. In particular, I want to thank all the people at Hazelden Foundation, Kitty Westin from the Anna Westin Foundation, NAMI Minnesota, the Minnesota Psychological Association, Mental Health America's Minnesota advocates and others. Finally, this bill will not only be a living legacy to their tireless efforts, but also to the unwavering support from Senators Paul Wellstone and PETE DOMENICI, and Representative JIM RAMSTAD.

As a supporter of parity legislation since I arrived in the Senate, I know that passage of comprehensive parity legislation and ensuring access to treatment is long overdue. I know that effective mental health and addiction treatment can mean the difference between happiness and hopelessness and in some cases, even life and death. The good news is that those of us on both sides of the aisle and both wings of the Capitol finally recognized this and are coming together to send a strong bill to the White House.

The time is now. Let's end the discrimination by passing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

Mr. LEVIN. Mr. President, while this is far from being a perfect bill, I am pleased that the Senate is finally taking up this package of ''tax extenders'' after repeated filibusters of this effort by the minority.

I am a strong supporter of advanced and alternative energy technologies and believe that the tax incentives included in this bill are an essential component of bringing these technologies to the commercial market place. We need a balanced energy strategy that includes energy from a broad array of sources—renewable technologies such as solar, wind, and biomass, as well as more conventional sources such as clean coal and natural gas. We also need to reduce our consumption and dependence on petroleum by promoting expanded use of advanced, more fuel-efficient vehicle technologies and alternative fuels such as ethanol and other biofuels. Critical to the success of all of these advanced and alternative energy technologies are tax incentives, which will both spur development of these technologies and make them accessible and affordable to consumers.

The energy tax extender package was a long time in coming. The Senate considered it first in June 2007, again in December 2007, and then multiple times in this calendar year. This package extends many critical existing tax incentives—including those for renewable production of electricity from wind, solar, and biomass; it extends existing tax credits in the area of alternative fuels production and alternative fuel infrastructure; and it extends tax incentives for energy efficient appliances and residential home energy improvements. The package also includes new tax incentives for plug-in hybrid vehicles, small residential wind investments, and carbon capture and sequestration technologies.

This package of energy tax provisions will take important steps forward to develop and commercialize all of these technologies. Renewable technologies such as wind and solar are becoming more economical every year and our manufacturing sector can play a major role in the production of these technologies. Extension of these tax credits is critical to the development of these technologies and critical to our manufacturers ability to commit to projects that will utilize these technologies. Similarly, extension of the tax credit for alternative fuel pumps for ethanol and natural gas, and extension of tax credits for production of ethanol and other biofuels are essential to both the production and distribution of these fuels.

I am particularly pleased to see in this package establishment of a new tax credit for consumers for plug-in hybrid and all-electric vehicles. All of our auto manufacturers are working to develop new vehicle technologies that will use advanced batteries and will draw a greater percentage of their power from electricity. These technologies will revolutionize the way in which we drive and the distances that we can go without refueling. But the development and commercialization of these technologies are also expensive. Therefore, these tax incentives are key not only to the development of these technologies and but also to consumer acceptance and widespread use of these vehicles.

This bill also provides help to those affected by the numerous floods, tornadoes, and severe storms that occurred this summer in the Midwest. I am pleased that those individuals and businesses that suffered losses this past June in Michigan's declared disaster areas will be eligible for these benefits.

I am also glad that this bill extends the research and development tax credit. At a time of increasing globalization, America's prosperity depends more than ever on its capacity for innovation. For decades, our Nation's leadership in basic and applied research has led to discoveries that have dramatically improved living standards and given rise to new industries that have in turn created millions of high paying jobs in engineering, research and technology. Other countries are well aware of the significant economic benefits that flow from R&D activities, and many have created strong

tax incentives designed to increase levels of local R&D and attract R&D investment from around the world. Particularly for large multinational corporations, the question is often not whether to invest in R&D, but where. I hope that in the near future we can cement our commitment to this incentive by making the R&D credit permanent.

There are a number of other good policies that I am pleased are in this bill, including the IRA rollover provision which allows individuals over the age of 70½ to donate up to $100,000 from their individual retirement accounts to qualifying charitable organizations on a tax-free basis. This provision has contributed to a considerable increase in IRA donations to eligible charities across our country. Unfortunately, the provision was only temporary, and it expired at the end of 2007.

I am also glad that this bill extends the critically important adjustment to the alternative minimum tax. Relief from the AMT is needed to avoid imposing an unintended tax increase on millions of middle income families. But in order to have money for other priorities, AMT relief should be done without busting the budget. I wish that the amendment that would have paid for this provision had been adopted.

There is another part of this bill that deserves mention: the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. This critical piece of legislation will address inequities between health insurance coverage for medical and surgical benefits and coverage for mental health and substance abuse disorders for group health plans with more than 50 employees.

Under most health insurance plans, beneficiaries of mental health or substance abuse services do not receive the same level of coverage as medical and surgical services. An earlier piece of legislation, the Mental Health Parity Act of 1996—title VII of Public Law 104–204—sought to address this issue by providing limited parity for mental health coverage under employer-sponsored group plans. While the 1996 parity law prohibits insurers from establishing more restrictive annual and overall lifetime limits on mental health coverage than for other health coverage, it is far from adequate. For example, the Act did not require that mental health benefits be offered as part of a health insurance package. Additionally, it did not require parity in copayments or deductibles for mental health services nor does it require health plans to cover a minimum number of inpatient days or outpatient visits. As a result, many health plans have found ways to discourage the use of mental health care by setting higher copayments and deductibles, or by lowering limits on the number of hospital days and physician visits for which they would pay.

Under this new legislation, if such a group health plan provides both medical and surgical benefits as well as mental health or substance abuse benefits, the plan's requirements and limitations must not be more restrictive as applied to mental health or substance abuse benefits. For example, if such a plan provides out-of-network coverage for medical and surgical benefits, then it must also provide parity in out-of-network coverage for mental health or substance abuse disorder benefits. If the change leads to increases in cost for a particular plan, the legislation establishes a procedure whereby an employer can apply for 1-year exemptions.

Mental health parity is about basic fairness and equity. Individuals suffering from mental health illnesses deserve access to adequate and appropriate health care. I am glad that Congress is righting this wrong.

My concerns with this bill are not over what is included, but rather what is not. The main dispute in the long drawn-out battle over these extenders has been whether we could do this in a way that is fiscally responsible, so that we do not leave our children and our children's children to foot the bill. I am troubled by the fact that this bill pays for only $42 billion of the $161 billion 10-year cost of extending these incentives. Some of my colleagues argue that Congress should just add the $62 billion cost of the AMT fix to the deficit and leave it at that. But while taxpayers are given necessary relief, if we don't pay the cost, but merely increase the debt, the burden is shifted to our children and grandchildren.

Paying for these extenders does not need to be controversial, and we do not need to raise taxes on the middle class. It is estimated that the use of offshore tax havens by tax dodgers robs our Treasury of more than $100 billion in revenue each year, leaving honest taxpayers to foot the bill. Last year I introduced the Stop Tax Haven Abuse Act, S.681, which would provide important tools to combat offshore tax abuses and would bring in a significant amount of that lost revenue. I will continue to fight to enact that bill and other commonsense measures to close tax loopholes.

Mr. DOMENICI. Mr. President, as a Senator that not only represents a leader in renewable energy technology but also helps run the Energy and Natural Resources Committee, I am pleased that we have finally reached a compromise which will allow us to extend important tax credits for renewable energy.

History tells us that our most promising technologies frequently need government assistance in order to get off the ground and become economically viable. One of the most effective ways we can do this is through our Tax Code.

Our Nation is facing unprecedented challenges in our financial markets and in energy. I have spent much of my time over the last few months talking about the need to build a bridge toward our energy future. I believe that bridge consists of increased oil and gas production from American lands offshore. I am pleased to note that since the time I first introduced legislation to open up lands offshore in May, there has been a sea change in both public opinion and the opinions of my colleagues on this issue.

But the domestic oil and gas that I am talking about is not the entire solution. In fact, as I said, it is just a bridge to the ultimate solution, and that is the development of new technologies that will allow us to use far less oil. Those technologies include plug-in hybrid cars as well as renewable energy sources like wind, solar, biomass and geothermal.

In 2005, as chairman of the Energy Committee, I was pleased to lead the Senate to pass the largest and longest tax credits for renewable energy in history. We have renewed those tax credits several times since then, but these credits are once again set to expire. Every time they get close to expiring, investments in the industry begin to dry up, and the uncertainty hurts our Nation's ability to deploy these technologies in a timely and cost-effective manner.

We have struggled with the tax extensions during this Congress, because, frankly, the majority has decided to play politics with them. For the first time in history, they have demanded that they be offset through tax increases. Although the Senate voted 88–8 to extend them without those tax increases earlier this year, the House refused to consider our proposal, and the renewable energy industry has suffered as a result.

At last, there appears to be a light at the end of the tunnel if the House of Representatives doesn't seek to politicize this issue once again. A reasonable, commonsense agreement to extend the tax credits for renewable energy, as well as do several other important things like mental health parity and fixing the AMT problem, has been reached. I will address those subjects in greater detail, but it should be noted that the agreement now before us does offset much of the cost of the tax credit extensions, but it does so in a way that will not harm domestic production of energy.

I urge my colleagues to support this agreement in its totality, and I sincerely hope that the House will take up this entire package and pass it so that these essential tax credits will once again not be allowed to expire.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. I thank all my colleagues in the Senate and their staffs who have worked so long and hard and well to bring us to this historic day on mental health parity.

In particular, I recognize our late friend and colleague, Senator Paul Wellstone, who championed this fight for so many years. Without the leadership of Senator Wellstone and our colleague Senator DOMENICI, we would not be here today.

Americans believe we are all created equal. This legislation brings us closer to that ideal by ending a particularly invidious form of discrimination—discrimination in health insurance against tens of millions of Americans who suffer from mental illness.

One in five Americans will face mental illness this year. Today at least, the Senate can say to them loud and clear, you will no longer have to suffer in the shadows.

Through the miracle of modern medicine, mental illnesses are just as treatable as physical illnesses—but patients with mental illnesses are still treated very differently.

That difference is unfair and unacceptable. It makes no sense for health insurance companies to charge patients more for mental health care than they do for physical health services.

It is tragic when any family member is diagnosed with an illness; it is heartwrenching for a parent to watch their child suffer.

But the tragedy is even greater, when treatment is denied solely because the child's illness is a mental illness.

This discrimination can tear families apart, exactly when they should be coming together to support their loved one. The last thing any parent should have to worry about is whether insurance will pay for the needed care and treatment.

When mental illnesses of our fellow citizens are treated, they get their health back—and we get back our friends, our family members, and our coworkers.

The parity legislation before us is a landmark agreement after 10 years of stalemate, not only in Congress, but also with the mental health community, businesses, and the insurance industry.

Now, we have come together and agreed at long last to end the senseless discrimination at all levels of society that has plagued persons living with mental illness.

Together, we have worked to end injustice that has denied them the care and treatment they deserve. We have agreed that equal treatment of mental illness is not just an insurance issue—it is also an issue of civil rights.

At its heart, mental health parity is an issue of fundamental justice, and today that fundamental justice arrives in the lives of millions of our fellow Americans, and I thank all my colleagues on both sides of the aisle for making this day possible.●

● Mr. ENZI. Mr. President, for far too long, American workers and businesses have awakened each day to wave after wave of bad news: rising foreclosures, $4 gasoline, job losses, inflation, bank runs, credit crises, embassy bombings, triple-digit stock losses, devastating hurricanes . . . the bad news just keeps coming. The burden is heavy and Americans are tired.

But today, a ray of sunlight is peeking through the storm clouds. Today, I am happy to share some good news with you. It is good news when the Senate can rise above partisan politics and find solutions to tough problems. And it is very good news when that solution lets taxpayers keep more of their hard-earned money.

The legislation before us will provide much needed tax relief to individuals, families, and American industry and put us on the path towards recovery. It will spur the development of alternative energy sources and help free our dependence on foreign oil. It will protect working Americans from the overarching reach of the alternative minimum tax and expand the child tax credit to help low-income working families.

This bill also includes some very good news for Wyoming. It preserves the sales tax deduction on taxable income. This will enable residents of Wyoming and other States that have no State income tax to deduct their State sales taxes when filing their Federal income tax returns. Without it, Wyoming residents would shoulder an unfair share of the Federal tax burden.

This bill also enhances funding for rural schools. In States like Wyoming where a large percentage of land is federally owned, local and State governments lose property tax revenues which are traditionally used to fund education and other local government functions. Historically, the Federal Government shared timber sale produced receipts with rural counties with Federal forests but timber receipts have been inconsistent creating budget uncertainty for rural counties to provide for schools, roads, and other county needs. This tax extenders bill would reauthorize and expand the Secure Rural Schools and Community Self-Determination Act and provide additional support for Wyoming schools.

The bill also includes important tax provisions that promote charitable giving and reward the tireless volunteers who help rebuild our communities after natural disasters.

This legislation will encourage business research and development—the twin engines that power our economy by spurring the development of new technology and creating more jobs.

And for the first time, the Senate will establish health insurance parity between mental health coverage and medical surgery coverage.

The Presidential campaigns spend a lot of time engaged in endless volleys about reforming health care, but my colleagues Senators KENNEDY and DOMENICI—and I have actually done something about it. This is an accomplishment we have worked long and hard to achieve and I would like to take a moment and explain how important this is.

In 1996, Senator DOMENICI and the late Senator Paul Wellstone authored a law that provided parity specifically for annual and lifetime limits between mental health coverage and medical surgical coverage. Although it was a landmark accomplishment and an important step forward, it was just the first step in the effort to address this issue.

Our bill will improve upon the 1996 law by including deductibles, copayments, out-of-pocket expenses, out-of-network benefits, coinsurance, covered hospital days, and covered outpatient visits. Essentially, it will require health insurance plans that offer coverage for mental health to offer it in parity with their coverage for physical health. It will help ensure Americans with serious mental illnesses like schizophrenia and bipolar disorder are treated fairly and can receive appropriate care. It will not mandate mental health coverage, but it will improve coverage that is available to 113 million Americans.

Mental health parity has been a long time coming. We are here today because my colleagues and I worked together with business, insurance and mental health groups for thousands of hours over many years to forge a common solution. Instead of fighting for the same old positions, where one side wins and the other loses, we worked hard to find a third way to get it done.

I often say that on any given issue, people can agree on about 80 percent of it, and they will never agree on the other 20 percent. By focusing on the 80 percent we could agree on, instead of the 20 percent where we'll never reach agreement, we found common ground on mental health parity and a third way that addressed the concerns of stakeholders.

The broader tax extenders package before us today isn't perfect. It is expensive and some of the temporary tax credits are offset with permanent tax increases, but it's a start. I think Americans are tired of watching Congress pit the ''perfect'' against the ''pretty good'' so that both sides lose and nothing gets done. We have accomplished something today and makes today a good day.

Indeed, this bill is good news and I am happy to share it with the people of Wyoming and all hard-working Americans.●

● Mr. GRASSLEY. Mr. President, we are reaching the end of a long road. We are about to pass the compromise on the AMT patch, extenders, energy tax incentives, and disaster relief.

I urge my friends in the House leadership to take a careful look at the votes the Senate took this afternoon. Also, they should take a look at the White House policy statement. House Democrats will see $42 billion of revenue raisers. House Republicans will see an unoffset AMT patch, extenders and other items.

There must be a majority to match the supermajority here.

I thank Chairman BAUCUS, Leader REID, Leader MCCONNELL, and their staffs. I wish to single out Russ Sullivan, Bill Dauster, Cathy Koch, Josh Odinitz, Pat Bousilman, Tiffany Smith, Mary Baker, Bridget Mallon, and Ryan Abraham.

I also wish to thank the Senate legislative team led by Jim Fransen. Finally, the crew at Joint Tax went above and beyond the call of duty. Ed Kleinbard, Tom Barthold, and the Joint Tax team moved effectively and efficiently.●

●Mr. FEINGOLD. Mr. President, I will support this measure, but I do so reluctantly because in passing this bill the Senate is also passing its cost on to our children and grandchildren rather than paying for it. With the exception of the provisions relating to emergency disaster relief, the provisions of this measure were entirely predictable and as such could have been fully offset with spending cuts, revenue increases, or some combination of both. The emergency disaster relief provisions are another matter, and I do not suggest that they should have been offset, though it is always preferable to do so whenever possible. But the disaster relief provisions, which I strongly support, represent a tiny fraction of the entire cost of this bill. The bulk of the cost stems from one provision, namely the so-called 1-year patch of the alternative minimum tax to ensure that tax does not expand its reach to millions of average families. The need for this fix has been known for some time. Indeed, it has become almost an annual ritual to extend the AMT patch, and regrettably Congress has done so without paying for the fix. Instead, we have just added the cost to the debt. This year, the 10-year cost of that provision will amount to over $60 billion, every penny of it added to our already massive debt.

As I have noted frequently on this floor, every dollar that we add to the Federal debt is another dollar that we are forcing our children and grandchildren to pay back in higher taxes or fewer government benefits. When the government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. And that is not right.●

● Ms. SNOWE. Mr. President, although long overdue, I am very pleased that the Senate has come to an agreement to renew expiring tax provisions critical to families across America, as well as to provide incentives for the production of clean energy and conservation that could create 100,000 new jobs. As working families are struggling to put food on the table and gas in their cars, I am especially grateful that the package assists the least fortunate among us by including a proposal to lower the income threshold for the refundable child tax credit that Senator LINCOLN and I have championed.

I urge my colleagues to support this responsible and balanced package. And, I would like to especially thank Senators BAUCUS and GRASSLEY as well as their staffs for working days, nights, and weekends in forging this agreement. These two gentlemen exemplify the bipartisan tradition of this Senate and how this body can get its work done if Members are willing to reach across the aisle to find some middle ground.

Unfortunately, partisan gridlock too often ties the hands of even these Senate stalwarts. Frankly, it is unconscionable that in what could potentially be the closing hours of this Congress, we are only now moving a step closer to enacting this legislation. At a time when renewable energy projects are being mothballed because of this uncertainty and Americans are demanding action on energy policy, I cannot believe that we have been abrogating our duty to serve the American people by our inaction on this time-sensitive issue. It seems to me that these tax extensions should have been the low-hanging fruit that we could have done much sooner.

We could have unleashed sooner renewable energy projects creating jobs, provided targeted tax relief to low-income working families struggling to pay the high cost of food and fuel, encourage an infusion of capital into rural and urban communities, provide tax incentives for retail businesses looking to grow their business, and help keep the jobs associated with film production within our borders.

This is occurring at a time when our economy teeters on the brink of recession; when we have seen the collapse of a banking institution founded in 1850; when the U.S. government has seen no other way but to take over and buy the assets of other major financial institutions; when unemployment surged to 6.1 percent last month the highest rate since 2003; when gasoline at the pump is near $4 a gallon; when oil costs are have risen to over $120 per barrel; and when foreclosures have hit historic level, do we really want to say that we can't extend a renewable energy tax credit that caused 45 percent growth in wind energy production last year and that we can't adopt energy efficiency tax credits that create necessary incentives to reduce energy demand?

Consider the economic impact of inaction. Dr. Mark Cooper of the Consumer Federation of America estimates that from 2002 to 2008 annual household expenditures on energy increased from about $2600 to an astonishing $5300. In my state of Maine, where 80 percent of households use heating oil to get through winter, it is going to be even worse.

Last year at this time, heating oil prices were at a challenging $2.70 a gallon—for a Mainer who on average uses 850 gallons of oil that is $2,295. With current prices at $3.80 per gallon, the cost per Mainer just to stay warm will be $3230, and that is not even considering gasoline costs. That is the difference between a burden and a crisis.

Now is not the time to allow energy efficiency tax incentives and the renewable production tax credit to expire. But that is what we are doing unless we pass this bipartisan package today. Energy efficiency is by far the most effective investment that our country can make to address the calamity of an absent energy policy. It constitutes a dereliction of duty if Congress allows energy efficiency tax credits to expire. In fact, some tax credits already have expired, and as a result, there are currently no incentives to purchase efficient furnaces. At a time when Americans are worried about paying heating bills this winter, we must provide the assistance to encourage investment in energy efficient products that will reduce our collective demand for energy, and save Americans money.

Yet, we have jettisoned a $300 tax credit to purchase a high efficiency oil furnace, which would produce more than $430 in annual savings for an average home—according to calculations based on Department of Energy data and recent home heating prices. We have sidelined an extension of a tax credit for highly efficient natural gas furnaces that would save an individual $100 per year. However, this tax credit ended at the beginning of this year—when oil prices began their historic rise.

And for businesses that are competing against countries that subsidize oil, the situation is untenable. Earlier this summer, Katahdin Paper Company in my state announced that the cost of oil used to operate its boilers has caused the company to consider closing the mill's doors. Talks are under way to find alternative solutions to re-start the mill's operations and revive its 208 jobs, but it is undeniable that these jobs hang in the balance because of unprecedented energy costs.

One remedy would be to create more renewable energy jobs that would help right a listless economy and invest in a secure energy future. Indeed, more than 100,000 Americans could have been put to work this year if clean energy production tax credits had been extended.

We could have already unleashed renewable energy projects creating jobs, but instead, projects currently underway may soon be mothballed. Clean energy incentives for energy efficient buildings, appliances, and other technologies, as well as additional funding for weatherizing homes, would similarly serve to stimulate economic activity, reduce residential energy costs, and generate new manufacturing and construction jobs. It is irresponsible to allow a bright spot in our economy, the renewable energy industry and energy efficiency industries, to falter, when the output of these industries is so essential to the future of this country.

Extending these expiring clean energy tax credits will ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy. I am encouraged by

the bipartisan agreement that is before us today. We must not lose yet another opportunity to raise the bar for future domestic energy systems and energy efficiencies, benefiting our economy, our health, our environment, and our national security. I hope that the House of Representatives will quickly take up and pass this package.

Some may argue this is an election year and we must lower our expectations for getting things accomplished. I couldn't disagree more. And I met a remarkable woman from Maine earlier this year who couldn't disagree more—because time is quickly running out on this Congress to take necessary steps to help Americans like her. She told me she had three jobs—the first to pay for the mortgage, the second to pay for heating oil, and the third to pay for gas to be able to drive to her other two jobs and this was back in April.

Solving this crisis isn't about party labels. It isn't about Republicans or Democrats—or red states or blue states. It is about what is good for America, and what unites us as Americans under the red, white, and blue. We must move in that direction as a country.

But, there is much more in this package beyond energy tax incentives. The legislation before us will extend the New Markets Tax Credit through 2009. Based on the New Markets Tax Credit Extension Act of 2007, which I introduced with Senator ROCKEFELLER, this provision will help to ensure that investment dollars continue to flow to underserved communities.

Additionally, the tax extenders package will enable retailers who own their properties to depreciate over 15 years, instead of 39 years, improvements to those structures. Based on my legislation, this Main Street-friendly provision levels the playing field between owner-occupied and leased retail space and will help to generate additional construction and renovations to stores nationwide by lowering the cost of capital in a tightening credit market.

Also included is a provision that will allow companies to claim accelerated depreciation for the purchase of recycling equipment. This provision is based on my Recycling Investment Saves Energy, RISE, Act and will save energy, create jobs, strengthen local recycling programs, and improve the quantity and quality of recycled materials.

So as you can see, this package is more than just extending expiring tax provisions. This legislation will create jobs, move us closer to energy independence, encourage investment in low-income communities, and provide much-needed relief to low-income families struggling to meet just their basic needs.

I would hope that when we finally adjourn, we can say we extended this critical tax relief. I would also hope that at the beginning of next year, when a new Congress is sworn in, we will commit ourselves to serving those who have entrusted us with their votes, where reaching across the aisle is the norm, not the exception—where looking for consensus is viewed as the answer, not an aberration.●

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, for the benefit of all Members, we are going to shortly have our last vote of the evening. The work we have accomplished today is historic. This is the ninth time we voted on renewing and extending the renewable tax credits. We finally did it.

We are going to send over to the House a package that is remarkably good, a 2-year extension of the business tax extensions that are so necessary. For the first time in a long time, it is not 1 year, it is 2 years. The business community thinks this is extremely important, as do I.

As I said earlier this morning, I hope the House accepts what we do. I do my very best to get along with the House, Democrats and Republicans. But everyone should understand we have had a very difficult time getting to the point where we are, in passing the final version of this bill. If the House does not pass this, the full responsibility of not passing this is theirs, not ours.

Now, people may say: Well, we want all the tax credits paid for. But I say to my friends in the House, AMT is not going to be paid for. Much of what we do around here is not paid for. It is nothing I necessarily like. But are we asking that the war be paid for? I ask what is more important, to extend these tax credits for 2 years and bring about some stability in the business community or have, out of the blue, the House telling us that everything has to be paid for? AMT is not going to be paid for. So how do they pick and choose what is right to be paid for?

So I would hope everyone understands the importance of this legislation, and all 100 Senators, if you would be good enough to call your counterparts in the House and tell them—I think if they had a vote in the House on our passage, it would pass overwhelmingly. I hope that can be arranged.

I would hope my friends will do that. We have not accomplished much this work period. That is an understatement. This would be an accomplishment for us. I hope we can do that.

Tomorrow we are going to come in and have morning business. We are moving to proceed to the Coburn matter. That is an effort so we have something on the floor to proceed to. We are not going to do anything on that piece of legislation. We are going to pass a few of the things tonight, I think 4. That will be 5 things we have passed when we are done. There are still 29 to go.

But tomorrow I hope Senators would take this opportunity, when we have a relatively free day, to come in and perhaps give statements about those Senators who are retiring and whatever else you wish to talk about.

Now, when we get things from the House, we will move to those as quickly as we can. The House, it is my understanding, is filing and going to order both tonight, filing and doing the order on the CR. We should get that maybe tomorrow, maybe Thursday. They are then going to do a stimulus. We will see what happens with that, an economic recovery package.

As we speak, we are trying to work something out on this financial crisis facing this country. Democrats and Republicans had some concern about this. I hope we can work to get this done. I am not giving a political speech here, but I am giving a factual speech the best I can.

None of us are happy about the situation we are in. I can direct blame just as well, and sometimes better, than a lot of people as to why we are here. But we are here. We have to figure out some way to move beyond where we are. I would hope the White House is listening. I would hope the Republicans are listening and Democrats are listening because a lot depends on what we do, and we have to do it right. I am not asking anyone to do anything fast; we have to do it right. Maybe we can do both, do it fast and do it right.

So there are meetings going on tomorrow that will hopefully help move us down the road. I got some good news in the last hour or so, that it appears Senator MCCAIN is going to come out for this. It would be a tremendous help if he would do this. As you know, Senator OBAMA has come out for this package, with basically the same thing that—I think he and MCCAIN are pretty well in line with this. Some of the statements coming out of the MCCAIN camp last night were not very good, but they have changed over the day. I certainly hope that is the case.

So we all want to work together. We want to do the best we can to move this forward. This week those are the things we need to do before we leave. I have talked about them on a number of occasions. We have to try to do something on economic stimulus. That is still a jump ball. The continuing resolution is pretty well, from our perspective, going to be filed tonight. We have been fortunate to work with Congressman OBEY. The latest word I got is that the Defense appropriations bill is going to be in the CR. That is extremely important.

We all know what is finally in it. It is not loaded down with a lot of extraneous material. Then we are going to work on the economic recovery package and try to make sure we have a vote on that sometime before we leave.

We got good news today. The Defense authorization conference has been completed. We are going to finish that before we leave. If it takes a number of cloture votes, then we will have to do it. But it is something that has been worked on long and hard. We have been through that.

Mr. WARNER. Will the distinguished leader yield? I hope to have a meeting

in the Vice President's Office with my Republican colleagues to explain the status of that bill. I think the distinguished chairman has set up a similar meeting for his colleagues.

Mr. REID. I think I have covered everything we need to do before we leave. Again, I would say it is not a question of us leaving on a given day or time, but it is a question of being able to complete our work before we go, and we have an opportunity to do that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a couple of words underlying what the leader said in his remarks. These are not only for our membership but also for the other body.

The underlying bill has mental health parity in it. The underlying bill is also 2-year extenders. We are wrapped around the axle too much in this body by having actual extenders every year. This is 2 years.

Third, this is a compromise between both bodies. They want everything paid for, this body does not. It is a compromise in the middle. For those reasons, I very much hope the other body supports this measure we are about to adopt.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), 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 South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas, 93, nays 2, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Brownback | Coleman |
| Alexander | Bunning | Collins |
| Allard | Burr | Corker |
| Barrasso | Byrd | Cornyn |
| Baucus | Cantwell | Craig |
| Bayh | Cardin | Crapo |
| Bennett | Casey | Dodd |
| Bingaman | Chambliss | Dole |
| Bond | Clinton | Domenici |
| Boxer | Coburn | Dorgan |
| Brown | Cochran | Durbin |
| Ensign | Lautenberg | Salazar |
| Enzi | Leahy | Sanders |
| Feingold | Levin | Schumer |
| Feinstein | Lieberman | Sessions |
| Graham | Lincoln | Shelby |
| Grassley | Lugar | Smith |
| Gregg | Martinez | Snowe |
| Hagel | McCaskill | Specter |
| Harkin | McConnell | Stabenow |
| Hatch | Menendez | Stevens |
| Hutchison | Mikulski | Sununu |
| Inhofe | Murkowski | Tester |
| Inouye | Murray | Thune |
| Isakson | Nelson (FL) | Vitter |
| Johnson | Nelson (NE) | Voinovich |
| Kerry | Pryor | Warner |
| Klobuchar | Reed | Webb |
| Kohl | Reid | Whitehouse |
| Kyl | Roberts | Wicker |
| Landrieu | Rockefeller | Wyden |

NAYS—2

Carper
Conrad

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Kennedy | Obama |
| DeMint | McCain | |

The bill (H.R. 6049) as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

## MORNING BUSINESS

The PRESIDING OFFICER. The Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes.

The Senator from Idaho.

## ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that following my remarks, the Senator from Illinois, Mr. DURBIN, be recognized.

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

## TIMBER-DEPENDENT SCHOOL DISTRICTS

Mr. CRAIG. Mr. President, while I think most of us have been focused on H.R. 6049, as amended by the Senate, primarily on the tax extenders and some of the energy tax credits and provisions that we believe are critically important to our economy and to the American business sector that is, by any measure, having difficulty at the moment, something is also in this legislation that is phenomenally important to timber-dependent school districts throughout the United States but dominantly in the Pacific Northwest. That is a provision called the Secure Rural Schools and Community Self-Determination Program.

Now, if I were in Oregon, I would call it the Wyden-Craig bill. If I am in Idaho, I call it the Craig-Wyden bill. It is legislation that both Senator WYDEN and I, a good number of years ago, fashioned when I was chairing the Forestry and Public Lands Subcommittee and he was my ranking member, when we came to the Senate and said we have the rural schools of our timber-dependent communities and counties in crisis.

Through the decade of the 1990s, we saw a dramatic reduction in the allowable cut of timber on our public land forests for a variety of reasons. As a result, a 1908 policy, established by Gifford Pinchot and President Teddy Roosevelt, said if we are going to create these forest preserves, we have to connect the communities of interest with them. By that, I do not mean the Sierra Club. I mean that little community sitting out in the forest that is trying to make a living off our forests and to supply to its county its roads and bridges and to its citizens its schools. We will give them a piece of the stumpage or the fee the Federal Government is paid by a private logging company to cut that tree and turn it into lumber.

Down through the years, we did just that. We financed many of our counties and many of our schools in these dependent communities largely with the stumpage fee from public timber. In some counties, it was 50 or 60 percent of the county budget. In certain counties of Oregon, in the O&C lands of Oregon, it was oftentimes the near whole school budget and oftentimes a very large chunk of the county budget.

Well, when that timber went away, for a lot of different reasons, most of them environmental, so went the money. We saw that as a crisis in our school districts, looked at it, evaluated it, established a formula, came to the Senate, and said: We have to help these school districts that do not have fee land. They do not have private property to tax. They are all public lands.

I say to the Presiding Officer, I have counties in my State that are larger than your entire State, Mr. President, and most of them are 60 or 70 percent public lands. They don't pay taxes, but they produce product. We, a long time ago, nearly 100 years ago, decided that product the Government was selling ought to pay something back to the communities. So we established this legislation, Craig-Wyden. It lived its life. It secured our schools and our communities. It allowed some self-determination. It brought together regional advisory groups, issue groups who were warring amongst each other, and it brought common cause to the public concern on our national forested lands. It was highly successful, but it expired.

In a time of deficits and financial difficulties and finding all of the needed resources we need for our Government, it became very difficult to refinance, to reauthorize this program. I have school districts that were laying off essential educators, canceling programs that would provide for the quality education of the students simply because we could not pass this legislation.

Today, we passed the legislation. Today, we reauthorized, for a period of up to 4 years, this program. It is vastly important to hundreds of school districts across the Nation. When I say the Pacific Northwest—Idaho, Oregon, and Washington—it is Montana, it is California—northern California tremendously—it is Mississippi. I suspect

there are a few school districts in the State of Colorado and other places that are highly dependent upon this particular piece of legislation.

So I am here this evening to thank my colleagues for being sensitive to these public land-bound counties that simply do not have fee land to finance their essential needs—roads, bridges, schools—and they cannot ask the other taxpayers to assume their burden outside the counties within the State.

My State anticipated the difficulty of reauthorizing and created some contingency, but still it would not have funded the full school program. So tonight we have acted and sent a very clear message to these counties, to these schools that we take educating the young people of these school districts as a high priority, that we see the vitality of these communities as extremely important.

So tonight, in section 601, the Secure Rural Schools and Community Self-Determination Program, we have reauthorized Craig-Wyden. I thank my colleagues for allowing that to happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President. I just have a few short remarks.

## IMPROVED ADOPTION INCENTIVES AND RELATIVE GUARDIANSHIP SUPPORT ACT OF 2008

Mr. BROWN. Mr. President, I thank my friend from Montana, Senator BAUCUS, for the terrific work he did when I talked to him on the Senate floor in July and he made a point of speeding up and shepherding through the Improved Adoption Incentives and Relative Guardianship Support Act of 2008. It was his leadership that made such a difference. I am proud to be a cosponsor of that bill, which was introduced by Senator GRASSLEY in May and passed the Finance Committee unanimously earlier this month.

Since its enactment in 1998, the Adoption Incentives Program has helped nearly 450,000 children in all 50 States and the District of Columbia move from foster care to permanent homes. In my State of Ohio, more than 18,000 adoptions have been finalized through this program. It has helped incredible people such as Joe and Becky Puckett of Conover, OH. After raising children of their own, the Pucketts adopted four children with special needs out of the foster care system. Without reauthorization, this important program would have expired on September 30. Thankfully, this bill passed last night by unanimous consent.

I commend the senior Senator from Montana and others for their tireless support and the hard work they have done on behalf of adopted children and families who adopt in our great country. I thank the Senator from Montana.

I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

## PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT

Mr. DURBIN. Mr. President, something happened on the floor of the Senate moments ago which was a long time in the making. We passed a bill, the mental health parity bill, that has been debated in this Chamber for 10 years or more.

The reason I come to the floor today, after its passage, is to note one of the Members of the Senate who was an inspiration for this bill. His name was Paul Wellstone. Six years ago, he died in a plane crash, running for election in the State of Minnesota. He used to sit in the back row over here and at a corner desk. He had an especially long cord for his microphone, and he used to wander all up and down the aisle talking. It was a sight to behold—a short, little fellow, and because of his passion for college wrestling, his back was all beat up and he kind of hobbled around. But he had a heart of gold, and he was one of these people you loved to be serving with because he brought out the best in you.

The last time I ever saw him was here in the well of the Senate on the night of the vote authorizing the war in Iraq. He was one of 23 of us who voted against it.

I knew he was going home to Minnesota to face a tough election, and I said to him: I hope this doesn't cost you the election, Paul.

He said: It is all right if it does. This is what I believe. This is what Minnesota expects of me. And whatever happens, I am all right.

That was the last conversation I had with him. Within days, he died in a plane crash.

When we returned after a memorial service and a lot of heartfelt expressions of sympathy for him and his wife Sheila, who died, as well as members of their staff, there was always a question about, what is a fitting tribute to Paul Wellstone for a great, inspiring legislative career? Those of us who knew him knew the last thing in the world he would ever want is a statue or a bridge named after him or a post office—just not the kind of thing that would mean anything to Paul. But this bill, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, is the tribute Paul Wellstone would have wanted.

I thank Senator PETE DOMENICI, who was his partner in this effort for this mental health parity bill, for agreeing to allow Paul Wellstone's name to be the lead name on this legislation. It will be the Wellstone-Domenici bill for all of us, and both of them deserve praise for all the work they did. But when PETE DOMENICI said: Put his name first, it meant a lot to many of us. This was the fitting tribute we were hoping for for Paul Wellstone.

What does it mean? It means for Paul Wellstone's family and the families of millions of Americans that mental health will now be treated differently in their health insurance plan. For the longest time, we have languished in ignorance over mental health. We have fed our prejudices instead of learning about this illness. We have treated it not as an illness but a curse, and we have basically said that we officially give up on finding cures for mental illness.

That is just plain wrong on every count. Mental illness is an illness. For the vast majority of Americans, it is a curable illness. What those suffering from mental illness need is professional assistance and the right medication, and many of them will lead absolutely normal, happy, productive lives. But the health insurance companies refused to cover mental illness—most of them—so many people with family members who were suffering from mental illness had no place to turn, and many times they could not afford the medications, and many times their lives were compromised as a result.

Paul Wellstone and PETE DOMENICI said a long time ago that is just unfair and America is a better place. Thanks to their hard work and inspiration, thanks to the hard work of TEDDY KENNEDY, who should have been here today voting for it—his name belongs in this pantheon as well when it comes to mental health parity—TOM HARKIN, and MAX BAUCUS, who put this in this package to make sure it passed—I just want to say it is a great day for America, a great day for us to give so many millions of Americans who struggle with mental illness or have a member of their family struggling with mental illness a fighting chance. That is what this gives them: a fighting chance that their health insurance policies will cover this, for the first time in many instances. It is long overdue, and this tribute to Paul Wellstone is long overdue. But 6 years after he left this Chamber, 6 years after he died, we finally gave the right tribute to a great man who served us so well.

Mr. President, today is an important day for the U.S. Senate and the Nation.

With the passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, the Senate not only acknowledges the struggle for civil rights in our country, but also the fight of one man never neglected that struggle.

In 1992, the late Senator Paul Wellstone worked with Senator PETE DOMENICI to introduce the Mental Health Parity Act to correct the unfair burden placed on American families living with mental illness without access to mental health services.

For his entire public service career, our friend Paul fought valiantly for equal rights for all, regardless of their race, religion, socioeconomic status, or health status. He fought for parity as he fought for all civil rights—he fought to end discrimination against people with mental illness and addiction in insurance coverage.

For over a decade, the Wellstone name has been synonymous with the Democratic effort to push mental health parity.

Finally, with the passage of mental health parity legislation, we are assuring millions of Americans that mental illness deserves equal treatment as physical illness.

But we also honor our dear friend and his lifelong commitment to seeing parity enacted.

I only wish that Paul Wellstone could have lived to see this day.

Although Paul himself could not be here, his memory lives on in his two sons, David and Mark.

Paul would be proud of his sons and the great work of Wellstone Action, a national center for training and leadership development for the progressive movement with a mission to honor the legacy of Paul and Sheila Wellstone by continuing their great work.

And Paul would be proud of all of us for moving this important bill forward.

As Paul said, ''Politics isn't about big money or power games; it's about the improvement of people's lives.''

I am pleased to support this bill, in honor of Paul and Sheila, and the millions of people living with mental illness whose lives will hopefully be improved by its enactment.

I ask unanimous consent to have David Wellstone's written comments printed in the RECORD.

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

STATEMENT FOR THE RECORD IN SUPPORT OF THE PASSAGE OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

I am pleased to speak in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. This legislation is critically important to the future of health care, and it is also very close to my heart. During his time in the Senate, my father never stopped fighting for fairness in coverage and treatment of mental illness and substance use disorders. My family and I are grateful for the effort in the Senate and the House to pay tribute to my father's legacy by naming the bill after him and his close colleague, Sen. Pete Domenici.

My brother and I founded Wellstone Action to carry on my father's work, and through this organization, thousands of people are trained each year to run for office and to develop grassroots skills in organizing and leadership. But nothing represents my father's passion and commitment more than his work to pass legislation that would end the discrimination against those with mental illness and substance use disorders. This legislation is a major achievement and will do so much to end that discrimination.

For some time, I have been coming to Washington to speak on behalf of this legislation, but the fight for parity has a long history with many milestones: the 1996 federal law; the 1999 Executive Order that gave federal employees mental health and addiction parity benefits; the many successes at the state level to strengthen their parity laws; the times that Congress came very close to passing the expansion of the federal law; and the endorsement by President Bush in 2002. For my father, these milestones were very personal. His dedication stemmed from his personal observations of the terrible conditions in psychiatric institutions when his brother was hospitalized in the 1950s. These conditions, and the eventual catastrophic financial toll that my grandparents had to bear, inspired my father to do everything he could to make things right for those in similar circumstances.

The legislation that my father and Sen. Domenici passed in 1996 was groundbreaking and important, for it established in law an important first principle of parity: that those with mental illness should not be discriminated against in insurance coverage. But my father knew that it was not enough, and that is why this legislation is so necessary. It is the critically important next step toward ending the persistent discrimination against people who suffer from mental illness and addiction.

In the Senate, the tireless leadership of Senator Edward Kennedy and Senator Pete Domenici on this effort has been extraordinary, especially with their efforts to bring together the coalition of business and advocates to work to get this bill completed. They and the Senate Leadership, especially Senator Harry Reid and Senator Dick Durbin, should be proud of their efforts to make this legislation one that will strongly protect the needs of millions of Americans who have mental illness and substance use disorders. In the Senate, the efforts by Senator Chris Dodd, Senator Tom Harkin, Senator Max Baucus, Senator Barbara Boxer, and Senator Amy Klobuchar also did so much to bring this bill to final passage. And, as I know well, nothing is accomplished without the unflagging commitment of hundreds of dedicated staff and advocates who have worked so hard to right the wrong of discrimination that has existed for so long in our country. I also want to extend my deep gratitude to former First Lady Rosalynn Carter for her many years of leadership on this issue and many other problems related to mental illness. She and my father worked closely together on parity for many years, and he was always grateful for her support and leadership.

We know that mental illness is a real, painful, and sometimes fatal disease. It is also a treatable disease. My father used to say that the gap between what we know and what we do is lethal. Available medications and psychological treatments, alone or in combination, can help most people who suffer from mental illness and addiction. But without adequate treatment, these illnesses can continue or worsen in severity. Suicide is the third leading cause of death of young people in the U.S. Each year, 32,000 Americans take their lives, hundreds of thousands attempt to do so, and in 90 percent of these situations, the cause is untreated mental illness. This legislation will save lives. It will also go a long way toward ending the stigma that is behind the discrimination.

People have asked me why I am so involved in this issue. My first response is, ''Because of my father, of course''. I loved him and I miss him, and I have learned that many others here in Washington and throughout the country miss him too, especially his courage and his compassion. He fought hard for those who had no voice, and he had a strong personal commitment to helping those with mental illness and addiction. After he died, Congressional members honored him and my family by promising to name the parity bill after him, and this meant a great deal to my family. But I also knew the kind of man my father was, and the kind of parity bill he would have wanted finally passed into law, and I wanted to help ensure that the final bill was one worthy of his name. The safeguards for patients that have been included in this final bill, such as protections of stronger state laws, out of network benefits, oversight of diagnosis coverage, and transparency of medical necessity, are essential to a strong law. This Congress can be remembered as the one that had the courage and leadership to pass a strong parity bill, one where everyone's voices had a chance to be heard.

I, along with millions of Americans, look forward to the day when people with mental illness and substance use disorder receive decent, humane, and timely care. The passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 brings us closer to this day.

## THE ECONOMY

Mr. DURBIN. Mr. President, this is a hard week around here because we are being asked to consider something that is historic. This question of bailing out financial institutions because of a struggling economy has called into question a lot of very basics about the way we govern this Nation.

I think most people understand the economy is in trouble. For working families, they have known it a long time. They have been falling behind for 8 years. Their incomes do not keep up with the cost of living. The expenses they face grow dramatically, whether we are talking about mortgage payments, utility bills, groceries or gasoline or health care costs. They know the economy is weak. No matter how hard they work, they cannot keep up with it. They are the ones who have been wondering when Congress was going to understand this and do something about it.

It took a tragedy in another sector of the economy for Congress to act, and that tragedy is in the credit institutions. You see, what happened to the credit institutions in America was totally avoidable. What happened was we created a parallel credit operation, parallel to the banks and other regulated institutions—investment banks and other Wall Street entities—which had basically no rules. They played by their own rules. They were not regulated. There was no Government oversight, very little transparency. They loaned money in ways and with terms that were not publicly disclosed on a regular basis.

The attitude for the longest time around Washington was: Keep your hands off of them. These are the dynamos of capitalism. Give them a chance.

They will just create wealth and opportunity in every direction. Well, that sounds too good to be true, and it turned out it was. They started making loans that were careless, negligent, and wrong.

They started loaning money, for example, on mortgages to people under terms that were unreasonable, to people who could not afford them in some instances, and started collapsing. They just counted on the fact that the default rate would be low when it came to mortgages, even if the mortgage was full of tricks and traps. They counted on the fact that real estate would always appreciate in value. Eventually, the house of cards tumbled and they ended up holding the mortgage securities and other mortgages that were worthless. Nobody wants to buy them. They are called illiquid assets.

As the portfolios of these investment banks got loaded up with worthless securities and paper, they started struggling to survive. Some of them didn't. Bear Stearns was about to go out of business, and the Federal Government stepped in. This administration said: We will keep you going. Lehman Brothers was about to go out of business, and they said: We won't step in. But for the portion rescued by Barclays, thousands of jobs were lost.

I think the net result of this is very clear. First, what we are facing today was avoidable. If we had not bought into the economic philosophy of those who argued that regulation is inherently evil, we could have avoided some of these mistakes and tragedies. But we didn't. Voices in the Senate, like former Senator Phil Gramm of Texas, argued with vigor: Get out of the way. Capitalism will work just fine. All the Government can do is mess it up.

Well, we saw what happened. In the last several weeks, some of the giants of Wall Street and some of the major institutions in Washington have either been compromised or perished. In some instances, the Federal Government stepped in. In stepping in, it has created new obligations for our Government and our taxpayers.

I think this chart I put together is fairly close to what we are facing. The current national debt of the United States of America is $9.73 trillion. That represents the accumulated debt of every administration in the history of the United States, from George Washington through George W. Bush. That is $9.73 trillion.

Look what happened in the last several weeks: First, we had the Treasury Secretary step in and say that we are going to keep Bear Stearns afloat. So they did that by allocating some $30 billion. Then they came in and said: We are going to stand behind—guarantee—the mortgages being held by Fannie Mae and Freddie Mac to the tune of $5.3 trillion.

Admittedly, there are security and collateral behind these, but we are on the hook now for $5.3 trillion.

AIG, the biggest insurance company in America, was about to go out of business. It would have been catastrophic. We stepped in and, for $80 billion, said we would stand behind them and purchase a share of AIG and expect to be paid back. I hope we are.

Money market insurance, money market mutual funds are those cash options for people who don't want to invest in securities and, at some point last week they could not pay a dollar on a dollar given to them. So we stepped in to provide insurance for them, an exposure of $3.35 trillion. Then comes President Bush's bailout plan that Secretary Paulson brought to us, to the tune of $700 billion.

So in the last several weeks, we now have a new exposure to taxpayers of this country, a liability of $9.46 trillion. The accumulated debt of America, from its beginning to today is $9.73 trillion, and the new exposure is $9.46 trillion. This is a dramatic and, in many ways, troubling scenario that has unfolded.

Lack of regulation, lack of accountability, lack of transparency led to terrible decisions based on greed and on the fact that no one was looking. Many people got rich in the process. Some of them went away with millions of dollars in income as executives, and others from the investments that did pay off, and some with golden parachutes did quite well.

Most of the American taxpayers didn't realize any gains from that, but now they are on the hook for this proposal of $700 billion. What does that come out to for every man, woman, and child? It is $2,300 in new liability that every man, woman, and child in America will have as a result of the Bush bailout proposal.

Many of us have serious problems with the President's bailout proposal. I don't question that we need to do something and do it in an expeditious way. But we should do as much as we need to do and not more. We should make certain we are not subsidizing the compensation of executives of these failed companies. These men and women who ran these companies into the ground, who bought these rotten portfolios we are now rescuing, don't deserve a gold watch or a million dollars as they leave the office. Certainly, the taxpayers should not have to pay it. That is No. 1.

Executive compensation ought to be off the table. If they want to play with taxpayer money, let them be restrained and restricted in terms of their income to the highest salary paid in the Federal Government, which is a generous $400,000. That is enough, nothing more—not a million-dollar going-away gift for incompetent and failed corporate executives.

Secondly, we have to make sure whatever we do is not torn apart by conflicts of interest. Whatever allocation of money is given to the Treasury Department is going to be spent on companies, and we have to make certain it doesn't go to buddies and friends but to the companies that can make a difference in the economy.

When the Treasury Secretary gave us this three-page bill asking for $700 billion, he specifically said none of the decisions or actions taken under that bill would be subject to review by any court in America, any administrative agency, and the rules he would draw up for the conduct of this activity would not be subject to the ordinary course of business and laws of America. I am sorry. I will never vote for that. I cannot.

How can the Secretary of the Treasury be above the law? Why wouldn't he be held accountable for conflicts of interest?

I believe Henry Paulson is an honorable man. I don't think he is out to do anything wrong. But what of those who work for him? There can be a lot of people spending taxpayer dollars. I want them to know they are held to the same standards of ethical and legal conduct as anybody doing business or anybody involved in our Government. So that is something I insist on.

The third point I want to make is this: If we are going to come to the rescue of some of these companies and buy their illiquid assets that nobody wants to buy—if the taxpayers are going to put that money on the line, I want them protected. If those companies survive and succeed, the American taxpayers should reap at least some of the profits. That is not unreasonable. Why should we be left holding the bag for $700 million for their mistakes, and when they get well, they will basically stand around and complain about Government getting in their way again. I would insist on that as well.

The other element is one that I authored and is included in both the House and Senate versions of the Democratic alternatives to the Bush bailout. This really goes to the heart of it. This economic mess started because of subprime mortgages—mortgages that were basically predatory lending, where people were being taken advantage of. We see what has happened. People were drawn into mortgages they could not pay, and they are about to lose their homes. Foreclosures are at the highest level since the Great Depression.

If we are going to get this economy moving forward again—and we should do it quickly—we have to go to the heart of the problem. The rot at the bottom of the pyramid is foreclosures. As long as mortgages are being foreclosed in record numbers, people will not only lose their homes, but every one of us suffers. I recently had an appraisal on my home in Springfield, and the value is down 20 percent. We made our payments. We didn't do anything wrong. That is the real estate market in Springfield, IL. That is what is affecting homes across America. Until we staunch the bleeding of this mortgage foreclosure crisis, I am afraid we are not going to get well.

One of the provisions in this bill relates to bankruptcy. It says if someone owns a home and goes into bankruptcy

facing foreclosure, the Bankruptcy Court has the right to rewrite the terms of the mortgage so if it is possible, that person can stay in their home.

This is not a radical idea. It applies now to all second homes, vacation homes, farms, and ranches—just not your primary residence, for no good reason. It should apply. If we put this provision in the law, trust me, those institutions that are issuing the mortgages are going to be much more open to renegotiating the terms and making them more reasonable. Unless we put it in, they will continue to say let that homeowner lose their home. That is an outcome that doesn't help anyone.

I hope we can see a balanced package come through when this is all over. I hope we can see some equity and fairness for the taxpayers in this country. Lord knows, they have paid enough. To ask them to pay another $2,300 deeper into our national debt is unreasonable if we don't have safeguards to stop excessive executive compensation, to give the taxpayers the upside of these businesses, if they do get well; to make sure that we police against conflicts of interest and wasting of taxpayer dollars and, finally, make sure we do something about the homeowners who are at the root cause of the economic downturn we are now facing.

We need to do it and do it quickly. I know banks will hate this provision on bankruptcy. They have made up so many stories about what this will do to them. They talk about interest rates going up on mortgages across the board. But there was an analysis done by Adam Levitin, a Georgetown law professor. He said:

> Taken as a whole, our analysis of the current and historical data suggests that permitting bankruptcy modification of mortgages would have no or little impact on mortgage markets.

I agree. It is just a smokescreen. The same banks that want to be bailed out don't want to be held accountable. They created this mess, and they want to continue to profit from it. They want the taxpayers to subsidize it, and they don't want to step up to the table and work with families and homeowners to keep them in their homes.

That is not the way we do business in America. I hope we have learned a bitter lesson. Those who were champions of deregulation—JOHN MCCAIN used to talk about that being his mantra. He was opposed to regulation. He was all for Senator Phil Gramm's attitude toward keeping your hands off the economy. Look where it brought us today: the mess that we face.

In just a matter of a couple weeks we will see an exposure of liability to our Federal Government almost equal to the combined national debt accumulated in the United States since its inception. That is poor management. It reflects poor thinking. It reflects an economic philosophy that needs to be tossed onto the dustbin of history.

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. HATCH. 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 ECONOMY

Mr. HATCH. Mr. President, I rise today concerned about the current crisis in our financial markets and the state of our economy. I am also concerned about the course that is being laid out by both the administration and the congressional leadership.

Specifically, I fear that the magnitude of what we are undertaking is being swallowed by the concerns of an election campaign and, quite frankly, I don't believe that is any way to govern. Of course, the sense of urgency being expressed by my colleagues is warranted given the circumstances.

In the last year, price increases, particularly in food and energy, have exceeded our income growth. The unemployment rates have edged up. Already we have lost some 700,000 jobs. Obviously, the fallout was particularly severe in the housing sector. But it should be noted that some of the slowdown is due to the aging of the economic expansion and the completion of the capital investment spurred by the 2001 and 2003 tax cuts. Clearly, these need to be renewed and expanded to encourage growth in the economy at large.

However, we are dealing with more than a sputtering in our economy. Losses on mortgage-backed securities, coupled with the loss of confidence in the financial sector, threaten to turn a predictable economic slowdown into something far worse. Indeed, we are in the grips of a financial panic of monumental proportions.

The sharp decline in confidence has led to runs on many institutions, most apparently among our investment banks that operated largely on borrowed money at high rates of leverage. Most of these institutions have either sought merger partners or are being sold to stronger firms. Others are reconstituting themselves as commercial banks in order to obtain additional Federal deposit protection and regulation.

Many investment banks were too shaky to survive, unable to absorb losses on housing-related securities that exceeded their capital and having insufficient time to obtain an infusion of capital from new investors.

Most financial institutions here and around the world have suffered manageable losses. Except for the uncertainty which has made our banks reluctant to deal with one another or to issue new loans, they are otherwise in good condition.

Banks and other financial institutions around the world have considerable assets but cannot access them. Normally, an institution in need of cash would sell some of its assets to others. But at the current time, entire classes of assets cannot be valued properly and, as a result, there is no functioning market for them. These institutions cannot wait for the market values to be sorted out because they owe money now that is due for repayment.

We have to buy the banks enough time to properly sort out their assets. When the sorting is complete, they will likely find that their assets still have considerable value, perhaps between 70 cents and 90 cents on the dollar. Delinquency rates on mortgages are significantly up from a year ago, from about 2.4 percent to a bit over 8 percent as of the end of June. However, the homes and the land are still in existence and have retained much of their intrinsic real value. Most of the borrowers are paying their mortgages, and most of the mortgage-backed bonds are still paying interest. Unfortunately, if the bonds have to be resold today in this unstable, panicky market, they will yield far less than their real value. If the bonds can be held until the crisis is sorted out, the losses will be greatly decreased. Certainly, the losses will be substantial and inconvenient for many institutions and for a number of individual investors, but they will be manageable.

These are not insurmountable problems. We have dealt with financial crises before. We overcame the devastating stagflation of the 1970s, halting inflation and renewing economic growth through a mix of new monetary tax-and-spend policies enacted in 1981. We solved the savings and loan crisis of the mid-1980s, even as income and unemployment rose rapidly, without resorting to renewed inflation.

In short, our greatest fear should not be the crisis itself but the possibility of an inappropriate response to the crisis.

In order to determine the best course going forward, we need to examine what got us here. While it would be easy, especially during the campaign season, to lay the blame at the feet of certain individuals, the actual problems we face are simply too complex to be pinned on a single actor or party.

Right now, we are seeing the consequences of a long series of policy errors, both in the private and public sectors, which combined to create a perfect storm of financial instability. Many of our problems stem from our monetary policy at the Federal Reserve. From 1988 to 1999, the Fed pursued a relatively stable monetary policy. However, in anticipation of serious problems with the financial sector's computer systems as the year 2000 approached, the Fed flooded the system with money in 1999. This contributed to the ''dot com'' bubble, and subsequent efforts to take out the excess cash contributed to the recession of 2001.

In order to spur the economy, the Federal Reserve held short-term interest rates too low for too long, well

below the expected rate of inflation. The money that subsequently poured into housing and commodities created excessive demand, contributing to the housing and commodity price bubbles, both of which burst due to the most recent efforts of the Fed to return to a less-inflationary stance.

The easy credit made available from these policies was quickly steered into the housing sector, facilitated by increased availability of adjustable rate mortgages, rising demand for mortgage-backed securities, and the globalization of financial markets.

The proverbial plot thickened as loan origination companies and many banks continually borrowed at the prevailing low rates and resold the mortgages to Fannie Mae and Freddie Mac or other firms generating mortgage-backed securities, all of which planned to sell the mortgages rather than keep them on their books. So they had little reason to be concerned with the quality of loans or the borrowers' ability to repay.

As a result, lending standards fell. Subprime loans were given to many debtors who could not, under normal conditions, qualify for or afford the debt they were taking on. These people were offered adjustable rate mortgages with low teaser rates, borrowing on the assumption that they could always refinance at the same low rates later on. In effect, low-income buyers became speculators in the midst of a bubble. Borrowers and lenders assumed that real estate prices would rise indefinitely. Therefore, many assumed that, even if they could not refinance, they would be able to sell their houses later on at a profit.

The infusion of money into the housing market increased demand and drove up housing prices, leading to overconstruction. Eventually, the prices had to come down to Earth, leading to the losses and defaults that we are facing today.

Make no mistake, we are facing difficult times. But I must urge my colleagues to maintain some perspective about the overall state of our economy. True enough, these were unprecedented challenges, but given what is at stake, the American people need an accurate portrayal of the obstacles we face. Once again, our current problems are difficult but not fatal, and contrary to the claims of some of my colleagues, this is not 1929 and America has not become a country of Tom Joads.

While, once again, the financial failures have placed us in an extremely tenuous position, the overall economy has not collapsed. As a result of the reduction in tax rates beginning in 2001 and 2003, we saw more than 4 years of strong economic growth. After a single quarter of negative growth at the end of 2007, our economy has continued to grow this year, though at a slower rate. Productivity has been on the rise and inflation has been on the decline. Of course, these facts are not likely to comfort those in our country who are struggling through the uncertainties, but they should give us cause to believe we can weather this storm.

Yet what we hear from some Democrats regarding these matters are more partisan attacks and fingerpointing. The country is in shambles, and President Bush and JOHN MCCAIN, they say, are entirely to blame. Of course, these attacks are simply ridiculous, just as it would be ridiculous for me to stand here and lay the blame entirely on Democratic congressional leaders. The stakes are simply too high on this issue for our response to be muddled by campaign rhetoric or election-related agendas. I sincerely hope we can move past any partisan wrangling and address these matters in a sensible, bipartisan fashion.

This week we are working on, and are likely to pass, an economic relief package that, if it resembles what has been advertised, will put the American taxpayers on the hook for about $700 billion—$700 billion—and the American taxpayers will become the proud owners of a mountain of questionable mortgages. The fact that this gargantuan number can be discussed in these Chambers without causing all of us to shudder says a lot about how detached from reality many of us have become.

The Secretary of the Treasury, Henry Paulson, whom I greatly respect and admire, announced a proposed bailout last Friday. According to the current agenda discussed among congressional leaders, they hope to be able to finalize the package and have it on the President's desk by the end of the week.

To sum up, we are preparing to authorize $700 billion in new spending and to fundamentally alter the balance between the Government and the private sector, and we will not take longer than a week to debate and discuss the legislation.

I know many of my colleagues are anxious to get back on the campaign trail so they can blame President Bush, Senator MCCAIN, or anyone with an ''R'' next to their name for the financial crisis. But I think the American people expect more out of us. Indeed, if we are going to spend $700 billion of their money, we had better be certain it is the right thing to do.

The proposal clearly has the potential to work. Under the plan, the Secretary will be given authority to spend up to $700 billion to acquire large quantities of questionable mortgage-related debt that have caused the financial markets to freeze. Fortunately, from what we have been told, that $700 billion figure is only the gross cost of the program. The assets acquired by the Treasury will eventually be sold. If—and this is a big if—all goes according to plan and the assets are purchased at appropriate discounts, there is a chance the Treasury will recoup the taxpayers' investment or even turn a profit.

As we heard from Secretary Paulson and Chairman Bernanke on Tuesday, this outcome cannot be guaranteed and, at this point, much uncertainty remains. However, as we all know, the cost of doing nothing could be much greater. By failing to act, we may inflict even greater hardship on the working people, small business owners, and retirees throughout the country.

In addition to the inherent risks in the program, a number of other factors must be considered. First of all, we need to remember that Secretary Paulson will not be running the Treasury for much longer. That is a possibility. In fact, it is a probability. Given the sheer size of this proposal, passage of this bill, coupled with the start of a new administration in January, the choice regarding the next Treasury Secretary will suddenly become one of the most important political appointments in a generation. We would be passing on to an unknown administration unprecedented powers over the financial markets and the private sector. While I have great confidence in the leadership and abilities of Secretary Paulson, such uncertainty gives me pauses.

Second, there is a conspicuous lack of transparency, oversight or accountability in the Secretary's proposal. Instead, it contains explicit provisions exempting his decisions from any kind of review. No consultation is required for any purchase, nor is there a requirement that either his decision-making process or his decisions themselves be made public. The shudder I feel over the $700 billion price tag grows exponentially if there is going to be no accountability.

If Congress is to approve a bailout of this magnitude, we must take proper precautions to ensure we do not compound the inherent uncertainty of the plan with more uncertainty in the legislation. We need to include some sort of guidelines or oversight in order to ensure that this administration and the next one do not abuse or misuse such a huge grant of trust.

Finally, we need to consider any response to the current crisis in the context of our long-term economic needs. While the proposed bailout may hold off an impending economic meltdown, any action we take now will be meaningless if it is not followed up with decisive action on our part.

Foremost, we need to change the way the financial sector works. The Federal Reserve needs to rethink its definition of good monetary policy and determine whether its existing policy tools—such as reserve requirements, oversight capabilities, and reporting rules—are adequate. In addition, Congress must reconsider what it has charged the Federal Reserve to do. The Fed has been charged with two goals: No. 1, providing a sound currency with stable purchasing power; and, No. 2, maintaining steady economic growth with low unemployment. At this point, it is obvious that an aggressive, excessively easy monetary policy in pursuit of short-term growth is self-destructive in

the long run. It leads only to inflation and speculative excesses in the credit markets that might harm the economy, and probably will. Only by focusing on a stable currency can the Federal Reserve achieve both its objectives.

We also need to completely rethink Fannie Mae and Freddie Mac. As we have heard countless times over the last few weeks, in creating these two government-sponsored enterprises, we have made sure the benefits of their investments are private while all the risks are public. Put simply: This is bad policy with considerable moral hazard.

Fannie Mae and Freddie Mac together represent an immense government-created and government-coddled duopoly. In the years since their creation, they have focused mainly on their own expansion, recklessly urged on by many in Congress who believed this was the way to make home ownership more affordable for low-income families. However, as a recent Fed study has demonstrated, most of the benefit of the previously implicit—now explicit—Federal guarantee of their debt has gone to their shareholders as higher earnings, not to reducing costs for new homeowners. In their efforts to expand, Fannie and Freddie took too many unwarranted risks. They needed an ever-expanding supply of new mortgages to package and resell and to hold for income. Others fed this expansion effort with unsound lending.

The recent Federal bailout of these institutions requires an immediate step: an end to their lobbying to Congress. It is a little late in coming, but as of right now, it is essential. We need to stop insisting that Fannie and Freddie have an ever-expanding role in the housing market. We should also consider breaking each of them into separate pieces to promote more competition and to ensure that no one part of them will ever again be too big to be allowed to fail.

The regulatory and rating agencies also need to be reviewed. We need to ask whether they have enough resources for adequate supervision and whether they have failed to recognize the evolutionary changes in the credit markets and the new business arrangements that reduced transparency in financing. These and other questions will have to be explored as we move forward.

Congress must also recognize its responsibility to help the economy grow. I, for one, would like to see some willingness among the Democratic leaders to enact policies that are actually intended to spur long-term economic growth in our country. It is simply appalling that the United States has the second highest corporate tax rate in the industrialized world. Yet it is almost sacrilegious among Democrats to consider reducing those rates in order to spur growth among our Nation's businesses and employers. Capital gains in this country are taxed at a higher rate than they are in many countries throughout the world, and all we hear from Democrats are proposals to increase taxes on capital gains and dividends, which, as history has shown, creates disincentives for investment. During these months of slow economic growth, it has been our exports that have kept our economy afloat. One would think this should incentivize Congress to promote free trade with our allies throughout the world. Yet we have consistently seen efforts to open our exports to foreign markets stalled by the Democrats in Congress.

Finally, we spend $700 billion a year to purchase oil from outside the United States. But if you looked at any of the so-called energy bills we have considered in Congress, they do not contain any provisions that will actually increase oil production at home, except the bill we Republicans offered here a month or so ago.

We clearly need to reform our financial markets and refine the powers of the Federal Reserve in order to ensure crises such as this don't happen again. And though I hesitate to support the idea, it is not unreasonable to conclude that the proposed bailout can provide immediate relief and prevent any more catastrophic losses in the near future and give the financial market time to sort out the mess. But if we don't adopt policies that are pro-growth, pro-business, and pro-job creation, we won't be able to ensure long-term economic security for our country, no matter how many bad mortgages we purchase with the taxpayers' money.

These are indeed difficult times for our financial markets and the housing sector of our economy. I agree with my colleagues that we need to act fast. I only hope that, as we work toward a solution, we do so according to a timetable that is appropriate to the problems we face and not one based on election year expediency. I also hope that we can consider the long-term implications of our actions and consider the future as well as the present.

## INTELLIGENCE OVERSIGHT

Mr. INOUYE. Mr. President, on September 11, the senior Senator from Missouri, Mr. BOND, came to the floor to introduce a resolution which suggests that the Appropriations Committee should establish an Intelligence Subcommittee. While I don't agree that this would be beneficial to either the Senate or the Nation, the Senator, of course, has a right to his opinion.

I would inform my colleagues that the leaders of the Appropriations Committees, Senators BYRD and COCHRAN, who are responsible for the division of labor on the committee addressed this matter in a letter they sent to Senators REID and MCCONNELL earlier this year.

Rather than debating this matter I would just point out that the chairman and ranking member make a very compelling case in opposition to this proposal articulating the significant damage to intelligence oversight that could result from the proposal offered by Senator BOND. I would like to highlight one observation from their letter. They point out that the proposal that the Senator makes would have the effect of further limiting the number of members who have access to the details of intelligence programs. It would put all decisionmaking into fewer hands. They suggest that for intelligence programs in which the general public, the watchdog groups, and the press must be denied access to the information, the absolutely worst thing the Congress could do would be to further constrain oversight and eliminate the benefits that come from having more individuals share responsibility in the decisionmaking process. I share their view that the proposal made by the Senator from Missouri would not improve congressional oversight of intelligence.

My colleague from Missouri spoke eloquently and passionately about the tragedy of 9/11 and the impact it had on him and this institution. On a personal note, I would like to thank him for the kind words he expressed about me and my role as chairman of the Defense Subcommittee. Senator BOND and I have served together on the Appropriations Committee since he joined us in 1991. He has served the committee in a number of key areas including on our Defense Subcommittee, but most notably as chairman of the former VA-HUD Subcommittee and currently as the ranking member of the Transportation-HUD Subcommittee. On the Appropriations Committee we have come to count on him for his expertise and sound judgment in these areas. As such, I must say I was surprised by some of the characterizations he made regarding action on classified programs.

Senator BOND noted that billions of dollars has been spent on technology programs which, as he described, ''never get off the ground.'' I concur with this description and share his concern. He rightly blamed executive branch officials for many failures. But in so doing he failed to note that the Congress, including the Intelligence Committee, reviewed these programs for several years and authorized funding for them.

He discussed a program that he referred to as a ''silver bullet.'' If I am right in assuming which program that is, I would point out that the Intelligence Committees, Appropriations Committees, and the intelligence community all originally supported the program. While the Senate Intelligence Committee soured on the program a few years ago, it remained supported by the House oversight committees, the Senate Appropriations Committee, the Director of National Intelligence, the Secretary of Defense, the Under Secretary of Defense for Intelligence, and the Chairman of the Strategic Command. But, yes, it was expensive. When a new DNI, new Secretary, and

new Under Secretary assumed their posts, they determined that it simply wasn't affordable.

The Senator from Missouri postulates that it didn't work. Since it was not completed, we will never really know, but no one involved in the program in DoD and the intelligence community ever contended it wouldn't work. It was cancelled because the executive branch determined it wasn't worth the continued investment. By cancelling the program as urged by the Intelligence Committee, the Government did, to use the Senator's word, ''waste'' billions of dollars. But this is not the only example of problems in this community.

One notable program that was finally killed by the administration in the past few years on which significantly more funding had been spent was strongly supported by the Intelligence Committee from the program's inception. The committee had even suggested that this program could partially serve as an alternative to the program referred to above. It had been behind schedule and overbudget for years, but it continued to be supported by the executive branch and the Congress with the hope that it could be saved. Eventually, the administration realized that technically it could not be made to work, and it was cancelled.

For the Senator to claim that it is the appropriations process which is so disconnected from the workings of the Intelligence Committee that billions of dollars come to naught puts the blame squarely on our committee for the failures which have occurred. This is not only unfair, but it is completely inaccurate.

Mr. President, while the Senator and I may disagree on the relative merits of programs, and while I am not particularly proud of the Government's record in recent years, the responsibility for wasting of billions of dollars is shared by all of us, the executive branch, the Appropriations Committees, and the Intelligence Committees.

The Senator attempted to link these past failures to a particular program which he advocates which was not funded by the Appropriations Committee this year. I would point out that the administration did not request funding for the program and that the Director of National Intelligence opposes funding the program. The funding sought by Senator BOND was not authorized by the House oversight committee. It was not recommended by the Intelligence oversight panel of the House Appropriations Committee.

Moreover, I would disagree with his characterization of the action by the Defense Subcommittee on this subject. We recognize that several members of the Intelligence Committee feel this would be a worthwhile program. Senators STEVENS, COCHRAN, and I considered the actions by the Intelligence Committee on this and many other programs very carefully. To address the concerns of the Intelligence Committee, we reallocated a substantial sum of money from other programs and provided an amount with which the intelligence community could fully fund the program that Senator BOND advocates. However, we didn't mandate that outcome. There is disagreement within the community about the proper approach which should be taken. In recognition that a new administration will be taking office, we requested that the program supported by Senator BOND be analyzed along with those of other contractors and the best option or options be selected next year.

We felt we met the Senator halfway. We recommended sufficient funding which could be used for this program even though it was funded by neither the other intelligence oversight committees nor the intelligence community.

We are familiar with the program in question. We believe it may have merit. We have confidence in individuals associated with the program, but we also are aware of those with great technical expertise who argue that the program will not work for technical reasons which I cannot discuss in unclassified session. We believed locking the intelligence community into another multibillion-dollar sole source contract when there are legitimate questions about its potential is probably a mistake. To imply that this program has broad-based support and that it is the Appropriations Committee which is out of step is categorically inaccurate.

It is somewhat ironic that the Senator from Missouri is urging support for responding to the recommendations of the 9/11 Commission while at the same time he is telling the Senate to ignore the judgment of the Director of National Intelligence who was established and empowered to make such decisions as the principal recommendation of the 9/11 Commission.

Finally, I would note that the Senator claimed that the root problem is that the Appropriations Committee simply does not have enough staff to pay adequate attention to intelligence.

The Defense Subcommittee has a small staff and the Intelligence Committee staff is fairly large. But I would point out that the Intelligence Committee has one professional staff member on the majority staff who reviews the budget for the National Reconnaissance Office; so do we. The Intelligence Committee has one professional staff member on the majority staff who reviews the budget for the National Security Agency; so do we. Moreover, the staff which the Defense Subcommittee devotes to overseeing the intelligence budget has far greater experience in reviewing budgets than does the staff of the Intelligence Committee for such programs. I would also point out that several other subcommittees on the Appropriations Committee have jurisdiction over portions of the intelligence budget. To single out the Defense Subcommittee misses one of the key points of the appropriations process: that many individuals have oversight over these matters.

I don't want to stir up passions on this issue any more than I may already have. I have the greatest respect for the workings of the Intelligence Committee. Many of my younger colleagues may not be aware that I served as the first chairman of the Intelligence Committee. I am proud of my service on that committee. I believe the work that Senators ROCKEFELLER and BOND do is extremely important to the Senate. I believe they have a very competent staff. Since I resumed the chairmanship of the Defense Subcommittee last year, I have directed my staff to work closely with the staff of the Intelligence Committee to ensure that we have the benefit of their expertise and to minimize any disagreements between our two panels, and they have done so. Our staffs attend many briefings together. Members of our staffs have traveled together to review programs. I believe we have established a good relationship that strengthens Senate oversight.

For example, there are literally thousands of line items in the intelligence budget. Our staffs spend countless hours discussing items which one committee or the other believes should be adjusted. We carefully review the classified annex of the Intelligence Committee and provide recommendations to the Appropriations Committee which are very close to those of the Intelligence Committee. This year we had two issues out of hundreds of items under review on which we disagreed. On one we were able to reach an agreement easily. The other has been described in vague terms above.

Last year, Chairmen BYRD and ROCKEFELLER, Ranking Members COCHRAN and STEVENS, and I signed a significant memorandum of agreement between our two committees pledging greater cooperation. Senator BOND chose not to be party to that agreement. Since that time the signers and their staffs have tried to live up to the letter and the spirit of that pact. I believe we have been generally successful and the Senate is better served that two separate panels are continuing to review the intelligence budget but working together and generally resolving our differences amicably.

It is rare for me to openly disagree with another Member. I want to assure all my colleagues that I do not mean anything personally by my statements today. However, the assertions and implications that were levied against the Appropriations Committee earlier this month were simply untrue. At times all of us can become passionate on matters which we care about. Perhaps that explains why such inaccuracies were offered as facts. Regardless of the reason, I felt it was my duty to come to the floor today and correct the record.

## HONORING OUR ARMED FORCES

### MASTER SERGEANT KENNETH NATHANIEL MACK

Mr. CORNYN. Mr. President, I wish today to honor the life and service of a dedicated marine, MSG Kenneth Nathaniel Mack. On May 5th, 2007, Master Sergeant Mack gave his life in service to his country fighting in Iraq. In his 23 years of service to the U.S. Marine Corps, Master Sergeant Mack proved himself a dedicated marine and a trusted colleague to all who served by his side.

Born in Goldsboro, NC, on December 18, 1964, Kenneth's family soon moved to Texas, where he graduated from Southwest High School in 1982 and attended Tarrant County Junior College in Fort Worth.

While still in college, Master Sergeant Mack joined the Marine Corps Reserves, following his love of country, as well as his interest in automotive repair work. While many of his fellow students considered weekends simply a time to relax, Kenneth chose to spend many of those weekends at military drill in Abilene. In 1991, Kenneth was called upon to serve his country in combat during Operation Desert Storm. It would not be the last time he served on a far-away field of battle.

Following the conclusion of the first gulf war, Kenneth returned home, married his wife Peggie, and started his family. Like so many members of our Nation's Reserve forces, Kenneth worked hard to balance his military service and civilian job with his family life. He succeeded, as evidenced by the lasting legacy of love and compassion that he left behind with his family. He cherished his time with them and was known for always bringing the family together.

In 2004, Kenneth was once again called to serve overseas and deployed in support of Operation Iraqi Freedom. After helping to liberate the Iraqi people from an oppressive government regime, Master Sergeant Mack returned home. In March of 2007, he answered his country's call for the third time, returning to serve in Iraq. Sadly, just a few short months later, Master Sergeant Mack was killed by an improvised explosive device while conducting combat operations there.

In honor of his service and his selfless sacrifice, Congress passed legislation earlier this year naming the Wedgwood Station Post Office the ''Master Sergeant Kenneth N. Mack Post Office Building.'' Master Sergeant Mack will be remembered across Texas for his generosity and loving attitude towards children, which extended well beyond his own family. He will also be remembered for his enthusiasm for hobbies such as scuba diving, skydiving, and motorcycle riding; and his love for the U.S. Marine Corps.

MSG Kenneth Mack is survived by his wife, Peggie; his children, Candace, Courtney, Shyquadra, and Nathaniel; his mother, Mahalia S. Mack; and his brothers, Timothy and Robert. It is my honor today to share Kenneth's story, and pay tribute to his remarkable service and sacrifice for this country, which shall be forever indebted to him.

## FEDERAL STUDENT LOANS

Mr. HARKIN. Mr. President, just last week Congress passed a 1-year extension of the Department of Education initiative to buy back student loans from lenders who have difficulties accessing capital in the tight financial market. I was pleased to support the extension of this program which has injected more than $1 billion in capital to lenders and has had a hand in ensuring students have access to federally guaranteed student loans in the 2008–2009 school year.

However, the continued need for the Federal Government to prop up student lenders, many of which already operate at a profit, concerns me. Companies making loans through the federally guaranteed program already receive generous subsidies and a guarantee of 95 percent of the value of the loan. While extending the buyback program for another year will provide stability in the student lending market for the 2009–2010 school year, it raises the question of how much Federal funding is too much when there is a cheaper alternative that offers the same Federal loans to students.

That alternative is the direct loan program which issues the same federally guaranteed student loans without reliance on banks and lenders. In addition to cutting out the middleman, the direct loan program is far cheaper for the government to administer. According to the President's most recent budget, the cost to the taxpayer per loan through the direct loan program is $.77 compared to $5.25 through the FFEL program.

Iowa State University, the University of Iowa, University of Northern Iowa, Kirkwood Community College, Des Moines Area Community College, and many other Iowa colleges, all issue loans through the direct loan program. I continue to hear from students and financial aid administrators at those schools that the program serves them well. An added benefit of the direct loan program is that in these troubled economic times students at direct loan schools receive their student loans without the worry of whether their lender will be there for them next year. Any college worried about loan availability for their students should immediately sign up for the direct loan program.

But the problem is deeper than any one school or lender. As our economy continues to falter and the cost of college rises, we owe it to our young people and their parents to provide student aid that is reliable, efficient and comprehensive. The Federal student loan program is one of the best investments our country can make. It should be a priority to provide those loans in the most fiscally responsible way possible.

## CHINA'S DOUBLE TEN NATIONAL DAY

Mr. CRAIG. Mr. President, I rise today to congratulate Taiwan President Ma Ying-jeou and Ambassador Jason Yuan on celebrating China's Double Ten National Day.

The people of Taiwan should be proud of their freedom, their political system, and Taiwan's strong economy. With good schools, excellent health facilities, and a sophisticated transit system, Taiwan is a model of development for the region. National Day affords us the opportunity to reflect on those successes.

In addition, I want to recognize Taiwan's ongoing efforts to strengthen its ties with China and its continual commitment to constructive relationships with democratic nations throughout the world. Taiwan and the United States have enjoyed a very positive partnership through the years—a relationship that I am confident will continue to benefit our respective citizens.

On this Chinese National Day, I again offer my congratulations to the Taiwanese government and people for their past success and send my best wishes for this year's celebration.

## TRIBUTE TO BILL GATES, SR.

Mrs. MURRAY. Mr. President, I rise today to recognize Bill Gates, Sr.'s contributions to civic programs and initiatives that have changed the lives of many in our home State of Washington and across the country. On Friday September 26, 2008, the University of Washington will be holding an event to honor Bill Gates, Sr. and it is my pleasure to share my sincere gratitude to Bill Gates, Sr. for his extensive civic engagement and accomplishments.

Bill Gates, Sr. has a long history of serving others. First as an Eagle Scout and later serving in the U.S. Army during World War II, Bill Gates, Sr. made a conscious choice to lead by example. Bill Gates, Sr. has dedicated his time and efforts to numerous organizations that strive to improve the lives of individuals and families across the Nation and world. His active leadership roles in organizations such as the United Way of King County and the United Way of America; local and national boards of Planned Parenthood; and the Bill and Melinda Gates Foundation are just a few examples of his passion and commitment to helping others.

As a fellow education advocate, I appreciate the work Bill Gates, Sr. has done to increase the ability of our youth to access and afford a quality education. Bill Gates, Sr. clearly understands the importance of education and he has worked on this issue from many angles: as a chair of a Seattle Public School Levy Campaign, a member of the Board of Regents for the University of Washington, and as cochair of the Bill and Melinda Gates Foundation, Bill Gates, Sr. is an integral part of decisions made about influential

education initiatives. Recently, Bill Gates, Sr. chaired a $2 billion capital campaign for the University of Washington that included funding for the Husky Promise, which supports an endowment to help lower income students access higher education and attend the University of Washington.

Bill Gates, Sr. has also worked to advance projects that provide support for individuals and families in need around the world. As chair of the Bill and Melinda Gates Foundation, Bill Gates, Sr. has helped launch initiatives that tackle major health and poverty issues for the developing world. The initiatives have focused on practical solutions that empower international communities and help save lives.

I would like to thank Bill Gates, Sr. for both his past activities and his current pursuits to help create healthier and happier communities. I am sure Bill Gates, Sr. will continue to embrace the opportunities and challenges of tomorrow through his work with many charitable organizations, and I am pleased he is being honored for his years of dedication to helping others.

## IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Thank you for your vote to stop the cap and trade thing, but it will come back with [a new president. We would be better off to be] drilling the deep reserves of the Williston Basin (more oil than Saudi Arabia in Dakota farmers fields) or the ANWR 5,000 acres or 5 million acres, or off shore where the Chinese will soon have rigs. We would be gearing up like the moon landing to get oil out of our coal whose estimated reserves are five times all the oil ever pulled out of the Middle East. . . . or the even more vast oil shales of Colorado or the tar sands. We would be building nuclear reactors and starting up those on moth balls right now . . . or better building refineries or making the hydrogen car that GM already has. Or how about this: All Of The Above.

But we are stuck [because of money influence] and nothing will change.

DENNIS.

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Will It Ever End?

I have several examples of how the energy cost is driving my life.

1. High propane cost has increased my heating cost to an increase of over $600 more this year. Propane has had a large increase and now is over $3 per gallon. Five years ago it was under .60 cents per gallon. Propane is a by product of gas exploration. I feel this is a very large price for a by-product.

2. The government rating for mileage rate is at 50.5 per mile. Why have they not raised this? Gas prices soar, but the rate stays the same.

3. Thanks for the stimulus check. I just wish I could have used it to buy something extra.

4. Diesel prices are out of control. Why is diesel almost a dollar more a gallon than gas?

5. Just about the time you feel you are getting somewhere, someone takes more of your income. It is no wonder people are losing houses and entering into get rich adventures. (Lottery, gambling)

B.

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This is the third email that I have sent over the past few months on this subject, and my message this time will be short and succinct—reducing speed limits is among the quickest solutions to help us in addressing the current issues with fuel pricing. Highway fuel consumption can be cut considerably (perhaps by as much as 20%—depending on the engine) by lowering speed limits. This is only a part of the solution. We also need to step up efforts on many fronts including utilizing more domestic resources, pushing the development of renewable energy sources and providing incentives to reduce energy consumption (i.e.—building smaller, more energy efficient homes that utilize solar/wind/geothermal energy). It is a complex challenge requiring strong leadership.

This brand of leadership will require some to act without regard for political ramifications (courage)—We are looking to you to provide your share of that leadership.

RICH.

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You and your fellow congressman are a little late to help with this energy problem as we are at peak oil and prices will continue to rise. I am totally amazed at Congress's lack of action on coming forth with a sensible energy program.

JAMES.

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Thank you for this opportunity to discuss my concerns. Higher gas prices have forced my family to reduce times spent together. We have to drive, because of very little public transportation. I would support your efforts for the oil companies to build more refineries. Every time one goes down for ''maintenance,'' we get burned. Let them use their profits to build them. I think we need to force auto companies to build more efficient cars. We need more good choices for higher mpg autos, not just one per auto company. As a side note, we need to start a federal public works program. Get people employed and get our bridges/roads, schools, libraries, etc. rebuilt. This would stimulate our economy more than Bush's tax break plan. We need authority to install toll booths on our interstate highways to help keep them maintained. I think we are ready for nuclear energy at INL. The time is right. We need leaders in Congress, not Republicans or Democrats. Can you be one? Thanks again for this opportunity.

JOHN, *Boise*.

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I had to take a medical disability from my job of 24 years as my health was getting so bad. My husband is 69 years old and I am 64. We find when we go to the grocery store we have to decide whether we should buy groceries or put gas in our tank so we can get home if we can buy groceries. We cannot afford to sell our house and move into town. We have no public transportation for five miles, I am trying to help my daughter with her children as she had to go back to work and I can get them to the Mall on public transportation but we would have to walk the five or six miles to get the rest of the way to my house. Our utilities are getting out of sight also and just the necessities in food are more than our Social Security and other bills allow. And then they want to give our Social Security to illegal aliens who have never worked and paid into it. My Grandmother had worked for years and when she applied they told her she was a quarter short to collect S.S., but we can give it to people who have never worked or paid into it? What are we supposed to do when we have our hands tied and no one wants to help back there and you are our only hope because you pass the laws and we have to live with them. Please help us as there are so many things they can use as alternative fuel and they seem to drag their feet about it. We have all kinds of weeds we will donate for the purpose of alternative fuel.

NANCY.

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The cost of energy is devastating to seniors on a fixed income such as me.

JERRY, *Idaho Falls*.

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I want to thank you for the opportunity to address my views on the situation we are in, not only in Idaho, the United States but the entire world. The affects of high energy prices will continue until Wall Street speculators are stopped. The auto manufacturers here in the United States and abroad have been given every opportunity to produce high efficient automobiles for decades. They have failed. Congress has [not acted to create] mass transit high speed transportation from coast to coast. The technology has been here for many decades with nothing being done in Washington D.C.

What are we to do with the waste from nuclear energy plants? I believe that technologies for coal, wind and solar should be explored. We should be exploring technologies of our ocean's salt water as a useful solution to our energy situation. We need qualified people to manage our water and other natural recourses here in Idaho and throughout the world.

If Congress would only work together for the betterment of mankind. These are but a few of our hopes and dreams for the future of our existence.

Thank you, Senator Crapo, for your efforts in Congress and for this consideration.

GREG, *Pocatello*.

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Sorry Mr. Crapo, but I do not agree with you about your vote against the climate change legislation.

In 2000, I recall paying between $.99 and $1.09 for gas for many months in Boise, occasionally a little more, but in that range. Now, eight years later, we are paying 400% more. The administration has refused during this time to get involved in the Kyoto agreements and only just in the last year or so acknowledged that climate change was even real, but attacked and prevented the science that warned us of it throughout his term. Gasoline prices going up 400% in Boise in the past eight years is painful, but it is caused by many factors, mostly, I believe, due to rich people getting insanely richer at the expense of the rest of the world. Meanwhile, we still do very little to protect against the disastrous consequences of global warming.

So, if we are going to be subjected to 400% increases and do nothing but make the rich

richer, how can you be unwilling to vote for a bill that might make us pay 12.5% more, but will take huge strides toward protecting the future of our planet and safeguarding against additional enormous energy costs in the future. Penny wise and pound foolish. What we should do is get to the bottom of exactly why prices have gone up 400% in eight years.

I feel angry that our society is willing to mortgage our future almost completely for slight increases in personal luxury and benefit in the present (consider the gas tax reprieve that [was] proposed this summer as one tiny example). Where are our values for providing for the future of our children and our planet? I believe we need to prioritize much greater efforts on green and renewable resource R&D. I believe that if we put our innovation behind solutions that the entire world needs, we can more than offset the upfront costs. This is the strength of capitalism and I believe we ought to focus on our strengths. I do not want us to emphasize further oil exploration and drilling and opening up of our protected public lands (such as ANWR).

SCOT, *Boise*.

P.S. Please have the courage and honesty to include critical comments like mine as well when you compile comments from the public. Thank you.

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Our farm has been severely impacted by high energy prices and the price of corn, which is a by-product of the energy crisis. We have gone from 100 employees down to 34. We are currently liquidating our calves because we can no longer make money raising them. We will soon be down to 12 employees. We could hang on a little longer if Congress would do something about drilling in ANWR and Bakken. We need refineries! We need oil! Oil is 1000% more efficient than these ''alternative'' fuels and drilling and refining our own oil is proven to work, while these other fuels are not. There is too much energy used to make ethanol to make it efficient. I believe that the mere announcement of drilling and building refineries will drastically help our economy. Just think of the excitement of jobs. The excitement of better times to come. Anyone can hang on if they have hope. There are no downsides to drilling in our own country. Drilling is not environmentally hazardous and even if it was, people come first.

Please, please get this message out. Call news conferences with your fellow conservative Senators. Shout it from the housetops. And for the sake of our economy and country's freedom, [support conservative efforts to govern].

ELIZABETH, *Kuna*.

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You ask how the fuel prices are affecting us personally; it is very simple—in every way.

As fuel prices rise, food costs increase, the cost of every basic need jumps up, the distances to functions become critical, we all have to make choices about what is most important. Unfortunately, for many of us, our lives become a struggle to get the dollar to buy the foods to keep going, pay our property taxes for homes we cannot afford to sell, get the fuel to get us to the place to make that dollar which is worth less every day and employers cannot afford to pay more in wages and the cycle goes on and on.

Everyone says ''Oh, let us just raise the minimum wage. That will fix it.'' Think again. The average small business man is one step away from sinking in this quicksand himself. He cannot afford health or dental insurance or retirement for him or his family, but he cannot have much of a business without employees, either. So he gives a raise to his employees and has to cut somewhere else, quality or quantity of goods sold and then the purchaser suffers. It all affects every one of us.

Transportation, fuel costs, value of the dollar, energy costs, making ends meet becomes increasingly difficult and our situations look increasingly dismal. Our society, like it or not, is tied to the umbilical cord of fuel oil pricing and something needs to be done to remove the grip on that cord that is choking out the life-giving fluids our nation needs to function. We need to control our own supplies of energy, provide for ourselves everything this nation needs to not just survive, but to thrive. We have oil supplies of our own under our own soil and off our own coasts; use them. That is what they are there for. As you use them, develop new sources, require more renewable energy implementation, but use what you've got. Stop letting the nation get the life strangled out of it. Make renewable energy more affordable, for one thing. It was going to cost me over $40,000 to put in a wind generator to power my home. That would never ever pay for itself before it self destructed. It is ridiculous to have solar power and wind power devices so overpriced to make them unattainable. They would help the economy. Subsidize alternative energy and educate people on ways to stretch their dollar before it is too late.

Things are bad everywhere, but if we do not do something very soon, it is going to get much worse. Overcrowded, underfed, unhappy people, unable to care for their loved ones, will turn angry, bitter, and dangerous after years of being taught ''me first philosophy.'' We have created a monster and that monster drinks crude oil. You better keep feeding it.

JANELLE, *Hayden*.

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Thanks for your interest in doing something about high gas prices. Here in Rexburg, I have found that at age 56, I can still ride a bike to work. I may even start doing groceries and other errands with my bike. I am getting in good shape, although I already was in good shape. My family and I find that we consolidate errands. Instead of going to town for one thing, we make sure it is for three or more things. If it is not, we just wait until we have more to do downtown or elsewhere. I have aging parents who need help, and gas prices have not made getting to their house very easy, but what we can do, we have to go. So we go without a lot of things. We pass by the treats and other not so important purchases (we were doing that before anyway). I think where this really hits us the hardest is in going to see our grandkids far away, or taking a simple trip like to Mt. Rushmore or even Yellowstone Park. The gas prices have eaten those options up pretty fast. It is too bad that we sit around as a nation and let the oil rich countries dictate to us how we can live our lives. We should have started doing something about these fifty years ago, but apparently, nobody had that much far sight into the potential problem. We'll survive and we do not feel bad for ourselves, but it is not easy.

FERRON.

## ADDITIONAL STATEMENTS

### TRIBUTE TO DEAN STONE

• Mr. ALEXANDER. Mr. President, today marks the 84th birthday of Dean Stone, who has lived in my hometown of Maryville, TN, his entire life. This year also marks the 125th anniversary of The Daily Times, Maryville's hometown newspaper where Dean has worked for the last half century.

I extend my warmest wishes to both of these Maryville institutions, and ask that a letter I wrote to Dean be printed in the RECORD.

The material follows.

SEPTEMBER 10, 2008.

Mr. DEAN STONE,
*The Daily Times,*
*Maryville, Tennessee.*

DEAR DEAN, It is an especially good idea to celebrate your birthday and that of The Daily Times all at once, because for me, and I am sure for most Blount Countians, it is hard to separate the two.

That was true when I was a Maryville High School student years ago and you hired me to contribute to the Times' school news page.

But it is even more true today because for the last half century I have so much enjoyed your photographs, your stories, and your opinions about Blount County. No one has ever done a better or more complete job of covering our families and communities.

Years from now, when anyone looks back to try to understand Blount County—its history, its people, and its mountains—the first place to go will be to a Dean Stone photograph of Cades Cove, or ''Bits of stone'' about some family, or a carefully reasoned editorial about why we should think now about what our county's landscape will look like later.

Happy birthday, Dean—and Maryville-Alcoa's The Daily Times—from a grateful former paperboy and school news correspondent.

Sincerely,

LAMAR ALEXANDER,
*U.S. Senator*.•

### HEROES OF THE OREGON TRAIL FIRE

• Mr. CRAPO. Mr. President, on August 25, 2008, Idahoans residing on the Boise bench in the area of the Oregon Trail and Columbia Village subdivisions experienced immense devastation caused by a brush fire that became a residential nightmare. With the combination of 50 m.p.h. winds, dry sage brush, high heat, sloped terrain and homes with cedar shake shingles and wooden decks, a small grassfire exploded, claiming the life of one woman, destroying 10 homes and causing extensive damage to nine others. Mary Ellen Ryder, a professor at Boise State University, beloved wife of Peter Ryder and a friend to the community, was the single fatality. My thoughts and prayers and those of many Idahoans are with the Ryder family.

Although the fire caused great devastation, many lives and homes were saved because of the efforts of several courageous Idahoans. I would like to formally recognize one homeowner, two Boise police officers, one firefighter and one local humanitarian. Without their selfless service and personal sacrifices of physical safety, expense and time away from families and careers, the outcome and aftermath of the fire would have been much harder to endure. Thanks to homeowner Kent

Hallamore, a survivor of the fire, my office gained key insight into the contributions of these five citizens.

The first Idahoan I would like to acknowledge is Rod Poe. When the fire reached Rod's subdivision, he quickly alerted neighbors and evacuated the surrounding homes. Even before emergency assistance arrived, Rod was hosing down houses within the fire's path and putting out new blazes as they emerged. He stayed on the scene for the entire night and for many subsequent evenings inspecting the area for hot spots and patrolling for looters. His leadership in the community extended beyond physical service. He comforted the suffering, acquired household goods for those who had none, and contacted Boise's mayor to discuss future fire prevention solutions for the bench area.

Like Poe, officers Jason Rose and Chris Davis of the Boise Police Department were among the first to begin working at the location of the fire. These two men ran door-to-door urging residents to leave their homes. As homes ignited, the inferno-like conditions worsened and took their toll on the men. Their clothing caught fire; their vision blurred; and both suffered from smoke inhalation. Yet they faced these risks with valor, persisted in their duties and saved the lives of many residents.

Firefighter Charlie Ruffing is the sole coordinator of the Firefighters Burn-out Fund, a collection fund for the immediate needs of fire victims. In the aftermath of the Oregon Trail Fire, Ruffing responded on his personal cell phone around the clock. He worked diligently to collect cash and household goods and distribute them. To date, he has collected over $110,000 in cash and gift-card donations. He displayed tremendous compassion and individual care for each family he assisted. He exceeded his responsibilities and earned the trust and respect of those he sought to assist.

Finally, Pattie Wagstaff organized an assistance network and coordinated a community donation event which amassed even more personal and household goods than the fire victims needed. Since the coordinator of her church's disaster relief program was among the victims of the fire, Wagstaff heroically filled the void. Taking 2 weeks off from her job to help in the relief efforts, Wagstaff quickly came to play an integral part in helping the affected families begin to return to normal life. Her presence inspired many during times of great shock and emotional upheaval.

Many hands played valuable roles in quelling the flames and caring for the people who survived the Oregon Trail Fire. To these five individuals and members of the Boise Police and Fire Departments as well as the others who so selflessly served their community, I join with family, friends and neighbors to offer my sincere gratitude.●

## TRIBUTE TO ROBERT FISCH AND EUGENE LANSING

● Mr. HARKIN. Mr. President, I would like to share with my colleagues a remarkable story of generosity and public spiritedness.

Twenty years ago, in October 1988, I opened an official office in Dubuque in order to better serve people in that part of Iowa. Almost immediately, two wonderful citizens—Robert Fisch and Eugene Lansing—came forward to be of service to me and to the staffers in my new Dubuque office.

Both of them were retired Army veterans. Bob, who was 67 at the time, was a veteran of World War II. Gene, who was 57, was a veteran of the Korean war.

We eagerly accepted their offers of assistance. But little did we know that this initial act of kindness and generosity would extend for another two decades.

Over the years, Bob and Gene have been faithful friends and valued helping hands to my Dubuque staff. They have pitched in answering phones, taking messages, and helping out with many of the mundane but necessary tasks that keep an office running efficiently.

Bob usually comes into the office twice a week. Gene comes in once a week, driving 50 miles round trip from his home in Dyersville.

They have given their time and energy. But they have given much more: their wisdom and experience, their enthusiasm, and their amazing generosity of spirit. Bob Fisch and Gene Lansing are outstanding examples of the old saying that ''you don't have to be on the public payroll to be an outstanding public servant.''

Bob Fisch, after leaving the Army, worked for 42 years at Dubuque Packing Company and 14 years at the 4th Street Elevator. He is involved in many civic and volunteer organizations, and he founded an organization of community activists called the 11th Street Neighborhood Group. He and his beloved wife Marion, who died in 1999, were married for half a century. They have five adult children—four daughters and one son.

Gene Lansing and his wife, Marvel, have been married for 36 years. They have two sons and one daughter. After the Korean war, Gene worked on a tanker on the Great Lakes for 10 years, then went on to work at Wickes Lumber and, later, in the Dubuque City Parks Department. He is active in his church, Trinity Lutheran. He is also active in American Legion Post 136, the Disabled American Veterans, and the Veterans of Foreign Wars.

Mr. President, as you can imagine, Bob Fisch and Gene Lansing have become dear friends to my Dubuque staff over the years. I have gotten to know them, as well, and I have tremendous respect and admiration for both of them. That is why I wanted to take this opportunity, here in the Senate, to salute these two exceptional Iowans. I want to publicly thank them for two decades of selfless service to my staff and me, and to the people of Iowa.●

## FORT DODGE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Fort Dodge Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Fort Dodge Community School District received a 1999 Harkin grant totaling $750,000 which it used to help build Butler Elementary School. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a 2005 fire safety grant totaling $100,000 to upgrade install fire alarms systems at Riverside, Cooper and Feelhaver Schools.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Fort Dodge Community School District. In particular, I would like to recognize the leadership of the board of education—president Stuart Cochrane, Jerry Schnurr, Janice Merz, Brian Forsythe, Craig Jarrard, Bill Kent and Kevin Rogers and former board members Steve Schwendeman, Ernest Kersten, Clark Fletcher, Jeri Green, Dennis Milefchick and Steve Lindeberg. I would also like to recognize superintendent Linda Brock, former superintendent Dr. David Haggard, former Butler principal Jerry Spittal, business manager Jack Christensen, director of operations

Chris Darling and former director of operations Sherwood Johnson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Fort Dodge Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## HINTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Hinton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Hinton Community School District received a 2003 Harkin grant totaling $234,475 which it used to help build an addition to the elementary school for preschool and child care programs. The Federal grant has made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Hinton Community School District. In particular, I would like to recognize the leadership of the board of education—Steve Eddy, Ed Vondrak, Rob Held, Lynette Blanchard and Randy Riediger and former board members Michelle Rodgers and Kenneth Hoefling. I would also like to recognize superintendent Allen Steen and curriculum director and principal Jane Krehbiel.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Hinton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## NORTHWOOD-KENSETT COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Northwood-Kensett Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Northwood-Kensett Community School District received a 2002 Harkin grant totaling $112,500 which it used to help replace the roof at the elementary school. The district also received two fire safety grants totaling $66,280 to install a fire alarm system and to make other repairs at the elementary school and to install heat detectors and to make other safety improvements at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Northwood-Kensett Community School District. In particular, I would like to recognize the leadership of the board of education—John Anderson, Larry Hovey, Cindy Pangburn, Don Pangburn and Keith Braun and former board members Deanna Madsen, Dan Block and Mike Dierenfeld. I would also like to recognize superintendent Thomas Nugent, former superintendent Arnie Snook and business manager Karen Abrahams.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Northwood-Kensett Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## SOUTHEAST WARREN COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Southeast Warren Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Southeast Warren Community School District received a 2002 Harkin grant totaling $39,360 which it used to help renovate a classroom and replace windows and siding for the gymnasium in Lacona. The district also received a fire safety grant totaling $50,000 for electrical upgrades, door closures and emergency and exit lighting at the junior/senior high school in Liberty Center. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Southeast Warren Community School District. In particular, I would like to recognize the leadership of the board of education—Ron Miller, Jennifer Mihalovich, Paul Mead, Larrie Williams and Marianne Lester and former board members John Burrell, Gerald Judkins, Thomas Farley, Greg Davis, Debbie Miller and Kevin Smith. I would also like to recognize former superintendent Susan Garton, custodian Silas Andersen and business manager Julie Wilson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Southeast Warren Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## REMEMBERING SPECIALIST SHAVONTE DONTRELL FIELDS

● Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SPC Shavonte Dontrell Fields from Fort Wayne, IN. Shavonte was 22 years old when he lost his life on September 7, 2008, from injuries sustained when his vehicle, also carrying his 2-year-old son Ladaryion Shavonte Fields, overturned in Indianapolis shortly after he returned from active duty in Iraq.

Today, I join Shavonte and Ladaryion's family and friends in mourning their deaths. Shavonte, who was known to many as Dontrell, will forever be remembered as a loving father, son, brother, and friend to many. Shavonte is survived by his parents Anita M. Davis Fields and Robert Lee Fields, Jr.; his stepfather Detrick Eley; his siblings Robert Lee Fields, III, Detrick Tubbs and Demetria Eley; his grandparents, John and Margurite Davis, Frank and Betty Cochran, Robert and Mary Fields and Deborah Andrew; and his great-grandparents Tom and Lena Lofton. He was preceded in death by his grandmother, Carlotta Joann Cochran.

Shavonte served a 14-month deployment in Iraq as a petroleum specialist with the Army National Guard. Those who knew him best recall a devout man who loved making people smile. Shavonte's family said he had an ''energetic personality and an infectious sense of humor that spread to all those in his vicinity.'' He was a member of the Progressive Baptist Church of Fort Wayne. At the time of the accident, Shavonte was moving back into civilian life, set to start a new job as a customer service representative with AT&T the next day.

While we struggle to express our sorrow over this loss, we can take pride in the example Shavonte set as both a soldier and a father. Today and always, he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Shavonte Dontrell Fields in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Shavonte's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shavonte.●

## TRIBUTE TO MIKE CRITELLI

● Mr. LIEBERMAN. Mr. President, today I pay tribute to someone I have known for many years, both because of his guidance of a major company in Connecticut as well as his leadership in the mailing industry—Mike Critelli, executive chairman of Pitney Bowes Inc.—which is headquartered in Stamford, CT. Mike will be retiring late this year, after dedicating 30 years to both Pitney and the mailing industry.

Mike and I have come to know each other not only because Pitney Bowes is headquartered in my home State of Connecticut but also because he has been the chairman of the Mailing Industry CEO Council, an organization of chief executive officers of companies in the mailing industry.

The Mailing Industry CEO Council, under Mike's able leadership, has been at the forefront of educating policymakers about the mailing industry for years. Although those of us who follow mailing industry issues know by heart now the key statistics—a $900 billion industry representing over 8 percent of the gross domestic product and employing 9 million workers—there was a time when the impact of the industry was less well known. Mike Critelli and the Mailing Industry CEO Council helped to change that. The CEO Council came to town several times a year to meet with me and others in Congress to provide support for the postal reform legislative effort. They helped to spread the word to many of my colleagues who are not on the Senate Homeland Security and Governmental Affairs Committee, which has jurisdiction over postal issues, about the importance of the mailing industry and the impact of the industry on jobs in each of their States. As we moved forward with postal reform legislation in the 109th Congress, having others in Congress actively supporting the mailing industry proved very helpful.

As we worked together on the Postal Accountability and Enhancement Act, my staff and I were always impressed by the attention and care Mike gave to every detail. As a lawyer, Mike took the time to read the various versions of postal reform legislation page by page. He got into the details and commented on specific provisions—and the final outcome was better as a result. He was critically important in brokering some agreements with interested parties that helped get us over the final hurdles towards enactment. In the final days of the 109th Congress, the Postal Accountability and Enhancement Act passed the House and Senate and was signed into law. Mike Critelli played an essential role in helping to educate others about the importance of the mailing industry and the need for the legislation that enabled it to get done.

He began his career at Pitney Bowes as a staff attorney and rose through various leadership positions over the years. He served as general counsel, chief personnel officer, and then became president of Pitney Bowes Financial Services. He was then CEO and chairman and now serves as executive chairman of the board. He has brought the company through many changes—acquisitions and transformations. He has also served as an effective ambassador for the mailing industry. After the deadly anthrax attacks of fall 2001, Mike wasted no time in working with the U.S. Postal Service to advocate on its behalf so that our mailstream would quickly regain the confidence of the American people.

Under Mike's leadership, Pitney Bowes has been a leader as well on health care issues. The company invests heavily in the health of its employees and has found that the focus on prevention, wellness, early diagnosis and treatment, and chronic disease management has improved health and minimized costs for employees as well as the company. This has helped to make Pitney Bowes a model for other companies.

Mike has also demonstrated a strong commitment to diversity. Under his tenure, Pitney Bowes has been consistently recognized as one of the best corporations in America for diversity. Although this record began before Mike took the helm as CEO, he continued to grow the diversity efforts within the company. Outside of the office, Mike served for several years in a Connecticut chapter of the Urban League and as chairman of the National Urban League Board.

As I wish Mike Critelli well as he begins a well deserved retirement, I can't help but be disappointed that Connecticut's business community is losing a great leader. For our sake, I hope he continues in some capacity assisting us with public policy issues of concern to our State.●

## TRIBUTE TO ANTHONY J. HARDING

● Mr. MENENDEZ. Mr. President, I wish today to honor Anthony J. Harding for his leadership, integrity, and many accomplishments at United Water, one of the Nation's largest private water companies. During the past 5 years, Tony has been the chief executive officer of United Water, and he was responsible for the success of the company's water and wastewater operations of both regulated and nonregulated businesses. Last month, Tony was named chairman of the board at United Water, a subsidiary of Paris-based Suez Environment.

Tony has over 35 years of experience in engineering and operations including management of major water businesses in Europe and Asia. Prior to joining United Water, he was president of Suez Environment in the Asia Pacific Region, with overall responsibility for water operations in the Philippines, Malaysia, Vietnam, Australia, and New Zealand. He also enjoyed a long and distinguished career managing water operations for two of England's most prestigious water companies: Essex and Suffolk Water Plc. and Northumbrian Water Plc.

In 2003, Tony was named chief executive officer at United Water and he immediately made an impressive impact in the United States water services industry, making the company the respected and sought-after institution it is today. As CEO, Tony has made great strides in improving the water services to people in cities and towns across the country. As a result of his remarkable skills, United Water now provides water services to customers in the 48 continental States as opposed to 21 States when Tony took over as CEO.

In 2005 Tony worked with then-Governor Kempthorne of Idaho to install high-tech membrane water filtration technology at a brandnew water treatment plant in Boise. In 2006 he worked with Pennsylvania Congressman TIM HOLDEN to bring similar technology to the people in the Harrisburg community. In 2007, Tony launched an aggressive $110 million project in northern New Jersey, utilizing the latest water filtration technology to improve water quality for nearly 1 million residents in the State.

Additionally, Tony has provided his wealth of experience to the National Association of Water Companies and the American Water Works Association. He is also on the board of directors for the United Way in northern New Jersey. Dedicated to both his community and his family, Tony and his wife, Christine, have two daughters, Rhyan and Bethan.

Tony received his bachelor of science degree in civil engineering from the University of Glamorgan in Wales. He was also a contributing author to the textbook ''Instrumentation and Computer Integration in Water Utility Operations,'' a joint project between the American and Japanese Water Associations.

There is no doubt that Anthony J. Harding exhibits all the qualities of an exemplary leader who has greatly impacted this Nation's water and wastewater industry. Therefore, I am pleased to pay tribute to Anthony J. Harding and know my colleagues will join in wishing him continued success.●

## MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1907. An act to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities.

H.R. 3299. An act to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

H.R. 3336. An act to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System.

H.R. 3849. An act to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah.

H.R. 5335. An act to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes.

H.R. 5853. An act to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes.

H.R. 6159. An act to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes.

H.R. 6176. An act to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes.

H.R. 6370. An act to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

H.R. 6524. An act to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.

H.R. 6685. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

H.R. 6853. An act to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Coordinator to address mortgage fraud in the United States, and for other purposes.

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

The message also announced that the House agrees to the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 1315. An act to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

## ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed the following bills, previously signed by the Speaker of the House:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide,

in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

Under the authority of the order of the Senate of September 16, 2008, the following enrolled bill, previously signed by the Speaker of the House, was signed by the Acting President pro tempore (Mr. HARKIN).

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

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At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 45. Joint resolution expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin.

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At 3:34 p.m., a message from the House of Representatives, delivered by Mr. Zapata, 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. 6897. An act to authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II.

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At 7:00 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, in which it requests the concurrence of the Senate:

H.R. 6983. An act to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 23, 2008, she had presented to the President of the United States the following enrolled bills:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lexington, OK'' ((Docket No. FAA–2008–0003)(Airspace Docket No. 08–ASW–1)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Oil City, PA'' ((Docket No. FAA–2007–0104)(Airspace Docket No. 07–AEA–10)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pagosa Springs, CO'' ((Docket No. FAA–2007–29164)(Airspace Docket No. 07–ANM–14)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Canon, GA'' ((Docket No. FAA–2008–0154)(Airspace Docket No. 08–ASO–10)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Cranberry Township, PA; Confirmation of Effective Date'' ((Docket No. FAA–2007–0278)(Airspace Docket No. 07–AEA–18)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Skowhegan, ME; Confirmation of Effective Date'' ((Docket No. FAA–2007–0244)(Airspace Docket No. 07–ANE–94)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hinton, OK'' ((Docket No. FAA–2008–0328)(Airspace Docket No. 08–ASW–4)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marienville, PA; Confirmation of Effective Date'' ((Docket No. FAA–2007–0162)(Airspace Docket No. 07–AEA–13)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lady Lake, FL; Withdrawal'' ((Docket No. FAA–2008–0072)(Airspace Docket No. 08–ASO–03)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Vinalhaven, ME'' ((Docket No. FAA–2008–0061)(Airspace Docket No. 08–ANE–92)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Emporium, PA; Confirmation of Effective Date; Correction'' ((Docket No. FAA–2007–0275)(Airspace Docket No. 07–AEA–15)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; La Pointe, WI'' ((Docket No. FAA–2008–0025)(Airspace Docket No. 08–AGL–3)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewisburg, PA'' ((Docket No. FAA–2007–0276)(Airspace Docket No. 07–AEA–16)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Sunbury, PA; Confirmation of Effective Date'' ((Docket No. FAA–2008–0162)(Airspace Docket No. 08–AEA–15)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marienville, PA; Confirmation of Effective Date; Correction'' ((Docket No. FAA–2007–0162)(Airspace Docket No. 07–AEA–13)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Susquehanna, PA'' ((Docket No. FAA–2008–0161)(Airspace Docket No. 08–AEA–14)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Indianapolis, IN'' ((Docket No. FAA–2008–026)(Airspace Docket No. 08–AGL–2)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Standard Instrument Approach Procedures; Amendment No. 3255'' ((RIN2120–AA65)(Docket No. 30592)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amendment No. 3246'' ((RIN2120–AA65)(Docket No. 30581)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amendment No. 3248'' ((RIN2120–AA65)(Docket No. 30584)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3263'' ((RIN2120–AA65)(Docket No. 30601)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3266'' ((RIN2120–AA65)(Docket No. 30604)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3278'' ((RIN2120–AA65)(Docket No. 30618)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3275'' ((RIN2120–AA65)(Docket No. 30614)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3279'' ((RIN2120–AA65)(Docket No. 30619)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7761. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3274'' ((RIN2120–AA65)(Docket No. 30613)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7762. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3277'' ((RIN2120–AA65)(Docket No. 30617)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7763. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3276'' ((RIN2120–AA65)(Docket No. 30616)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7764. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Amendment No. 471'' ((RIN2120–AA63)(Docket No. 30582)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7765. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Amendment No. 474'' ((RIN2120–AA63)(Docket No. 30606)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7766. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Amendment No. 475'' ((RIN2120–AA63)(Docket No. 30615)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7767. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Area Navigation Jet Routes J–888R and J–996R: Alaska'' ((RIN2120–AA66)(Airspace Docket No. 08–AAL–6)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7768. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Routes (T-Routes); Sacramento and San Francisco, CA'' ((RIN2120 09AA66)(Airspace Docket No. 07–AWP–6)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7769. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Restricted Area 2204; Oliktok Point, AK'' ((RIN2120–AA66)(Airspace Docket No. 08–AAL–7)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7770. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Restricted Areas R–5314A, B, C, D, E, F, H, and J; and Revocation of Restricted Area R–5314G; Dare County Range, NC'' ((RIN2120–AA66)(Airspace Docket No. 08–ASO–6)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7771. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Independence, KS'' ((RIN2120–AA66)(Airspace Docket No. 07–ACE–7)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7772. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change in Extinguishing Agent Container Requirements'' ((RIN2120–AI99)(Docket No. FAA–2007–26969) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7773. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Damage Tolerance Data for Repairs and Alterations'' ((RIN2120–AI32)(Docket No. FAA–2005–21693)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Federal Aviation Regulation No. 108—Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Requirements; Notice of OMB Approval for Information Collection'' ((RIN2120–AI82)(Docket No. FAA–2006–24981)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Robinson R–22/R–44 Special Training and Experience Requirements'' ((RIN2120–AJ25)(Docket No. FAA–2002–13744)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–0024)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–29333)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MORAVAN a.s. Model Z–143L Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0426)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0300)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ and EMB–145XR Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0292)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA00404AT'' ((RIN2120–AA64)(Docket No. FAA–2008–0135)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Transport Category Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Certain Supplemental Type Certificates'' ((RIN2120–AA64)(Docket No. FAA–2007–0089)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. AT–200, AT–300, AT–400, AT–500, AT–600, and AT–800 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0247)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme GmbH & Co. KG Model S10–VT Powered Sailplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0598)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Model SR20 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0284)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc (RR) RB211 Trent 500 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2007–27955)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc (RR) Models Trent 768–60, 772–60, 772B–60, and 772C–60 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–0597)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28598)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–10F, DC–10–30F (KC–10A and KDC–10), DC–10–40F, MD–10–10F, and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28748)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes; Model DC–9–10 Series Airplanes; Model DC–9–20 Series Airplanes; Model DC–9–30 Series Airplanes; Model DC–9–40 Series Airplanes; Model DC–9–50 Series Airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes; Model MD–88 Airplanes; and Model MD–90–30 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0032)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0231)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–100 and –300 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0544)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200, –200LR, –300, and –300ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28389)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0554)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–0372)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11, MD–11F, DC–10–30 and DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, and MD–10–30F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28531)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model A109C, A109E, and A109K2 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–0524)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727–200 Series Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA1350NM'' ((RIN2120–AA64)(Docket No. FAA–2008–0013)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0412)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB–135 Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0516)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. DODD, from the Committee on Foreign Relations:

[Treaty Doc. 110–20 Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia with 1 declaration and 1 condition for each Protocol (Ex. Rept. 110–27)];

[Treaty Doc. 108–5 (Amendments to Constitution and Convention of International Telecommunication Union (ITU) (Geneva, 1992) with declarations and reservations (Ex. Rept. 110–28)];

[Treaty Doc. 109–11 2002 Amendments to the ITU Constitution and Convention with declarations and reservations (Ex. Rept. 110–28)]; and

[Treaty Doc. 110–16 Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) with declarations and reservations (Ex. Rept. 110–28)].

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

110–20: Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia.

VII. RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 110–20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (''NATO'').

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was ''agreed today that these countries will become members of NATO.''

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

*Presidential certification*

Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

1. The inclusion of the Republic of Albania in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

2. The inclusion of the Republic of Albania in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Croatia

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Croatia, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 110–20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (''NATO'').

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was ''agreed today that these countries will become members of NATO.''

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

108–5: Amendments to Constitution and Convention of International Telecommunication Union (ITU) (Geneva, 1992).

VIII. RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

1998 Amendments to the Constitution and the Convention of the International Telecommunication Union

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), signed by the United States at Minneapolis on November 6, 1998, as contained in the Final Acts of the Plenipotentiary Conference (Minneapolis 1998) (the ''1998 Final Acts'') (Treaty Doc. 108–5), subject to declarations and reservations Nos. 90 (second paragraph), 90 (third paragraph), 101, 102, and 111 of the 1998 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

109–11: Amendments to the Constitution and Convention.

2002 Amendments to the Constitution and the Convention of the International Telecommunication Union

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994) and the Plenipotentiary Conference (Minneapolis 1998), signed by the United States at Marrakesh on October 18, 2002, as contained in the Final Acts of the Plenipotentiary Conference (Marrakesh 2002) (the ''2002 Final Acts'') (Treaty Doc. 109–11), subject to declarations and reservations Nos. 70 (second paragraph), 70 (third paragraph), 71, 79, 80, and 101 of the 2002 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

110–16: Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

2006 Amendments to the Constitution and the Convention of the International Telecommunication Union

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), the Plenipotentiary Conference (Minneapolis 1998), and the Plenipotentiary Conference (Marrakesh 2002), signed by the United States at Antalya on November 24, 2006, as contained in the Final Acts of the Plenipotentiary Conference (Antalya 2006) (the ''2006 Final Acts'') (Treaty Doc. 110–16), subject to declarations and reservations Nos. 70(1) (second paragraph), 70(1) (third paragraph), 70(2), 104, and 106 of the 2006 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

## 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. 2292. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes (Rept. No. 110-481).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 3999. A bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes (Rept. No. 110-482).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

H.R. 390. A bill to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases.

By Mr. DODD, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 598. A resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

By Mr. DODD, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1007. A bill to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic

relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment.

By Mr. DODD, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes.

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 3103. A bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station.

S. 3426. A bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents on Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

S. 3548. An original bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Foreign Relations.

*Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs).

*Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs).

*Gregori Lebedev, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

*Gregori Lebedev, of Virginia, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

*C. Steven McGann, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Nominee: C. Steven McGann.

Post: Fiji.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.
2. Spouse: Bertra B. McGann: N/A.
3. Children and Spouses: Bethany L. McGann: N/A.

Bradford W. McGann: N/A.

Benjamin V. S. McGann: N/A.

Leyland S. McGann: N/A.

4. Parents: Evangeline H. McGann, N/A; Clarence D. McGann—Whereabouts and activities unknown.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

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*Carol Ann Rodley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: Carol Rodley.

Post: Ambassador to Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, date, and donee:

1. Self: none.
2. Spouse: David Newhall: none.
3. Children and Spouses' Names: Alice Newhall: none; Steven Newhall: none; and Niles Lashway: none.
4. Parents' Names: James Rodley: none; and Claire Rodley: none.
5. Grandparents' Names: James Rodley (deceased); Lillian Rodley (deceased); Edmund Connor (deceased); and Evelyn Connor (deceased).

Brothers and Spouses' Names: James Rodley: none; Laura Rodley: none; John Rodley: none; Heather Clark: none; Edward Rodley: none; and Jennifer Hogue: none.

Sisters and Spouses' Names: Susana Rodley: none.

*Sung Y. Kim, of California, a Foreign Service Officer of Class One, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

*Dennis M. Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*Clifford D. May, of Maryland, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2009, to which position she was appointed during the last recess of the Senate.

*Thomas M. Beck, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010.

*Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission for the term expiring November 22, 2014.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. KOHL, Mr. CASEY, Mr. FEINGOLD, Mr. LEAHY, Mr. CRAIG, Mr. BROWN, Ms. STABENOW, Mr. CRAPO, Mr. COLEMAN, Ms. COLLINS, Mrs. CLINTON, Mrs. DOLE, and Mr. BAUCUS):

S. 3538. A bill to amend the Food, Conservation, and Energy Act of 2008 to suspend a prohibition on payments to certain farms with limited base acres for the 2008 and 2009 crop years, to extend the signup for direct payments and counter-cyclical payments for the 2008 crop year, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. HUTCHISON, Ms. STABENOW, Mrs. LINCOLN, Ms. LANDRIEU, and Mrs. BOXER):

S. 3539. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 3540. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mrs. CLINTON:

S. 3541. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself, Mrs. BOXER, Mr. ROBERTS, Mr. PRYOR, Mr. ISAKSON, and Mr. SALAZAR):

S. 3542. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3543. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. LAUTENBERG, Mr. CARDIN, Mr. OBAMA, Mr. BIDEN, Mr. NELSON of Florida, Mr. WYDEN, and Mr. DODD):

S. 3544. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 3545. A bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 3546. A bill to establish the National Center for Strategic Communication to advise the President regarding public diplomacy and international broadcasting to promote democracy and human rights, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 3547. A bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Coordinator to address mortgage fraud in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 3548. An original bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3549. A bill to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BAYH, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. VITTER, and Mr. WHITEHOUSE):

S. Res. 678. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. Con. Res. 101. A concurrent resolution honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 394

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 449

At the request of Mr. REID, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 449, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 625

At the request of Mr. REID, his name was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 826

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1232

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1398

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Tennessee (Mr. CORKER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1846

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2609

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2609, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Mississippi (Mr. COCHRAN) 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. 2702

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2728

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2728, a bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

S. 2858

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 3187

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3187, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 3325

At the request of Mr. SPECTER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Tennessee (Mr. ALEXANDER) were

added as cosponsors of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3325, supra.

S. 3398

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 3398, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 3403

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3403, a bill to amend title 49, United States Code, to require determination of the maximum feasible fuel economy level achievable for cars and light trucks for a year based on a projected fuel gasoline price that is not less than the applicable high gasoline price projection issued by the Energy Information Administration.

S. 3416

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3416, a bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes.

S. 3507

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3509

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3509, a bill to address the ongoing humanitarian crisis in Iraq and potential security breakdown resulting from the mass displacement of Iraqis inside Iraq and as refugees into neighboring countries.

S. 3525

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 3525, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes.

S. 3532

At the request of Mr. CARDIN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mr. BURR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3532, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income.

S. 3537

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3537, a bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes.

S. RES. 551

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 551, a resolution celebrating 75 years of successful State-based alcohol regulation.

S. RES. 659

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 659, a resolution designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day.

S. RES. 660

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 660, supra.

S. RES. 662

At the request of Mr. REID, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week.

S. RES. 665

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 665, a resolution designating October 3, 2008, as ''National Alternative Fuel Vehicle Day''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3543. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MENENDEZ. Mr. President, I have come to the floor today to introduce legislation intended to bring much needed reform to the Minerals Management Service. After recent reports of the widespread corruption at the agency, I came together with my colleague Senator NELSON from Florida to work on legislative solutions that will address the complete and total lack of ethics at this agency. I would also like to take this time to thank Senator NELSON for his outstanding work on this bill. I know there are few people out there that show as much dedication and clear vision on this issue as he does.

The cries of Drill! Drill! Drill! have reached a fevered pitch and proponents of drilling say that a profitable relationship between the Government and the oil industry will benefit everyone involved.

However, as we have recently learned from reports released by the Department of Interior Inspector General's Office, the influence of Big Oil corrupts absolutely. Honestly, we have been learning that lesson over and over again since we sent an oil man to the White House. The influence of Big Oil has led us to make policy decisions that are diametrically opposed to the best interests of this country. With barrels of Big Oil lobbying money, this administration has led us all head first into policies that benefit Big Oil and almost no one else. We are more addicted to oil than ever before and we continue with this addiction to the detriment of our economy, our energy infrastructure, our environment, and even our national security.

Once Big Oil is involved, it is as if all reason flies out the window. Nowhere has this become clearer than at the Minerals Management Service. The most recent reports from the Inspector General's office describe corruption at MMS on a level difficult to believe. The descriptions of drug use and sexual activity between oil company representatives and MMS employees are not suitable for network television, much less the floor of the United States Senate. This is the agency tasked with leasing Federal lands to oil companies and ensuring the adequate compensation of such leasing and yet their employees behaved like oil company lackeys with complete disregard for the interests of the American taxpayer.

I am sure no one is surprised by the increased influence of the oil industry since we elected a former oil man to the White House, but this is truly beyond the pale. The Inspector General's report concludes that MMS is plagued by ''a culture of ethical failure.'' This is an agency where conflict of interest is not only the norm, but where officials do not think the rules even apply to them. This is an agency with a complete free-for-all atmosphere where employees go on golf and ski outings, concerts, and sporting events all paid for by oil executives. This is an agency whose culture is ''devoid of both ethical standards and internal controls'' where officials are LITERALLY and figuratively in bed with industry.

This is the agency that we want to trust with our shorelines. This is the agency we want to trust to lease thousands of miles of our beaches to the oil industry and then collect compensation for use of that public land—OUR LAND—with oil and gas. The Government Accountability Office has already released reports that concluded that MMS has no idea if they are collecting the right amount of oil through the Royalty-in-Kind program. Not only that, but the agency has refused to institute the reforms recommended by GAO in order to collect the correct amount of compensation from the oil industry. Of course, considering the Inspector General's report, their lack of reform is not surprising as they were too busy living the high life on the oil industry's dime.

This agency is clearly in desperate need of regulation. If the officials at MMS believe that the rules do not apply to them, then clearly we need tougher rules. That is why I rise today with my colleague Senator NELSON from Florida to introduce legislation that will dramatically toughen the ethics rules for employees at the Minerals Management Service.

First, this legislation holds MMS employees to the same standards as federal procurement officials and addresses the revolving door between the agency and industry. There would be a one year ban on agency employees taking any private sector job for companies the employee worked with while a federal employee. This means ANY job, not just ''representational activities'' such as lobbying. Any real first crack at reform has to be stopping this revolving door.

Second, this legislation requires that MMS employees divest all industry investments before working at MMS. Currently, the law only requires that employees recuse themselves from working on a matter specifically having to do with a particular company in which they have a financial stake. Needless to say, trusting MMS employees who believe the rules do not apply to them and that the agency is here to serve the needs of industry seems unrealistic at best and downright dangerous at worst.

Third, we would increase the number of MMS employees required to file public financial disclosure forms and forms revealing past employment. Those who earn incomes at the base level of a G–13 employee or higher will now have to reveal this information.

Currently, only employees compensated at 120 percent of GS15 level or more must disclose. However, as this report makes clear, the extreme influence of industry on the agency means that employees beyond merely the top officials need to be held to a higher standard of objectivity.

Of course, as I mentioned, the issues at MMS do not end with the ethical standards, or lack thereof, among agency employees. The Royalty-In-Kind Program is broken and the Federal Government is not being compensated for the leasing of land to the oil industry. This program is part of the second largest source of revenue for the Federal Government, yet it currently operates on what basically amounts to an honor system. We are supposed to trust the oil companies to pay the right amount and for the employees to see that the Government receives compensation.

Therefore, our legislation would suspend the Royalty-In-Kind program until the following conditions are met. First, the MMS must conduct a comprehensive review to determine if it has been accurately collecting royalties and report its finding to Congress. We all know the oil industry is flush with cash, so there is absolutely no excuse for them to use OUR LAND to make a profit and not pay for it.

Second, the MMS must conduct a thorough review to ensure that metering equipment properly measure what royalties are owed to the Federal Government and report those findings to Congress. In addition, they will be required to perform no less than 550 audits of oil and gas leases each fiscal year to assure adequate royalties are being collected. There needs to be a real process in place to ensure adequate compensation.

Third, they must also have a robust training program for their employees ending with a signed certification that MMS employees understand ethics laws and regulations. It needs to be abundantly clear to all agency employees and officials that no matter who is in the White House the rules most definitely apply to them.

Last, the MMS must create a position for an ombudsman that will monitor the agency's progress in carrying out all these reforms. This ombudsman must be hired by and report exclusively to the Department of Interior Inspector General's office because there must be an objective outside source to protect us from this type of corruption happening again. The Inspector General will also be tasked with determining whether the Royalty-In-Kind program is even saving the taxpayers money at all.

Clearly, some type of reform at MMS is desperately needed. I believe the bill Senator NELSON and I are introducing will go a long way towards addressing these concerns. No matter what, I do not see how we can in good conscience open up thousands of miles of our precious coastlines to the oil industry without being able to trust the agency tasked with protecting our interests.

Mr. NELSON of Florida. Mr. President, today Senator ROBERT MENENDEZ and I filed legislation that would address the morass of ethical problems that have besieged the Minerals Management Service, MMS.

I have warned publicly that we could not trust the oil companies that want to drill in the waters off our most protected coastlines nor could we trust the Federal watchdogs charged with keeping a watchful eye over them. We have seen proof in report after report detailing mismanagement, a lack of control, and inappropriate, even possibly criminal, behavior.

I have voiced serious doubts about the integrity and cost effectiveness of this Royalty-In-Kind program, where oil companies pay the Federal Government with mineral, oil, or gas they produce on public lands, rather than cash. This program was authorized in the 2005 Energy bill, which I opposed for many reasons.

The bill that we introduced today seeks to restore integrity in managing our offshore energy resources.

Specifically, our bill requires employees of the Minerals Management Service to adhere to the same ethical guidelines that other Federal employees abide by. This means no gifts from industry, the filing of financial disclosure forms for some higher level employees, and the divestment of all industry investments before working at MMS.

The bill suspends the scandal-plagued Royalty-in-Kind program until these conditions are met. Additionally, MMS must review the accuracy of its royalty collection program with an independent watchdog to monitor its progress. Finally, MMS is required to conduct extensive audits of the Royalty-In-Kind program to ensure the government is receiving fair compensation for use of public lands.

Offshore drilling will not solve our energy crisis nor will it bring down prices at the pump. Instead, it will only serve to further enrich the oil companies and reward the culture of corruption that has been fostered, funded, and now exposed at the Department of the Interior. I hope the Senate will consider our legislation expeditiously.

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By Mr. BROWNBACK:

S. 3546. A bill to establish the National Center for Strategic Communication to advise the President regarding public diplomacy and international broadcasting to promote democracy and human rights, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, one might conclude from the last 7 years without a successful al Qaeda attack in America either that we have crippled our enemies or that the terrorist threat is overstated. Unfortunately, neither is true: violence is rising in Afghanistan, Pakistan and elsewhere, and the ideas behind this violence continue to proliferate from Europe to Asia and across the World Wide Web. But while we spend a great deal of time discussing tactics and troop deployments, we rarely analyze the broader ideological struggle.

Military force may sometimes be necessary in the war on terrorism, but force alone cannot defeat the threat posed by violent Islamist extremism. Recognizing this fact, Secretary of Defense Robert Gates worries about the

state of the ''war of ideas'' and rightly points out that it is ''plain embarrassing'' that al Qaeda communicates more effectively than we do.

The answer to this problem is not more money. We have spent billions since 9/11 on a wide array of public diplomacy initiatives, international broadcasts and information and exchange programs. Some succeeded, others failed, but none were developed in accordance with a national strategy overseen by an official who is accountable for making strategic communications work.

The U.S. Information Agency focused on strategic communications during the Cold War. After the defeat of communism, USIA's mission seemed fulfilled, and I supported its dismantlement. Today's ideological threats, however, demand the same focus on strategic communications that the USIA provided a generation ago. Today, I am introducing legislation that would establish a new National Center for Strategic Communications to correct a number of deficiencies and meet 21st century challenges.

There are several reasons why I believe major reforms are necessary. First, fundamentally, we are not on offense. Seven years after September 11, we have only begun to acknowledge the existence of a war of ideas. We need to move from merely informing the world about America to countering those who support terrorism and violence. We also need to enable moderate voices around the world to help us in opposing violent extremism.

Second, we need to separate official diplomacy—by which I mean the act of communicating with foreign governments—from public diplomacy—which means talking to foreign publics. When we dismantled USIA, we thought the result would be better coordination between official and public diplomacy. We now know that this arrangement has relegated public diplomacy to second-tier status. We need to ensure that such a crucial part of the war on terrorism receives the attention and priority level that it deserves.

Third, our strategic communications programs lack transparency and accountability. Despite spending hundreds of millions per year on international broadcasting, it is unclear how these broadcasts fit into a national strategic communications plan or how the Broadcasting Board of Governors makes decisions on allocating the resources Congress appropriates. The same could be said of the State Department's Educational and Cultural Affairs programs. Moreover, it is nearly impossible to determine how much the Department of Defense is spending on strategic communications activities and how many of those functions might be performed—or at least better supported—by other parts of the government.

Beyond government programs, it is clear that the U.S. Government does not effectively leverage the resources of the private sector and nonprofit groups. We should be able to promote our values and oppose violence and extremism alongside organizations that already work along the same lines. And there is no question that there are times when these outside voices will be more persuasive than the messages linked to Washington, DC.

These problems call for something beyond a bigger budget or the generic cry for better coordination among departments and agencies. We need to realign authorities so that the President has a single individual responsible for ensuring that the Nation's strategic communications goals are being met. We need that individual to be responsible for an agency that has a clear mission to fight and win the war of ideas and the budgetary authority and flexibility to match.

My proposal abolishes the existing Undersecretary for Public Diplomacy at the State Department and the Broadcasting Board of Governors, transferring their functions to the new National Center for Strategic Communications where they would be managed by single director. The Director would report to the President as the Nation's top strategic communications official and oversee the creation of a new national strategic communications strategy. Just as important, the Director will oversee an interagency panel of representatives from other Federal agencies and departments, including the Department of Defense, whose missions inherently involve strategic communications with foreign publics.

More than providing information about America, the goal of strategic communications should be nothing less than the ability to persuade individuals all over the world to choose freedom, human rights and the rule of law over any challenging ideologies or philosophies. My legislation would correct a number of deficiencies in our current structure in support of this objective.

First, the new Center would separate public diplomacy—speaking to foreign publics—from official diplomacy—speaking to foreign governments. We should not let public diplomacy be held hostage to the official priority of the moment, nor should public diplomacy budgets compete with official diplomatic priorities.

Second, the Center would manage U.S. international broadcasts directly. Too often in the last few years, taxpayer-funded broadcasts have been kept at arms length from government oversight and undermined rather than affirmed U.S. policies and values. My legislation makes our broadcasts more transparent and focused on the national mission by giving the Center close oversight of our broadcasts and abolishing outdated Smith-Mundt Act provisions that keep the American public from knowing what the government is saying abroad.

Third, the Center enlists the support of private, non-profit and non-governmental organizations. There is no reason to believe the U.S. Government must always deliver key messages, and outside groups may have the best ability to counter ideological support for extremism. My proposal enables the new Center to make grants to such groups and places representatives of the Center in key countries around the globe to implement our national strategy on a local level.

Our vision of a free, prosperous and peaceful world is under attack from extremists who propose endless violence and fear. Military force may keep these extremists at bay for a time, but ultimate victory depends on winning the war of ideas. Though some would throw more money at our strategic communications problems or settle for smaller, marginal reforms, I believe major reforms are necessary for us to succeed. I look forward to developing this proposal with the next administration and the new Congress. No matter who ends up in power, we will have a share in reforms that can help win the war on terror without just relying on more bullets.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 678—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BAYH, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. VITTER, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 678

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap smear is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas due to the lack of a reliable early screening test, 75 percent of cases of ovarian cancer are detected at an advanced stage, when the 5-year survival rate is only 50 percent, a much lower rate than for many other cancers;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and

play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas September 2008 has been designated by the President as National Ovarian Cancer Awareness Month: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

## SENATE CONCURRENT RESOLUTION 101—HONORING THE UNIVERSITY OF NEBRASKA AT OMAHA FOR ITS 100 YEARS OF COMMITMENT TO HIGHER EDUCATION

Mr. HAGEL (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 101

Whereas local leaders in the Omaha area formed a corporation known as the University of Omaha on October 8, 1908, for the promotion of sound learning and education;

Whereas, on September 14, 1909, the first 26 University of Omaha students gathered in Redick Hall, located west of 24th and Pratt Streets in the city of Omaha;

Whereas, during the first 10 years of existence, the key division of the University of Omaha was Liberal Arts College, designed to produce a well-rounded and informed student;

Whereas, in 1910, the University of Nebraska announced it would accept all University of Omaha coursework as equivalent to its own, a milestone in terms of recognition for the new institution and acknowledgement of its substantial and respected curriculum;

Whereas, in December 1916, the University of Omaha students had a farewell party for Redick Hall and moved into their new building, a 3-story, 30-classroom building named Joslyn Hall;

Whereas, in 1929, the University of Omaha board of trustees and the people of Omaha voted to create the new Municipal University of Omaha to replace the old University of Omaha on May 30, 1930;

Whereas, in 1936, the Municipal University of Omaha acquired 20 acres of land north of Elmwood Park and south of West Dodge Street, which would become the site of the present-day campus;

Whereas the University dedicated its beautiful Georgian-style administration building in November 1938, capable of accommodating a student body of 1,000;

Whereas the increased enrollment of World War II veterans in 1945 due to the Montgomery GI Bill led to the completion of several new buildings, including a field house, library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education ''Bootstrap'' program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5633. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

SA 5634. Mr. CONRAD proposed an amendment to the bill H.R. 6049, supra.

SA 5635. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to amendment SA 5633 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) to the bill H.R. 6049, supra.

SA 5636. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 5633 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) to the bill H.R. 6049, supra; which was ordered to lie on the table.

SA 5637. Mr. REID (for himself, Mr. WARNER, Mr. BARRASSO, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BURR, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. CRAPO, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. GRAHAM, Mr. HAGEL, Mr. HATCH, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. MARTINEZ, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, Mr. SUNUNU, Mr. THUNE, Mr. VOINOVICH, Mr. WEBB, Mr. AKAKA, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mr. BROWN, Mr. BUNNING, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. NELSON, of Florida, Mr. PRYOR, Mr. SANDERS, Mr. SESSIONS, Ms. SNOWE, Mr. STEVENS, Mr. TESTER, Mr. VITTER, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

SA 5638. Mr. MENENDEZ (for Mr. LIEBERMAN) proposed an amendment to the bill S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority.

SA 5639. Mr. MENENDEZ (for Mrs. MURRAY (for herself and Mr. BURR)) proposed an amendment to the bill S. 2932, 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.

SA 5640. Mr. MENENDEZ (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

SA 5641. Mr. MENENDEZ (for Mr. REID) proposed an amendment to the bill H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

## TEXT OF AMENDMENTS

**SA 5633.** Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Energy Improvement and Extension Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.

Sec. 103. Energy credit.

Sec. 104. Energy credit for small wind property.

Sec. 105. Energy credit for geothermal heat pump systems.
Sec. 106. Credit for residential energy efficient property.
Sec. 107. New clean renewable energy bonds.
Sec. 108. Credit for steel industry fuel.
Sec. 109. Special rule to implement FERC and State electric restructuring policy.
Subtitle B—Carbon Mitigation and Coal Provisions
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Tax credit for carbon dioxide sequestration.
Sec. 116. Certain income and gains relating to industrial source carbon dioxide treated as qualifying income for publicly traded partnerships.
Sec. 117. Carbon audit of the tax code.
TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS
Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 202. Credits for biodiesel and renewable diesel.
Sec. 203. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 204. Extension and modification of alternative fuel credit.
Sec. 205. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 207. Alternative fuel vehicle refueling property credit.
Sec. 208. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Sec. 209. Extension and modification of election to expense certain refineries.
Sec. 210. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 211. Transportation fringe benefit to bicycle commuters.
TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS
Sec. 301. Qualified energy conservation bonds.
Sec. 302. Credit for nonbusiness energy property.
Sec. 303. Energy efficient commercial buildings deduction.
Sec. 304. New energy efficient home credit.
Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 307. Qualified green building and sustainable design projects.
Sec. 308. Special depreciation allowance for certain reuse and recycling property.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 402. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 403. Broker reporting of customer's basis in securities transactions.
Sec. 404. 0.2 percent FUTA surtax.
Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.

## TITLE I—ENERGY PRODUCTION INCENTIVES

### Subtitle A—Renewable Energy Incentives

**SEC. 101. RENEWABLE ENERGY CREDIT.**

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND AND REFINED COAL FACILITIES.—Paragraphs (1) and (8) of section 45(d) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 2-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2011'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A)(i) (defining refined coal), as amended by section 108, is amended—

(A) by striking subclause (IV),

(B) by adding ''and'' at the end of subclause (II), and

(C) by striking '', and'' at the end of subclause (III) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold from facilities placed in service after December 31, 2008.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(4) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.**

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary

structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 103. ENERGY CREDIT.**

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (vi) as clause (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,''.

(2) TECHNICAL AMENDMENT.—Clause (vi) of section 38(c)(4)(B), as redesignated by paragraph (1), is amended by striking ''section 47 to the extent attributable to'' and inserting ''section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

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

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iii) the energy efficiency percentage of which exceeds 60 percent, and

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel sources for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(i) subparagraph (A)(iii) shall not apply, but

''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SEC. 104. ENERGY CREDIT FOR SMALL WIND PROPERTY.**

(a) IN GENERAL.—Section 48(a)(3)(A), as amended by section 103, is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c), as amended by section 103, is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to all such property of the taxpayer shall not exceed $4,000.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 100 kilowatts.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1), as amended by section 103, is amended by striking ''paragraphs (1)(B), (2)(B), and

(3)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SEC. 105. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.**

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:

''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SEC. 106. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.**

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1), as amended by subsections (c) and (d), is amended—

(A) by striking subparagraph (A), and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A), as amended by subsections (c) and (d), is amended—

(A) by striking clause (i), and

(B) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the 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 subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, 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 succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SOLAR ELECTRIC PROPERTY LIMITATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2008.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

**SEC. 107. NEW CLEAN RENEWABLE ENERGY BONDS.**

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.**

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy 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 capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $800,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 108. CREDIT FOR STEEL INDUSTRY FUEL.**

(a) TREATMENT AS REFINED COAL.—

(1) IN GENERAL.—Subparagraph (A) of section 45(c)(7) of the Internal Revenue Code of 1986 (relating to refined coal), as amended by this Act, is amended to read as follows:

''(A) IN GENERAL.—The term 'refined coal' means a fuel—

''(i) which—

''(I) is a liquid, gaseous, or solid fuel produced from coal (including lignite) or high carbon fly ash, including such fuel used as a feedstock,

''(II) is sold by the taxpayer with the reasonable expectation that it will be used for purpose of producing steam,

''(III) is certified by the taxpayer as resulting (when used in the production of steam) in a qualified emission reduction, and

''(IV) is produced in such a manner as to result in an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal, or

''(ii) which is steel industry fuel.''.

(2) STEEL INDUSTRY FUEL DEFINED.—Paragraph (7) of section 45(c) of such Code is amended by adding at the end the following new subparagraph:

''(C) STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—The term 'steel industry fuel' means a fuel which—

''(I) is produced through a process of liquifying coal waste sludge and distributing it on coal, and

''(II) is used as a feedstock for the manufacture of coke.

''(ii) COAL WASTE SLUDGE.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process, including such materials that have been stored in ground, in tanks and in lagoons, that have been treated as hazardous wastes under applicable Federal environmental rules absent liquefaction and processing with coal into a feedstock for the manufacture of coke.''.

(b) CREDIT AMOUNT.—

(1) IN GENERAL.—Paragraph (8) of section 45(e) of the Internal Revenue Code of 1986 (relating to refined coal production facilities) is amended by adding at the end the following new subparagraph

''(D) SPECIAL RULE FOR STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—In the case of a taxpayer who produces steel industry fuel—

''(I) this paragraph shall be applied separately with respect to steel industry fuel and other refined coal, and

''(II) in applying this paragraph to steel industry fuel, the modifications in clause (ii) shall apply.

''(ii) MODIFICATIONS.—

''(I) CREDIT AMOUNT.—Subparagraph (A) shall be applied by substituting '$2 per barrel-of-oil equivalent' for '$4.375 per ton'.

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the later of the date such facility was originally placed in service, the date the modifications described in clause (iii) were placed in service, or October 1, 2008, and ending on the later of December 31, 2009, or the date which is 1 year after the date such facility or the modifications described in clause (iii) were placed in service.

''(III) NO PHASEOUT.—Subparagraph (B) shall not apply.

''(iii) MODIFICATIONS.—The modifications described in this clause are modifications to an existing facility which allow such facility to produce steel industry fuel.

''(iv) BARREL-OF-OIL EQUIVALENT.—For purposes of this subparagraph, a barrel-of-oil equivalent is the amount of steel industry fuel that has a Btu content of 5,800,000 Btus.''.

(2) INFLATION ADJUSTMENT.—Paragraph (2) of section 45(b) of such Code is amended by inserting ''the $3 amount in subsection (e)(8)(D)(ii)(I),'' after ''subsection (e)(8)(A),''.

(c) TERMINATION.—Paragraph (8) of section 45(d) of the Internal Revenue Code of 1986 (relating to refined coal production facility), as amended by this Act, is amended to read as follows:

''(8) REFINED COAL PRODUCTION FACILITY.—In the case of a facility that produces refined coal, the term 'refined coal production facility' means—

''(A) with respect to a facility producing steel industry fuel, any facility (or any modification to a facility) which is placed in service before January 1, 2010, and

''(B) with respect to any other facility producing refined coal, any facility placed in service after the date of the enactment of the American Jobs Creation Act of 2004 and before January 1, 2010.''.

(d) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(e)(9) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''The term'' and inserting the following:

''(i) IN GENERAL.—The term'', and

(B) by adding at the end the following new clause:

''(ii) EXCEPTION FOR STEEL INDUSTRY COAL.—In the case of a facility producing steel industry fuel, clause (i) shall not apply to so much of the refined coal produced at such facility as is steel industry fuel.''.

(2) NO DOUBLE BENEFIT.—Section 45K(g)(2) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH SECTION 45.—No credit shall be allowed with respect to any qualified fuel which is steel industry fuel (as defined in section 45(c)(7)) if a credit is allowed to the taxpayer for such fuel under section 45.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced and sold after September 30, 2008.

**SEC. 109. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.**

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

## Subtitle B—Carbon Mitigation and Coal Provisions

### SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

### SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) ELIGIBLE PROJECTS INCLUDE TRANSPORTATION GRADE LIQUID FUELS.—Section 48B(c)(7) (defining eligible entity) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) transportation grade liquid fuels.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

### SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term ''market value of the outstanding repayable advances, plus accrued interest'' means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term ''refinancing date'' means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term ''repayable advance'' means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term ''Treasury rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term ''Treasury 1-year rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

**SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.**

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

**SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

**''SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.**

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(1) which is owned by the taxpayer,

''(2) at which carbon capture equipment is placed in service, and

''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

**SEC. 116. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ''or industrial source carbon dioxide'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 117. CARBON AUDIT OF THE TAX CODE.**

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

## TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

**SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.**

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by inserting '', or other equivalent standard approved by the Secretary'' after ''D396''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new sentences: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last 3 sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking ''and mustard seeds'' and inserting ''mustard seeds, and camelina''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendment made by subsection (d) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

**SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.**

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

**SEC. 204. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.**

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied gas derived from biomass (as defined in section 45K(c)(3)), and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after September 30, 2009, and on or before December 30, 2009, and

''(ii) 75 percent in the case of fuel produced after December 30, 2009.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

**SEC. 205. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

**''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

''(A) $2,500, plus

''(B) $417 for each kilowatt hour of traction battery capacity in excess of 4 kilowatt hours.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—

''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—

''(A) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2008, is at least 250,000.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent for the first 2 calendar quarters of the phaseout period,

''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(iii) 0 percent for each calendar quarter thereafter.

''(D) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(1) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,

''(2) which uses an offboard source of energy to recharge such battery,

''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (d) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:

''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 106, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(4).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

**SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.**

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked

or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

**SEC. 207. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.**

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:

''(C) Electricity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 208. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1), as amended by this Act, is amended by striking ''or industrial source carbon dioxide'' and inserting '', industrial source carbon dioxide, or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 209. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.**

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 210. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.**

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking ''for any taxable year'' and all that follows and inserting ''for any taxable year—

''(i) beginning after December 31, 1997, and before January 1, 2008, or

''(ii) beginning after December 31, 2008, and before January 1, 2010.''.

**SEC. 211. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.**

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

## TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

**SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.**

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 107, is amended by adding at the end the following new section:

**''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.**

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy 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 conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) 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 (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $800,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2009.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.**

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

**SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.**

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

**SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.**

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

**SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.**

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which—

''(i) is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property which—

''(i) is used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.**

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

**SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.**

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after August 31, 2008, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

''(B) EXCEPTIONS.—

''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to

any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

## TITLE IV—REVENUE PROVISIONS

### SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this paragraph, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

''(C) PRIMARY PRODUCT.—For purposes of this paragraph, the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Improvement and Extension Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Improvement and Extension Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

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

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Improvement and Extension Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 403. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.**

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any customer, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO CERTAIN FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION FUND FOR TREATMENT AS SINGLE ACCOUNT.—If a fund described in subparagraph (A) elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding such stock as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the

methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

**''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.**

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

**''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.**

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2011.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

**SEC. 404. 0.2 PERCENT FUTA SURTAX.**

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''through 2008'' in paragraph (1) and inserting ''through 2009'', and

(2) by striking ''calendar year 2009'' in paragraph (2) and inserting ''calendar year 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2008.

**SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.**

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''is 5 cents a barrel.'' and inserting ''is—

''(i) in the case of crude oil received or petroleum products entered before January 1, 2017, 8 cents a barrel, and

''(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

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**SA 5634.** Mr. CONRAD proposed an amendment to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; as follows:

At the end add the following:

**DIVISION B—ALTERNATIVE MINIMUM TAX RELIEF**

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the ''Alternative Minimum Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

DIVISION B—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—REVENUE PROVISIONS

Subtitle A—General Provisions

Sec. 201. Tax on crude oil and natural gas produced from the outer Continental Shelf in the Gulf of Mexico.

Sec. 202. Nonqualified deferred compensation from certain tax indifferent parties.

Sec. 203. Delay in application of worldwide allocation of interest.

Subtitle B—Economic Substance Doctrine

Sec. 211. Clarification of economic substance doctrine.

Sec. 212. Penalty for understatements attributable to transactions lacking economic substance, etc.

Sec. 213. Denial of deduction for interest on underpayments attributable to noneconomic substance transactions.

## TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

### SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.

## TITLE II—REVENUE PROVISIONS

### Subtitle A—General Provisions

### SEC. 201. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

### ''CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

''Sec. 5896. Imposition of tax.

''Sec. 5897. Taxable crude oil or natural gas and removal price.

''Sec. 5898. Special rules and definitions.

#### ''SEC. 5896. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

''(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

''(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

#### ''SEC. 5897. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

''(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

''(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

''(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL OR GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

#### ''SEC. 5898. SPECIAL RULES AND DEFINITIONS.

''(a) ADMINISTRATIVE REQUIREMENTS.—

''(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5896 on a quarterly basis.

''(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

''(3) TAXABLE PERIODS; RETURN OF TAX.—

''(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

''(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5896.

''(b) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

''(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

''(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The tax imposed by section 5896(a) (after application of section 5896(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after December 31, 2008.

**SEC. 202. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.**

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

**''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.**

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

**SEC. 203. DELAY IN APPLICATION OF WORLD-WIDE ALLOCATION OF INTEREST.**

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f), as amended by the Housing Assistance Tax Act of 2008, are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2016''.

(b) FIRST YEAR LIMITATION.—Paragraph (7) of section 864(f), as added by Housing Assistance Tax Act of 2008, is amended by striking ''30 percent'' and inserting ''50 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**Subtitle B—Economic Substance Doctrine**

**SEC. 211. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.**

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) subject to clause (iii), the taxpayer has a substantial purpose (other than a Federal tax purpose) for entering into such transaction.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance solely by reason of having a potential for profit unless the present value of the reasonably expected pre-Federal tax profit from the transaction is substantial in relation to the present value of the expected net Federal tax benefits that would be allowed if the transaction were respected. In determining pre-Federal tax profit, there shall be taken into account fees and other transaction expenses and to the extent provided by the Secretary, foreign taxes.

''(iii) SPECIAL RULES FOR DETERMINING WHETHER NON-FEDERAL TAX PURPOSE.—For purposes of clause (i)(II)—

''(I) a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial purpose (other than a Federal tax purpose) if the origin of such financial accounting benefit is a reduction of Federal tax, and

''(II) the taxpayer shall not be treated as having a substantial purpose (other than a Federal tax purpose) with respect to a transaction if the only such purpose is the reduction of non-Federal taxes and the transaction will result in a reduction of Federal taxes substantially equal to, or greater than, the reduction in non-Federal taxes because of similarities between the laws imposing the taxes.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(3) OTHER PROVISIONS NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law or provision of this title, and the requirements of this subsection shall be construed as being in addition to any such other rule of law or provision of this title.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

**SEC. 212. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.**

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

**''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.**

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 30 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '30 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if there is a lack of economic substance (within the meaning of section 7701(p)(1)(B)) for the transaction giving rise to the claimed benefit.

''(d) RULES APPLICABLE TO ASSERTION, COMPROMISE, AND COLLECTION OF PENALTY.—

''(1) IN GENERAL.—Only the Chief Counsel for the Internal Revenue Service may assert a penalty imposed under this section or may compromise all or any portion of such penalty. The Chief Counsel may delegate the authority under this paragraph only to an individual holding the position of chief of a branch within the Office of the Chief Counsel for the Internal Revenue Service.

''(2) SPECIFIC REQUIREMENTS.—

''(A) ASSERTION OF PENALTY.—The Chief Counsel for the Internal Revenue Service (or the Chief Counsel's delegate under paragraph (1)) shall not assert a penalty imposed under this section unless, before the assertion of the penalty, the taxpayer is provided—

''(i) a notice of intent to assert the penalty, and

''(ii) an opportunity to provide to the Commissioner (or the Chief Counsel's delegate under paragraph (1)) a written response to the proposed penalty within a reasonable period of time after such notice.

''(B) COMPROMISE OF PENALTY.—A compromise shall not result in a reduction in the penalty imposed by this section in an amount greater than the amount which bears the same ratio to the amount of the penalty determined without regard to the compromise as—

''(i) the reduction under the compromise in the noneconomic substance transaction understatement to which the penalty relates, bears to

''(ii) the amount of the noneconomic substance transaction understatement determined without regard to the compromise.

''(3) RULES RELATING TO RELEVANCY REQUIREMENT.—

''(A) DETERMINATION OF RELEVANCE BY CHIEF COUNSEL.—The Chief Counsel for the Internal Revenue Service (or the Chief Counsel's delegate under paragraph (1)) may assert, compromise, or collect a penalty imposed by this section with respect to a noneconomic substance transaction even if there has not been a court determination that the economic substance doctrine was relevant for purposes of this title to the transaction if the Chief Counsel (or delegate) determines that either was so relevant.

''(B) FINAL ORDER OF COURT.—If there is a final order of a court that determines that the economic substance doctrine was not relevant for purposes of this title to a transaction (or series of transactions), any penalty imposed under this section with respect to the transaction (or series of transactions) shall be rescinded.

''(4) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply to a compromise under paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A)—

(i) by inserting ''6662B or'' before ''6663'' in the text, and

(ii) by striking ''**PENALTY**'' in the heading and inserting ''**AND ECONOMIC SUBSTANCE PENALTIES**'',

(C) in paragraph (2)(B)—

(i) by inserting ''and section 6662B'' after ''This section'', and

(ii) by striking ''**PENALTY**'' in the heading and inserting ''**AND ECONOMIC SUBSTANCE PENALTIES**'',

(D) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

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

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(B)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or to penalty under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

**SEC. 213. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.**

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''**AND NONECONOMIC SUBSTANCE TRANSACTIONS**'' in the heading thereof after ''**TRANSACTIONS**''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

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**SA 5635.** Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to amendment SA 5633 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; as follows:

At the end, insert the following:

**DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF**

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the ''Tax Extenders and Alternative Minimum Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.
Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 204. Additional standard deduction for real property taxes for nonitemizers.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Treatment of certain dividends of regulated investment companies.
Sec. 207. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 208. Qualified investment entities.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.
Sec. 306. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 307. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 308. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 309. Extension of economic development credit for American Samoa.
Sec. 310. Extension of mine rescue team training credit.
Sec. 311. Extension of election to expense advanced mine safety equipment.
Sec. 312. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 313. Qualified zone academy bonds.
Sec. 314. Indian employment credit.
Sec. 315. Accelerated depreciation for business property on Indian reservations.
Sec. 316. Railroad track maintenance.
Sec. 317. Seven-year cost recovery period for motorsports racing track facility.
Sec. 318. Expensing of environmental remediation costs.
Sec. 319. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 320. Extension of increased rehabilitation credit for structures in the Gulf Opportunity Zone.
Sec. 321. Enhanced deduction for qualified computer contributions.
Sec. 322. Tax incentives for investment in the District of Columbia.
Sec. 323. Enhanced charitable deductions for contributions of food inventory.
Sec. 324. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 325. Extension and modification of duty suspension on wool products; wool research fund; wool duty refunds.

TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

Sec. 401. Permanent authority for undercover operations.
Sec. 402. Permanent authority for disclosure of information relating to terrorist activities.

TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

Subtitle A—General Provisions

Sec. 501. $8,500 income threshold used to calculate refundable portion of child tax credit.
Sec. 502. Provisions related to film and television productions.
Sec. 503. Exemption from excise tax for certain wooden arrows designed for use by children.
Sec. 504. Income averaging for amounts received in connection with the Exxon Valdez litigation.
Sec. 505. Certain farming business machinery and equipment treated as 5-year property.
Sec. 506. Modification of penalty on understatement of taxpayer's liability by tax return preparer.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

Sec. 511. Short title.
Sec. 512. Mental health parity.

TITLE VI—OTHER PROVISIONS

Sec. 601. Secure rural schools and community self-determination program.
Sec. 602. Transfer to abandoned mine reclamation fund.

TITLE VII—DISASTER RELIEF

Subtitle A—Heartland and Hurricane Ike Disaster Relief

Sec. 701. Short title.
Sec. 702. Temporary tax relief for areas damaged by 2008 Midwestern severe storms, tornados, and flooding.
Sec. 703. Reporting requirements relating to disaster relief contributions.
Sec. 704. Temporary tax-exempt bond financing and low-income housing tax relief for areas damaged by Hurricane Ike.

Subtitle B—National Disaster Relief

Sec. 706. Losses attributable to federally declared disasters.
Sec. 707. Expensing of Qualified Disaster Expenses.
Sec. 708. Net operating losses attributable to federally declared disasters.

Sec. 709. Waiver of certain mortgage revenue bond requirements following federally declared disasters.
Sec. 710. Special depreciation allowance for qualified disaster property.
Sec. 711. Increased expensing for qualified disaster assistance property.
Sec. 712. Coordination with Heartland disaster relief.
TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY
Sec. 801. Nonqualified deferred compensation from certain tax indifferent parties.

## TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

**SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.**

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008, and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment, is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.

## TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

**SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

**SEC. 204. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.**

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1), as added by the Housing Assistance Tax Act of 2008, is amended by inserting ''or 2009'' after ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

**SEC. 206. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

**SEC. 207. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.**

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

**SEC. 208. QUALIFIED INVESTMENT ENTITIES.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

## TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

**SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.**

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B).

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''after December 31, 2007'' and inserting ''after December 31, 2009''.

(b) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Section 41(h) is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to taxable years beginning after December 31, 2008.''.

(c) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended by striking ''12 percent'' and inserting ''14 percent (12 percent in the case of taxable years ending before January 1, 2009)''.

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2007.

**SEC. 302. NEW MARKETS TAX CREDIT.**

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

**SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.**

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

**SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

**SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.**

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—

(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified restaurant property' means any section 1250 property which is—

''(i) a building, if such building is placed in service after December 31, 2008, and before January 1, 2010, or

''(ii) an improvement to a building,

if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.

''(B) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property placed in service after December 31, 2008, and before January 1, 2010.''.

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, or

''(iv) the internal structural framework of the building.

''(D) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).

''(E) TERMINATION.—Such term shall not include any improvement placed in service after December 31, 2009.''.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 39''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008.

**SEC. 306. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

**SEC. 307. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

**SEC. 308. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

**SEC. 309. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.**

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 310. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.**

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

**SEC. 311. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.**

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

**SEC. 312. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 313. QUALIFIED ZONE ACADEMY BONDS.**

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**''SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.**

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy 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 a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a

calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 or 2009 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (B), by inserting ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54E. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 314. INDIAN EMPLOYMENT CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

**SEC. 316. RAILROAD TRACK MAINTENANCE.**

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—

(1) by redesignating clauses (v), (vi), and (vii) as clauses (vi), (vii), and (viii), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45G,''.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

(2) The amendments made by subsection (b) shall apply to credits determined under section 45G of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2007, and to carrybacks of such credits.

**SEC. 317. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

**SEC. 318. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

**SEC. 319. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.**

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

**SEC. 320. EXTENSION OF INCREASED REHABILITATION CREDIT FOR STRUCTURES IN THE GULF OPPORTUNITY ZONE.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

**SEC. 321. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

**SEC. 322. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

**SEC. 323. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 324. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.**

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

**SEC. 325. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.**

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting ''12/31/2014'':

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking ''2010'' and inserting ''2015''; and

(B) in paragraph (6)(A), by striking ''through 2009'' and inserting ''through 2014''.

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking ''2010'' and inserting ''2015''.

## TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

**SEC. 401. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.**

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

**SEC. 402. PERMANENT AUTHORITY FOR DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.**

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

## TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

### Subtitle A—General Provisions

**SEC. 501. $8,500 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.**

(a) IN GENERAL.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $8,500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 502. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.**

(a) EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(c) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W–2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(d) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ''actors'' and all that follows and inserting ''actors, production personnel, directors, and producers.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to qualified film and television productions commencing after December 31, 2007.

(2) DEDUCTION.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2007.

**SEC. 503. EXEMPTION FROM EXCISE TAX FOR CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.**

(a) IN GENERAL.—Paragraph (2) of section 4161(b) 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.

**SEC. 504. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.**

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

**SEC. 505. CERTAIN FARMING BUSINESS MACHINERY AND EQUIPMENT TREATED AS 5-YEAR PROPERTY.**

(a) IN GENERAL.—Section 168(e)(3)(B) (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business (as defined in section 263A(e)(4)), the original use of which commences with the taxpayer after December 31, 2008, and which is placed in service before January 1, 2010.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

(B)(vii) ..... 10''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

**SEC. 506. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.**

(a) IN GENERAL.—Subsection (a) of section 6694 is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

## Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

**SEC. 511. SHORT TITLE.**

This subtitle may be cited as the ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008''.

**SEC. 512. MENTAL HEALTH PARITY.**

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles,

copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place that such appears; and

(ii) by striking ''and who employs at least 2 employees on the first day of the plan year''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by inserting after subsection (e) the following:

''(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, submit to the appropriate committees of Congress a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.

''(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate guidance and information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such guidance and information shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.'';

(7) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(8) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(b) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment

limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting before the period the following: ''(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an employer residing in a State that permits small groups to include a single individual)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan, and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of

any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(g) CONFORMING CLERICAL AMENDMENTS.—

(1) ERISA HEADING.—

(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

**''SEC. 712. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Parity in mental health and substance use disorder benefits.''.

(2) PHSA HEADING.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

**''SEC. 2705. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(3) IRC HEADING.—

(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

**''SEC. 9812. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Parity in mental health and substance use disorder benefits.''.

(h) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that analyzes the specific rates, patterns, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants' and enrollees' health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—Not later than 3 years after the date of the enactment of this Act, and 2 years after the date of submission the first report under this paragraph, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

## TITLE VI—OTHER PROVISIONS

### SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

**"SECTION 1. SHORT TITLE.**

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

**"SEC. 2. PURPOSES.**

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

**"SEC. 3. DEFINITIONS.**

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

## "TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

### "SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount

equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

**''SEC. 102. PAYMENTS TO STATES AND COUNTIES.**

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

**''SEC. 103. TRANSITION PAYMENTS TO STATES.**

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2)

(as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

**''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND**

**''SEC. 201. DEFINITIONS.**

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

**''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.**

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

**''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

**''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.**

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

**''SEC. 205. RESOURCE ADVISORY COMMITTEES.**

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

**''SEC. 206. USE OF PROJECT FUNDS.**

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project

submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

**''SEC. 207. AVAILABILITY OF PROJECT FUNDS.**

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

**''SEC. 208. TERMINATION OF AUTHORITY.**

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

## ''TITLE III—COUNTY FUNDS

**''SEC. 301. DEFINITIONS.**

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

**''SEC. 302. USE.**

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

**''SEC. 303. CERTIFICATION.**

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

**''SEC. 304. TERMINATION OF AUTHORITY.**

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

## ''TITLE IV—MISCELLANEOUS PROVISIONS

**''SEC. 401. REGULATIONS.**

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

**''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

**''SEC. 403. TREATMENT OF FUNDS AND REVENUES.**

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

**''§ 6906. Funding**

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United

States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

**SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION FUND.**

Subparagraph (C) of section 402(i)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(1)) is amended by striking ''and $9,000,000 on October 1, 2009'' and inserting ''$9,000,000 on October 1, 2009, and $9,000,000 on October 1, 2010''.

## TITLE VII—DISASTER RELIEF

### Subtitle A—Heartland and Hurricane Ike Disaster Relief

**SEC. 701. SHORT TITLE.**

This subtitle may be cited as the ''Heartland Disaster Tax Relief Act of 2008''.

**SEC. 702. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.**

(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 any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (d), (e), (i), (j), (m), and (o) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(b) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term ''Midwestern disaster area'' means an area—

(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and

(B) 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 severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(c) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.

(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and

(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),

(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),

(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting ''$1,000'' for ''$2,500'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',

(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears,

(G) by substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C), and

(H) by disregarding paragraph (8) thereof.

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2008, 2009, and 2010,

(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears,

(C) in paragraph (1)(B)—

(i) by substituting ''$8.00'' for ''$18.00'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'' , and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,

(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and

(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(4) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),

(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and

(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(5) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h), as amended by this Act—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',

(B) by substituting ''December 31, 2011'' for ''December 31, 2009'' in paragraph (1), and

(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(6) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),

(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and

(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(7) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,

(B) by substituting ''any State in which a Midwestern disaster area is located or any instrumentality of the State'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),

(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',

(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and

(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).

(8) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.

(9) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' 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 the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Heartland Disaster Tax Relief 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 damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by disregarding subparagraphs (C) and (D) of subsection (c)(3) thereof,

(L) by substituting ''beginning on the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(M) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(N) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(11) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2009'' 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 the applicable disaster date.

(12) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution—

''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

''(II) is made for relief efforts in 1 or more Midwestern disaster areas,

''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

''(i) to an organization described in section 509(a)(3), or

''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.

(13) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.

(14) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(15) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,

(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and

(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and

(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.

**SEC. 703. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.**

(a) IN GENERAL.—Section 6033(b) (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

**SEC. 704. TEMPORARY TAX-EXEMPT BOND FINANCING AND LOW-INCOME HOUSING TAX RELIEF FOR AREAS DAMAGED BY HURRICANE IKE.**

(a) TAX-EXEMPT BOND FINANCING.—Section 1400N(a) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) By substituting ''qualified Hurricane Ike disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Hurricane Ike disaster area bond—

(A) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(i) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to Hurricane Ike or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(ii) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by Hurricane Ike, and

(B) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to Hurricane Ike.

(2) By substituting ''any State in which any Hurricane Ike disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B).

(3) By substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C).

(4) By substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D).

(5) By substituting the following for subparagraph (A) of paragraph (3):

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,000 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(6) By substituting ''qualified Hurricane Ike disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears.

(7) By substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).

(8) By disregarding paragraph (8) thereof.

(9) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(b) LOW-INCOME HOUSING CREDIT.—Section 1400N(c) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) Only with respect to calendar years 2008, 2009, and 2010.

(2) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(3) By substituting ''Hurricane Ike Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears.

(4) By substituting the following for subparagraph (B) of paragraph (1):

''(B) HURRICANE IKE HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Hurricane Ike housing amount' means, for any calendar year, the amount equal to the product of $16.00 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(5) Determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(c) HURRICANE IKE DISASTER AREA.—For purposes of this section and for applying the substitutions described in subsections (a) and (b), the term ''Hurricane Ike disaster area'' means an area in the State of Texas or Louisiana—

(1) with respect to which a major disaster has been declared by the President on September 13, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Ike, and

(2) 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 Hurricane Ike.

**Subtitle B—National Disaster Relief**

**SEC. 706. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—

(1) IN GENERAL.—Subsection (h) of section 165 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

''(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—

''(i) such net disaster loss, and

''(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

''(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term 'net disaster loss' means the excess of—

''(i) the personal casualty losses—

''(I) attributable to a federally declared disaster occurring before January 1, 2010, and

''(II) occurring in a disaster area, over

''(ii) personal casualty gains.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(ii) DISASTER AREA.—The term 'disaster area' means the area so determined to warrant such assistance.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

(B) Section 165(i)(1) is amended by striking ''loss'' and all that follows through ''Act'' and inserting ''loss occurring in a disaster area (as defined by clause (ii) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)''.

(C) Section 165(i)(4) is amended by striking ''Presidentially declared disaster (as defined by section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by subsection (h)(3)(C)(i)''.

(D)(i) So much of subsection (h) of section 1033 as precedes subparagraph (A) of paragraph (1) thereof is amended to read as follows:

''(h) SPECIAL RULES FOR PROPERTY DAMAGED BY FEDERALLY DECLARED DISASTERS.—

''(1) PRINCIPAL RESIDENCES.—If the taxpayer's principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—''.

(ii) Paragraph (2) of section 1033(h) is amended by striking ''investment'' and all that follows through ''disaster'' and inserting ''investment located in a disaster area and compulsorily or involuntarily converted as a result of a federally declared disaster''.

(iii) Paragraph (3) of section 1033(h) is amended to read as follows:

''(3) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).''.

(iv) Section 139(c)(2) is amended to read as follows:

''(2) federally declared disaster (as defined by section 165(h)(3)(C)(i)),''.

(v) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters (as defined in section 1033(h)(3))'' and inserting ''federally declared disasters (as defined by subsection (h)(3)(C)(i))''.

(vi) Subclause (III) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters'' and inserting ''federally declared disasters''.

(vii) Subsection (a) of section 7508A is amended by striking ''Presidentially declared disaster (as defined in section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by section 165(h)(3)(C)(i))''.

(b) INCREASE IN STANDARD DEDUCTION BY DISASTER CASUALTY LOSS.—

(1) IN GENERAL.—Paragraph (1) of section 63(c), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (B), by

striking the period at the end of subparagraph (C) and inserting ''and'', and by adding at the end the following new subparagraph:

''(D) the disaster loss deduction.''.

(2) DISASTER LOSS DEDUCTION.—Subsection (c) of section 63, as amended by the Housing Assistance Tax Act of 2008, is amended by adding at the end the following new paragraph:

''(8) DISASTER LOSS DEDUCTION.—For the purposes of paragraph (1), the term 'disaster loss deduction' means the net disaster loss (as defined in section 165(h)(3)(B)).''.

(3) ALLOWANCE IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the standard deduction as is determined under section 63(c)(1)(D).''.

(c) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—Paragraph (1) of section 165(h) is amended by striking ''$100'' and inserting ''$500 ($100 for taxable years beginning after December 31, 2009)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to disasters declared in taxable years beginning after December 31, 2007.

(2) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

**SEC. 707. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 198 the following new section:

**''SEC. 198A. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

''(a) IN GENERAL.—A taxpayer may elect to treat any qualified disaster expenses which are paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expense which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

''(b) QUALIFIED DISASTER EXPENSE.—For purposes of this section, the term 'qualified disaster expense' means any expenditure—

''(1) which is paid or incurred in connection with a trade or business or with business-related property,

''(2) which is—

''(A) for the abatement or control of hazardous substances that were released on account of a federally declared disaster occurring before January 1, 2010,

''(B) for the removal of debris from, or the demolition of structures on, real property which is business-related property damaged or destroyed as a result of a federally declared disaster occurring before such date, or

''(C) for the repair of business-related property damaged as a result of a federally declared disaster occurring before such date, and

''(3) which is otherwise chargeable to capital account.

''(c) OTHER DEFINITIONS.—For purposes of this section—

''(1) BUSINESS-RELATED PROPERTY.—The term 'business-related property' means property—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) described in section 1221(a)(1) in the hands of the taxpayer.

''(2) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(d) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—

''(1) the deduction allowed by this section for such expense shall be treated as a deduction for depreciation, and

''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

''(e) COORDINATION WITH OTHER PROVISIONS.—Sections 198, 280B, and 468 shall not apply to amounts which are treated as expenses under this section.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 198 the following new item:

''Sec. 198A. Expensing of Qualified Disaster Expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.

**SEC. 708. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Paragraph (1) of section 172(b) is amended by adding at the end the following new subparagraph:

''(J) CERTAIN LOSSES ATTRIBUTABLE FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer who has a qualified disaster loss (as defined in subsection (j)), such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) QUALIFIED DISASTER LOSS.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified disaster loss' means the lesser of—

''(A) the sum of—

''(i) the losses allowable under section 165 for the taxable year—

''(I) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring before January 1, 2010, and

''(II) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and

''(ii) the deduction for the taxable year for qualified disaster expenses which is allowable under section 198A(a) or which would be so allowable if not otherwise treated as an expense, or

''(B) the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified disaster loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(J) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(J). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(4) EXCLUSION.—The term 'qualified disaster loss' shall not include any loss with respect to any property described in section 1400N(p)(3).''.

(c) LOSS DEDUCTION ALLOWED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

''(3) NET OPERATING LOSS ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer which has a qualified disaster loss (as defined by section 172(b)(1)(J)) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of such loss.''.

(d) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 172(b)(1)(F) is amended by inserting ''or qualified disaster loss (as defined in subsection (j))'' before the period at the end of the last sentence.

(2) Paragraph (1) of section 172(i) is amended by adding at the end the following new flush sentence:

''Such term shall not include any qualified disaster loss (as defined in subsection (j)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2007, in connection with disasters declared after such date.

**SEC. 709. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Subsection (k) of section 143 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—

''(A) PRINCIPAL RESIDENCE DESTROYED.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer is—

''(i) rendered unsafe for use as a residence by reason of a federally declared disaster occurring before January 1, 2010, or

''(ii) demolished or relocated by reason of an order of the government of a State or political subdivision thereof on account of a federally declared disaster occurring before such date,

then, for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting '110' for '90' in paragraph (1) thereof.

''(B) PRINCIPAL RESIDENCE DAMAGED.—

''(i) IN GENERAL.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer was damaged as the result of a federally declared disaster occurring before January 1, 2010, any owner-financing provided in connection with the repair or reconstruction of such residence shall be treated as a qualified rehabilitation loan.

''(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—

''(I) the cost of such repair or reconstruction, or

''(II) $150,000.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(D) ELECTION; DENIAL OF DOUBLE BENEFIT.—

''(i) ELECTION.—An election under this paragraph may not be revoked except with the consent of the Secretary.

''(ii) DENIAL OF DOUBLE BENEFIT.—If a taxpayer elects the application of this paragraph, paragraph (11) shall not apply with respect to the purchase or financing of any residence by such taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disasters occurring after December 31, 2007.

**SEC. 710. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) IN GENERAL.—Section 168, as amended by this Act, is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified disaster assistance property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified disaster assistance property, and

''(B) the adjusted basis of the qualified disaster assistance property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified disaster assistance property' means any property—

''(i)(I) which is described in subsection (k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is—

''(I) in a disaster area with respect to a federally declared disaster occurring before January 1, 2010, and

''(II) in the active conduct of a trade or business by the taxpayer in such disaster area,

''(iii) which—

''(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such federally declared disaster, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and

''(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,

''(iv) the original use of which in such disaster area commences with an eligible taxpayer on or after the applicable disaster date,

''(v) which is acquired by such eligible taxpayer by purchase (as defined in section 179(d)) on or after the applicable disaster date, but only if no written binding contract for the acquisition was in effect before such date, and

''(vi) which is placed in service by such eligible taxpayer on or before the date which is the last day of the third calendar year following the applicable disaster date (the fourth calendar year in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) OTHER BONUS DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include—

''(I) any property to which subsection (k) (determined without regard to paragraph (4)), (l), or (m) applies,

''(II) any property to which section 1400N(d) applies, and

''(III) any property described in section 1400N(p)(3).

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) TAX-EXEMPT BOND FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iv) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(v) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of subsection (k)(2) shall apply, except that such subparagraph shall be applied—

''(i) by substituting 'the applicable disaster date' for 'December 31, 2007' each place it appears therein,

''(ii) without regard to 'and before January 1, 2009' in clause (i) thereof, and

''(iii) by substituting 'qualified disaster assistance property' for 'qualified property' in clause (iv) thereof.

''(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(3) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

''(B) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term under section 165(h)(3)(C)(i).

''(C) DISASTER AREA.—The term 'disaster area' has the meaning given such term under section 165(h)(3)(C)(ii).

''(D) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a taxpayer who has suffered an economic loss attributable to a federally declared disaster.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified disaster assistance property which ceases to be qualified disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

**SEC. 711. INCREASED EXPENSING FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.**

(a) IN GENERAL.—Section 179 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—For purposes of this section—

''(A) the dollar amount in effect under subsection (b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year, and

''(B) the dollar amount in effect under subsection (b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 disaster assistance property' means section 179 property (as defined in subsection (d)) which is qualified disaster assistance property (as defined in section 168(n)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 disaster assistance property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 disaster assistance property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under subsection (d)(10) shall apply with respect to any qualified section 179 disaster assistance property which ceases to be qualified section 179 disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

**SEC. 712. COORDINATION WITH HEARTLAND DISASTER RELIEF.**

The amendments made by this subtitle, other than the amendments made by sections 706(a)(2), 710, and 711, shall not apply to any disaster described in section 702(c)(1)(A), or to any expenditure or loss resulting from such disaster.

## TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY

**SEC. 801. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.**

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

**''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.**

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the

time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

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**SA 5637.** Mr. REID (for himself, Mr. WARNER, Mr. BARRASSO, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BURR, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. CRAPO, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. GRAHAM, Mr. HAGEL, Mr. HATCH, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. MARTINEZ, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, Mr. SUNUNU, Mr. THUNE, Mr. VOINOVICH, Mr. WEBB, Mr. AKAKA, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mr. BROWN, Mr. BUNNING, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. SESSIONS, Ms. SNOWE, Mr. STEVENS, Mr. TESTER, Mr. VITTER, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; as follows:

On page 83, after line 25, insert the following:

''(e) 2-WHEELED MOTOR VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), 2-wheeled motor vehicles shall be treated in the same manner as motor vehicles.

''(2) EXCEPTIONS.—

''(A) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be $1,500.

''(B) OTHER EXCEPTIONS.—

''(i) Subsection (c)(1) shall be applied with respect to 2-wheeled motor vehicles by substituting '3.7 kilowatt hours 'for '6 kilowatt hours'.

''(ii) Subsection (c)(3) shall not apply with respect to 2-wheeled motor vehicles.

''(3) APPLICATION OF LIMITATION.—The limitation provided in subsection (b)(2) shall be applied by taking into account sales of 2-wheeled motor vehicles.

''(4) 2-WHEELED MOTOR VEHICLE.—The term '2-wheeled vehicle' means any vehicle—

''(A) which would be described in section 30(c)(2) except that it has 2 wheels,

''(B) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 2 wheels in contact with the ground,

''(C) which has a motor that produces in excess of 5-brake horsepower,

''(D) which draws propulsion exclusively from 1 or more traction batteries,

''(E) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle, and

''(F) which is sold for use in the United States in 2009 or 2010.''.

On page 84, line 1, strike ''(e)'' and insert ''(f)''.

On page 86, line 21, strike ''(f)'' and insert ''(g)''.

On page 87, line 9, strike ''(g)'' and insert ''(h)''.

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**SA 5637.** Mr. REID (for himself and Mr. WARNER) proposed an amendment to the bill S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''ALS Registry Act''.

**SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

**''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, if scientifically advisable—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee may submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary may ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.''.

**SEC. 3. REPORT ON REGISTRIES.**

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services may submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report may also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

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**SA 5638.** Mr. MENENDEZ (for Mr. LIEBERMAN) proposed an amendment to the bill S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority; as follows:

On page 3, line 5, strike ''Affairs of'' and insert: ''Affairs and the Committee on Commerce, Science, and Transportation of''.

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**SA 5639.** Mr. MENENDEZ (for Mrs. MURRAY (for herself and Mr. BURR)) proposed an amendment to the bill S. 2932, 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; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Poison Center Support, Enhancement, and Awareness Act of 2008''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Poison control centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison control centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4,000,000 calls were managed by poison control centers providing ready and direct access for all people of the United States, including many underserved populations in the United States, with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3,000,000 and 5,000,000 poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1,200,000 days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine of the National Academy of Sciences recommended that ''Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than $100 million annually.''.

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every $1 invested in the Nation's poison control centers $7 of health care costs are saved. In 2005, direct Federal health care program savings totaled in excess of $525,000,000 as the result of poison control center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison control centers are realized annually by Federal health care programs (estimated to be more than $1,000,000,000), yet Federal funding support (as demonstrated by the annual authorization of $30,100,000 in Public Law 108-194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison control centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison control centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

**SEC. 3. REAUTHORIZATION OF POISON CONTROL CENTERS NATIONAL TOLL-FREE NUMBER.**

Section 1271 of the Public Health Service Act (42 U.S.C. 300d-71) is amended to read as follows:

**''SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.**

''(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison control centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2009 to carry out this section, and $700,000 for each of fiscal years 2010 through 2014 for the maintenance of the nationwide toll free phone number under subsection (a).''.

**SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.**

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d-72) is amended to read as follows:

**''SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.**

''(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

''(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with one or more public or private entities, including nationally recognized organizations in the field of poison control and national media firms, for the development and implementation of a nationwide poison prevention and poison control center awareness campaign, which may include—

''(1) the development and distribution of poison prevention and poison control center awareness materials;

''(2) television, radio, Internet, and newspaper public service announcements; and

''(3) other activities to provide for public and professional awareness and education.

''(c) EVALUATION.—The Secretary shall—

''(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

''(2) on an annual basis, prepare and submit to the appropriate committees of Congress, an evaluation of the nationwide media campaign.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009, and $800,000 for each of fiscal years 2010 through 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

**SEC. 5. REAUTHORIZATION OF THE POISON CONTROL CENTER GRANT PROGRAM.**

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d-73) is amended to read as follows:

**''SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.**

''(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to poison control centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

''(b) ADDITIONAL USES OF FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant, contract, or cooperative agreement under such subsection may also use amounts received under such grant, contract, or cooperative agreement—

''(1) to establish and evaluate best practices in the United States for poison prevention, poison control center outreach, and emergency and preparedness programs;

''(2) to research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures;

''(3) to improve national toxic exposure surveillance by enhancing cooperative activities between poison control centers in the United States and the Centers for Disease Control and Prevention;

''(4) to develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data;

''(5) to develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4);

''(6) to support and expand the toxicologic expertise within poison control centers; and

''(7) to improve the capacity of poison control centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

''(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may award a grant to a poison control center under subsection (a) only if—

''(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

''(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

''(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirements of subsection (c) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

''(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

''(3) LIMITATION.—In no case may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence

shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

''(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State or local funds provided for such center.

''(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $27,500,000 for fiscal year 2009, and $28,600,000 for each of fiscal years 2010 through 2014. The Secretary may utilize not to exceed 8 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions that do not include grants, contracts, or cooperative agreements under subsections (a) and (b), which are determined by the Secretary to be appropriate for carrying out the program under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

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**SA 5640.** Mr. MENENDEZ (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions; as follows:

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

**SEC. 2. PURPOSES.**

It is the purpose of this Act to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

**SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

**''SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.**

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

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**SA 5641.** Mr. MENENDEZ (for Mr. REID) proposed an amendment to the bill H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Clarifying ban of child pornography.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Sec. 201. Short title.

Sec. 202. Money laundering predicate.

Sec. 203. Knowingly accessing child pornography with the intent to view child pornography.

**TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Effective Child Pornography Prosecution Act of 2007''.

**SEC. 102. FINDINGS.**

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

**SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

**TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

**SEC. 202. MONEY LAUNDERING PREDICATE.**

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

**SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.**

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

## NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, September 25, 2008, at 2:30 p.m. to hear testimony on the nominations of Gracia M. Hillman, Donetta Davidson, Rosemary E. Rodriguez, and Gineen Bresso Beach to be members of the Election Assistance Commission.

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202–224–7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 202–224–6352.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BAUCUS. 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 September 23, 2008 at 9:30 a.m., to conduct a hearing entitled ''Turmoil in U.S. Credit Markets: Recent Actions Regarding Government Sponsored Entities, Investment Banks and Other Financial Institutions.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 23, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 23, 2008 at 10 a.m. in Room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Regulation of Greenhouse Gases under the Clean Air Act.''

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on Tuesday, September 23, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Covering the Uninsured: Making Health Insurance Markets Work.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Investing in a Skilled Workforce: Making the Best Use of Tax-Payer Dollars To Maximize Results'' on Tuesday, September 23, 2008. The hearing will commence at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. BAUCUS. 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 Tuesday, September 23, 2008.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. 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 ''Barriers to Justice: Examining Equal Pay for Equal Work'' on Tuesday, September 23, 2008, at 10 a.m., in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Wihout objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. 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 ''Judicial Nominations'' on Tuesday, September 23, 2008, at 3 p.m. in room SD–562 of the Dirksen Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, 2008.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 10 a.m. to conduct a hearing entitled ''After Action: A Review of the Combined Federal, State, and Local Activities to Respond and Recover from Hurricanes Gustav and Ike.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:30 p.m. to hold an open hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 10:30 a.m. to conduct a hearing entitled ''A Reducing the Undercount in the 2010 Census.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:30 p.m. to conduct a hearing entitled ''A Reliance on Smart Power—Reforming the Public Diplomacy Bureaucracy.''

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

EXECUTIVE SESSION

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EXTRADITION AGREEMENT WITH THE EUROPEAN UNION

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EXTRADITION TREATY WITH LATVIA

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EXTRADITION TREATY WITH MALTA

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EXTRADITION TREATY WITH ESTONIA

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EXTRADITION TREATY WITH BULGARIA AND AN AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS WITH BULGARIA

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EXTRADITION TREATY WITH ROMANIA AND PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS WITH ROMANIA

---

TREATY WITH MALAYSIA ON MUTUAL LEGAL ASSISTANCE

---

PROTOCOL AMENDING 1980 TAX CONVENTION WITH CANADA

---

TAX CONVENTION WITH BULGARIA WITH PROPOSED PROTOCOL OF AMENDMENT

---

TAX CONVENTION WITH ICELAND

---

PARTIAL REVISION (1992) OF RADIO REGULATIONS (GENEVA 1979)

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1995 REVISION OF RADIO REGULATIONS

---

INCENDIARY WEAPONS PROTOCOL

---

PROTOCOL ON BLINDING LASER WEAPONS

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AMENDMENT TO ARTICLE 1 OF THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

TREATY WITH SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

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MUTUAL LEGAL ASSISTANCE AGREEMENT WITH THE EUROPEAN UNION

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on the Executive Calendar: Calendar Nos. 12 to 23, 27, 28, 29, 32, and 33, and that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee understandings, declarations, or conditions be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motions to reconsider be considered made and laid on the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session with no other motions in order, all without interviewing action or debate.

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

The treaties and protocol will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

Mr. MENENDEZ. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

Senators in favor of the resolutions of ratification of these treaties will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

AGREEMENT ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Agreement on Extradition between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–14), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report on Provisional Arrests. No later than February 1, 2010, and every February 1 for an additional four years thereafter, the Attorney General, in coordination with the Secretary of State, shall prepare and submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate that contains the following information:

(1) The number of provisional arrests made by the United States during the previous calendar year under each bilateral extradition treaty with a Member State of the European Union, and a summary description of the alleged conduct for which provisional arrest was sought;

(2) The number of individuals who were provisionally arrested by the United States under each such treaty who were still in custody at the end of the previous calendar year, and a summary description of the alleged conduct for which provisional arrest was sought;

(3) The length of time between each provisional arrest listed under paragraph (1) and the receipt by the United States of a formal request for extradition; and

(4) The length of time that each individual listed under paragraph (1) was held by the United States or an indication that they are still in custody if that is the case.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Austria signed January 8, 1998, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of Belgium signed April 27, 1987, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus signed June 17, 1996, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty on Extradition between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and the Kingdom of Denmark signed June 22, 1972, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the United States of America and Finland signed June 11, 1976, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the

United States of America and France signed April 23, 1996, signed at The Hague on September 30, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition, signed at Washington on April 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty on Extradition between the United States of America and the Hellenic Republic, signed May 6, 1931, and the Protocol thereto signed September 2, 1937, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition signed December 1, 1994, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Ireland signed July 13, 1983, signed at Dublin on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Italian Republic signed October 13, 1983, signed at Rome on May 3, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Extradition between the United States of America and the European Union to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Lithuania, signed at Brussels on June 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2 (a) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg signed October 1, 1996, signed at Washington on February 1, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of the Netherlands signed at The Hague on June 24, 1980, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the application of the Extradition Treaty between the United States of America and the Republic of Poland signed July 10, 1996, pursuant to Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument on Extradition between the United States of America and the Slovak Republic, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and

the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the Application of the Treaty on Extradition between the United States and the Kingdom of Serbia, signed October 25, 1901, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Spain signed May 29, 1970, and the Supplementary Treaties on Extradition signed January 25, 1975, February 9, 1988, and March 12, 1996, signed at Madrid on December 17, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND KINGDOM OF SWEDEN

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Convention on Extradition between the United States of America and Sweden signed October 24, 1961, and the Supplementary Convention on Extradition between the United States of America and the Kingdom of Sweden signed March 14, 1983, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland signed March 31, 2003, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Latvia, signed at Riga on December 7, 2005 (Treaty Doc. 109–15), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006, with a related exchange of letters signed the same date (Treaty Doc. 109–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Estonia, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–16), subject to the declaration of section 2.

''Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and Romania, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters signed in Washington on May 26, 1999, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

TREATY WITH MALAYSIA ON MUTUAL LEGAL ASSISTANCE

Resolution of Advice and Consent to ratification.

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed at Kuala Lumpur on July 28, 2006 (Treaty Doc. 109–22), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL AMENDING 1980 TAX CONVENTION WITH CANADA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the ''Protocol'') (Treaty Doc. 110–15), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report.

1. Not later than two years from the date on which this Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in this Protocol, the Secretary of Treasury shall transmit the text of the rules of procedure applicable to arbitration boards, including conflict of interest rules to be applied to members of the arbitration board, to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

The Secretary of Treasury shall also, prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in the 2006 Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes (the ''2006 German Protocol'') (Treaty Doc. 109–20) and the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol (the ''Belgium Convention'') (Treaty Doc. 110–3), transmit the text of the rules of procedure applicable to the first arbitration board agreed to under each treaty to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

2. 60 days after a determination has been reached by an arbitration board in the tenth arbitration proceeding conducted pursuant to either this Protocol, the 2006 German Protocol, or the Belgium Convention, the Secretary of Treasury shall prepare and submit a detailed report to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to law relating to taxpayer confidentiality, regarding the operation and application of the arbitration mechanism contained in the aforementioned treaties. The report shall include the following information:

I. The aggregate number, for each treaty, of cases pending on the respective dates of entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, along with the following additional information regarding these cases:

a. The number of such cases by treaty article(s) at issue;

b. The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report; and

c. The number of such cases for which arbitration proceedings have commenced as of the date of the report.

II. A list of every case presented to the competent authorities after the entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, with the following information regarding each and every case:

a. The commencement date of the case for purposes of determining when arbitration is available;

b. Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner and which competent authority initiated the case;

c. Which treaty the case relates to;

d. The treaty article(s) at issue in the case;

e. The date the case was resolved by the competent authorities through a mutual agreement, if so resolved;

f. The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced; and

g. The date on which a determination was reached by the arbitration board, if a determination was reached, and an indication as to whether the board found in favor of the United States or the relevant treaty partner.

III. With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration board pursuant to this Protocol, the 2006 German Protocol, or the Belgium Convention, the following information shall be included:

a. An indication as to whether the determination of the arbitration board was accepted by each concerned person;

b. The amount of income, expense, or taxation at issue in the case as determined by reference to the filings that were sufficient to set the commencement date of the case for purposes of determining when arbitration is available; and

c. The proposed resolutions (income, expense, or taxation) submitted by each competent authority to the arbitration board.

3. The Secretary of Treasury shall, in addition, prepare and submit the detailed report described in paragraph (2) on March 1 of the year following the year in which the first report is submitted to the Joint Committee on Taxation and the Committee on Finance of the Senate, and on an annual basis thereafter for a period of five years. In each such report, disputes that were resolved, either by a mutual agreement between the relevant competent authorities or by a determination of an arbitration board, and noted as such in prior reports may be omitted.

TAX CONVENTION AND PROTOCOL WITH BULGARIA WITH PROPOSED PROTOCOL OF AMENDMENT

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007, as well as the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Sofia on February 26, 2008 (Treaty Doc. 110–18), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

TAX CONVENTION WITH ICELAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed at Washington on October 23, 2007 (Treaty Doc. 110–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

1992 PARTIAL REVISION OF THE RADIO REGULATIONS

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992, as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC–92) (the ''1992 Final Acts'') (Treaty Doc. 107–17), subject to declarations and reservations Nos. 67, 79, and 80 of the 1992 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

1995 REVISION OF THE RADIO REGULATIONS

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995, as contained in the Final Acts of the World Radiocommunication Conference (WRC–95) (the ''1995 Final Acts'') (Treaty Doc. 108–28), subject to declarations and reservations Nos. 67(3), 68, 78, and 82 of the 1995 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

CCW PROTOCOL ON INCENDIARY WEAPONS (PROTOCOL III)

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a reservation, an understanding, and a declaration.

The Senate advises and consents to the ratification of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to

be Excessively Injurious or to Have Indiscriminate Effects (Protocol III), adopted at Geneva on October 10, 1980 (Treaty Doc. 105–1(B)), subject to the reservation of section 2, the understanding of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

The United States of America, with reference to Article 2, paragraphs 2 and 3, reserves the right to use incendiary weapons against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and/or less collateral damage than alternative weapons, but in so doing will take all feasible precautions with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 4. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW PROTOCOL ON BLINDING LASER WEAPONS (PROTOCOL IV)

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to an understanding and a declaration.

The Senate advises and consents to the ratification of the Protocol on Blinding Laser Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol IV), adopted at Vienna on October 13, 1995 (Treaty Doc. 105–1(C)), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America with respect to Article 2 that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

AMENDMENT TO ARTICLE 1 OF CONVENTION ON CONVENTIONAL WEAPONS

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, adopted at Geneva on December 21, 2001 (Treaty Doc. 109–10(B)), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing. This Treaty does not confer private rights enforceable in United States courts.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Austria on Mutual Legal Assistance Matters signed February 23, 1995, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2,

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of Belgium on Mutual Legal Assistance in Criminal Matters signed January 28, 1988, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed December 20, 1999, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration;

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the Kingdom of Denmark and the United States of America as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters signed April 2, 1998, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

*Resolved (two-thirds of the Senators present concurring therein*),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the United States of America and the Republic of Finland, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

*Resolved (two-thirds of the Senators present concurring therein*),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and France signed December 10, 1998, signed at The Hague on September 30, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing:

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed May 26, 1999, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Mutual Legal Assistance in Criminal Matters signed December 1, 1994, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters signed January 18, 2001, signed at Dublin on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters signed November 9, 1982, signed at Rome on May 3, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Riga on December 7, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

*Resolved (two-thirds of the Senators present concurring therein).*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Mutual Legal Assistance between the United States of America and the European Union to the Treaty between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Brussels on June 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2(a) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters signed March 13, 1997, signed at Washington on February 1, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of the Netherlands on Mutual Assistance in Criminal Matters signed at The Hague on June 12, 1981, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the Application of the Treaty between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Slovak Republic, as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice And Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Kingdom of Spain signed November 20, 1990, signed at Madrid on December 17, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters signed December 17, 2001, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

*Resolved (two-thirds of the Senators present concurring therein)*

Section 1. Senate Advice and Consent subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters signed January 6, 1994, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

## LEGISLATIVE SESSION

## HOMELAND SECURITY AMENDMENT ACT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 952, S. 3328.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. I ask unanimous consent that the Lieberman 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 thereto be printed in the RECORD.

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

The amendment (No. 5638) was agreed to, as follows:

(Purpose: To provide for additional oversight)

On page 3, line 5, strike ''Affairs of'' and insert: ''Affairs and the Committee on Commerce, Science, and Transportation of''.

The bill (S. 3328), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 3328

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

**SECTION 1. ONE-YEAR EXTENSION OF OTHER TRANSACTION AUTHORITY.**

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended—

(1) in subsection (a)—

(A) by striking ''Until September 30, 2008, the Secretary may carry out a pilot program'' and inserting ''If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program''; and

(B) in paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (b)(1)'';

(2) in subsection (b)—

(A) by striking ''(b) REPORT.—Not later than 2 years'' and inserting ''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 2 years'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

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

''(2) ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

''(B) CONTENT.—The report required under subparagraph (A) shall include the following:

''(i) The technology areas in which research projects were conducted under other transactions.

''(ii) The extent of the cost-sharing among Federal and non-Federal sources.

''(iii) The extent to which use of the other transactions—

''(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

''(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

''(iv) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

''(v) The rationale for using other transaction authority, including why grants or Federal Acquisition Regulation-based contracts were not used, the extent of competition, and the amount expended for each such project.''.

## FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2007

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 953, H.R. 3068.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

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 to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 3068

*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 Protective Service Guard Contracting Reform Act of 2008''.*

***SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.***

*(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—*

*(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—*

*(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and*

*(B) may consider permanent or interim prohibitions when promulgating the regulations.*

*(2) CONTENTS.—The regulations under this subsection shall—*

*(A) identify which serious felonies may prohibit a contractor from being awarded a contract;*

*(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and*

*(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.*

*(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.*

***SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.***

*Not later than 18 months after the date of enactment of the Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.*

Mr. MENENDEZ. I ask unanimous consent that the committee-reported substitute 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 thereto 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 amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3068), as amended, was read the third time and passed.

## INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2007

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 961, S. 1255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1255) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, 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 brackets and the parts of the bill intended to be inserted are shown in italics.]

S. 1255

*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 ''Indian Arts and Crafts Amendments Act of 200**[**7**]** *8*''.

**SEC. 2. INDIAN ARTS AND CRAFTS.**

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305d) is amended to read as follows:

**''SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.**

''(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

**[**''(b) CONDUCT OF INVESTIGATIONS.—Any Federal law enforcement officer may conduct an investigation relating to a violation of this Act that occurs on land under the jurisdiction of the Federal Government.**]**

*''(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.*

''(c) CRIMINAL PROCEEDINGS.—

''(1) INVESTIGATION.—

''(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

''(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

''(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be sub*mitted, as appropriate, to*—**[**mitted to—

''(A) the Attorney General; or**]**

''*(A) a Federal or State prosecuting authority; or*

''(B) the Board.

''(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

''(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

''(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

''(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6.''.

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDIAN.—The term 'Indian' means an individual that—

''(A) is a member of an Indian tribe; or

''(B) is certified as an Indian artisan by an Indian tribe.

''(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

''(3) INDIAN TRIBE.—

''(A) IN GENERAL.—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).

''(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) in subsection (b) (as redesignated by paragraph (2)), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(B) by striking ''suit'' and inserting ''the civil action'';

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

''(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

''(A) the Attorney General, at the request of the Secretary acting on behalf of—

''(i) an Indian tribe;

''(ii) an Indian; or

''(iii) an Indian arts and crafts organization;

''(B) an Indian tribe, acting on behalf of—

''(i) the Indian tribe;

''(ii) a member of that Indian tribe; or

''(iii) an Indian arts and crafts organization;

''(C) an Indian; or

''(D) an Indian arts and crafts organization.

''(2) DISPOSITION OF AMOUNTS RECOVERED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

''(B) EXCEPTIONS.—

''(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

''(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

''(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

''(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

''(I) the amount of the cost of the civil action; and

''(II) reasonable attorney's fees.''; and

(7) in subsection (e), by striking ''(e) In the event that'' and inserting the following:

''(e) SAVINGS PROVISION.—If''.

**SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.**

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

''(1) in the case of a first violation by that person—

''(A) if the applicable goods are offered or displayed for sale at a total price of $1,000 or more, or if the applicable goods are sold for a total price of $1,000 or more—

''(i) in the case of an individual, be fined not more than $250,000, imprisoned for not more than 5 years, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $1,000,000; and

''(B) if the applicable goods are offered or displayed for sale at a total price of less than $1,000, or if the applicable goods are sold for a total price of less than $1,000—

''(i) in the case of an individual, be fined not more than $25,000, imprisoned for not more than 1 year, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $100,000; and

''(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

''(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

''(B) in the case of a person other than an individual, be fined not more than $5,000,000.''; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the term 'Indian tribe'—

''(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

''(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority; and''.

Mr. MENENDEZ. I ask unanimous consent that the committee-reported amendments 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 relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1255), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1255

*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 ''Indian Arts and Crafts Amendments Act of 2008''.

**SEC. 2. INDIAN ARTS AND CRAFTS.**

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305d) is amended to read as follows:

**''SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.**

''(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

''(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

''(c) CRIMINAL PROCEEDINGS.—

''(1) INVESTIGATION.—

''(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

''(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

''(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—

''(A) a Federal or State prosecuting authority; or

''(B) the Board.

''(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

''(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

''(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

''(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6.''.

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist

therein, and for other purposes'' (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDIAN.—The term 'Indian' means an individual that—

''(A) is a member of an Indian tribe; or

''(B) is certified as an Indian artisan by an Indian tribe.

''(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

''(3) INDIAN TRIBE.—

''(A) IN GENERAL.—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).

''(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) in subsection (b) (as redesignated by paragraph (2)), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(B) by striking ''suit'' and inserting ''the civil action'';

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

''(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

''(A) the Attorney General, at the request of the Secretary acting on behalf of—

''(i) an Indian tribe;

''(ii) an Indian; or

''(iii) an Indian arts and crafts organization;

''(B) an Indian tribe, acting on behalf of—

''(i) the Indian tribe;

''(ii) a member of that Indian tribe; or

''(iii) an Indian arts and crafts organization;

''(C) an Indian; or

''(D) an Indian arts and crafts organization.

''(2) DISPOSITION OF AMOUNTS RECOVERED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

''(B) EXCEPTIONS.—

''(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

''(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

''(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

''(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

''(I) the amount of the cost of the civil action; and

''(II) reasonable attorney's fees.''; and

(7) in subsection (e), by striking ''(e) In the event that'' and inserting the following:

''(e) SAVINGS PROVISION.—If''.

**SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.**

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

''(1) in the case of a first violation by that person—

''(A) if the applicable goods are offered or displayed for sale at a total price of $1,000 or more, or if the applicable goods are sold for a total price of $1,000 or more—

''(i) in the case of an individual, be fined not more than $250,000, imprisoned for not more than 5 years, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $1,000,000; and

''(B) if the applicable goods are offered or displayed for sale at a total price of less than $1,000, or if the applicable goods are sold for a total price of less than $1,000—

''(i) in the case of an individual, be fined not more than $25,000, imprisoned for not more than 1 year, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $100,000; and

''(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

''(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

''(B) in the case of a person other than an individual, be fined not more than $5,000,000.''; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the term 'Indian tribe'—

''(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

''(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority; and''.

## FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008, PART II

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6984, 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. 6984) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I want to say a few words about the FAA's Disadvantaged Business Enterprise, DBE, Program and the Airport Concessions Disadvantaged Business Enterprise, ACDBE, Program. As we are all aware, case law over the past decade has made clear that Federal race-conscious programs are subject to strict constitutional scrutiny to ensure that programs serve a compelling governmental interest and are narrowly tailored to address that interest. Gender-conscious programs must meet heightened scrutiny to ensure that there is an exceedingly persuasive justification for the program. Still, under any reading of constitutional law, race- and gender-conscious programs are clearly permitted to remedy current discrimination and the present-day effects of past discrimination where there is a strong basis in evidence that such discrimination exists. As the Commerce Committee is aware, discrimination in business practices continues to be a serious problem. There are countless disparity studies and examinations of this topic and for that reason we have made only minor changes to the DBE and ACDBE program over time. Taken as a whole, the quantitative and qualitative evidence clearly suggests that discrimination remains a serious problem in our Nation.

I serve both as a member of the Commerce Committee and as chairman of the Senate Small Business Committee. In these roles, I have the opportunity to review enormous amounts of information about discrimination against women and minority entrepreneurs throughout our economy and across our Nation. While we have made very real progress over the time that I have been in the Senate, there is no doubt that a lot of work remains to be done. Programs such as the DBE and ACDBE programs are making an important difference by offering real opportunities to companies that otherwise might not ever get a chance to compete. These programs are critically important in airport-related industries as well as in other areas of Federal contracting.

The statistics are telling. On May 22, 2007, I held a hearing in the Small Business Committee addressing the effectiveness of SBA's programs for minority businesses. One economist who testified, Dr. Jon Wainwright, presented a number of troubling statistics to the committee. For instance, he explained that according to the most recent economic census data available, while African Americans constitute 12.7 percent of the population, they own only 5.3 percent of businesses and those businesses account for only 1 percent of business sales and receipts. Latinos are 13.4 percent of the population, but only 7 percent of businesses and 2.5 percent of business sales and receipts. Dr. Wainwright also noted that Asian and Pacific Islanders own 5 percent of businesses but earned only 3.8 percent of business sales and receipts and Native Americans constituted .9 percent of the

business population but earned only .3 percent of business sales and receipts. For women the numbers are also shocking: women constitute 50.9 percent of the population but own only 28.9 percent of businesses and receive only 10.7 percent of business sales and receipts.

Dr. Wainwright went on to explain that these disparities in business ownership and earnings exist in all 50 States and the District of Columbia and that similar outcomes had been evident in all previous versions of this same survey over the past 35 years. He also stated that he had conducted further analyses to determine whether the types of disparities he had observed were caused by discrimination or some other factor. He explained that he had conducted regression analyses to account for geography, industry, labor market status, age, and education among other factors. Even when this regression analysis was conducted, the disparities remained large, negative, and statistically significant for African Americans, Hispanics, Asian/Pacific Islander Americans, Native Americans, and women suggesting that race and gender discrimination are the cause.

Also troubling were Dr. Wainwright's comments on small business finance issues. We know that credit is the lifeblood of entrepreneurship, but it turns out that minority business owners are far more likely to be denied credit than nonminority owners. Dr. Wainwright explained that these findings held up even when regression analyses were conducted to adjust for a number of balance sheet, credit history, and other characteristics. And Dr. Wainwright found that women were also likely to face some discrimination in credit markets. Dr. Wainwright was only one witness at the May 22 hearing and there were several others whose testimony was equally compelling. The fact is that discrimination remains a very serious problem in Federal contracting markets across this country.

More recently, on September 11, 2008, our committee held another hearing on discrimination against minority- and women-owned businesses which focused on discrimination in access to capital. During the hearing we heard testimony from several witnesses about the serious barriers that minority- and women-owned businesses confront when attempting to obtain capital to start up, grow, and flourish. In the context of the FAA extension bill before us today, I want to specifically highlight the testimony of Don O'Bannon who is the current chair of the Airport Minority Advisory Council or AMAC. Mr. O'Bannon explained that, in his experience, access to capital is an enormous hurdle for minority- and women-owned businesses in airport-related industries. He gave us specific real-life examples of firms that had attempted to obtain both venture capital and more conventional debt capital and encountered extraordinary barriers due to discrimination that compromised their ability to grow and succeed.

Of course, there are many other sources of information about discrimination in contracting. Literally hundreds of disparity studies have been conducted around the country that contain compelling statistical data about discrimination in the public and private marketplaces related to airport-related contracting. Just a few of the studies that have been conducted recently and include airport-related data were put into the record by Mr. O'Bannon during our recent hearing. These include: ''Race, Sex and Business Enterprise: Evidence from Denver, CO,'' NERA Economic Consulting, May 5, 2006; ''Dallas/Fort Worth International Airport Board Disparity Study Final Report,'' MGT of America, October 17, 2000; ''The City of Phoenix, Minority-, Women-Owned and Small Business Enterprise Program Update Study: Final Report,'' MGT of America, April 21, 2005; ''Race, Sex and Business Enterprise: Evidence from the State of Maryland,'' NERA Economic Consulting, March 8, 2006; ''Final Report: Broward County Small Disadvantaged Business Enterprise (SDBE) Disparity Study,'' MGT of America, Inc., April 3, 2001; and ''Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport, (BNA),'' Griffin and Strong, PC, September 19, 2007. There are hundreds of additional studies, including many relevant studies that cover entities other than airports but that analyze the same industries and enterprise populations that do airport-related work.

But the statistics can only tell part of the story. Overlooked aspects of disparity studies are the sections that address anecdotal evidence. These are the accounts that individual business people give about the challenges they confront in doing business. When you read these studies, it quickly becomes clear that discrimination remains a problem at literally every stage of the business process. It is harder for women and minority entrepreneurs to start companies. They often are denied credit even when they have the same creditworthiness of male, nonminority entrepreneurs. And because of past discrimination, minority entrepreneurs often do not have access to family wealth. As one African-American contractor reported in a study about discrimination in the state of Massachusetts:

> Now I go to the bank—again I've been in business for 28 years, I've been very successful at times—I go to the bank and say ''Okay. I need a $250,000 line of credit.'' I walk out of there with $50,000. A [White] gentleman that used to work with me was a former partner of mine, left, went to the same bank, and walked away with $1.2 million. Okay? Now he walked away because his house is not mortgaged. So he has equity that they can touch to go back if he doesn't make payments. They are looking at me and saying, ''He's already leveraged himself. He doesn't have anything that I can touch.'' So they don't want to give me any money. And not that the fact of my business—my business is very solid. It's just they won't give it to me because I started with nothing and I've taken everything I've had and put it into the businesses. They still think I'm worth nothing. That's . . . discrimination . . . which is where minorities and women who start from scratch and build their businesses up, that's where we get hurt. That's where it comes back to backfire, because we don't have that same leverage that somebody who either inherited a business or had family that gave them land or some sort of inheritance that they got some money.

That is from ''Race, Sex and Business Enterprise: Evidence from the Commonwealth of Massachusetts,'' Volume 1, NERA Economic Consulting, at 218–219.

Even once minorities and women manage to start up a business they face serious discrimination in every stage of the contracting process. Sometimes that discrimination comes in the form of explicit gender or racial harassment. In a study dealing with the State of Texas, one Hispanic-American woman business owner related the following story:

> Some [of my male colleagues] do not want to work with a woman. They feel they are wasting their time. [On one occasion] a guy took me to check on a project, and when he got out of his truck, he wanted me to touch him. I said, ''Come on, let's get back to work.'' I had to be very strong with him. There are not many women builders in the residential construction industry either.

That is from ''Update of the State of Texas Disparity Study,'' Mason Tillman Associates, Ltd., January 2007, at 9–8.

Another Hispanic-American woman contractor in Texas explained that sometimes the discrimination is not so direct, but it is still unmistakable. She stated:

> As a young woman, there have been several occasions where I was told that if I really wanted an award, there were other ways I could get it. This was not said directly to me, it was implied [by] a White male [manager] at a [State] university.

That is from ''Update of the State of Texas Disparity Study,'' Mason Tillman Associates, Ltd., January 2007, at 9–8.

Sometimes the harassment rises to the level of threats of violence against a business owner or their property. In the NERA Commonwealth of Massachusetts study, one African-American businessman even gave an account of a threat to blow up his truck.

That is from ''Race, Sex and Business Enterprise: Evidence from the Commonwealth of Massachusetts, Volume 1,'' NERA Economic Consulting, at 219.

Even when discrimination does not involve explicit harassment or threats, it still poses barriers to minority and women business owners. Unfortunately, the ''old boy network'' continues to be a problem in many industries. An analysis of the experiences of business owners in a study of contracting by the airport in Nashville, TN, demonstrates that discrimination not only hurts minority- and women-owned businesses, but it can also drive up the price of doing business:

[One business owner] said his firm has tried to get in on airport work and, in one instance, partnered with a much more experienced firm to get into one particular area of construction only to find that ''a couple of firms had a lock on it''. According to [this firm], it is hard to get jobs because people tend to use the same companies. [The business owner] said he believes that subcontractors tell ''their'' bidders where to come in with their numbers and they tell them where they can make up the difference on the project and how to pursue change orders. By the end of a project, his competitors have been paid more than his original estimate, which was rejected for being too high.

That is from ''Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport,'' BNA, Griffin and Strong, PC, September 19, 2007, at 163.

Another business owner in Nashville was explicit about the informal networks that impose barriers on minority businesses and the need for programs like the DBE and ACDBE program to address these impediments. The study stated:

According to [one business owner], the airport made a mistake in disbanding SMWBE requirements because there are still a lot of ''good old boys'' playing golf and the like. Having a diversity manager helps ''level the playing field'' and provides ''checks and balances''.

That is from ''Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport,'' BNA, Griffin and Strong, PC, September 19, 2007, at 164.

Another point that these studies make clear is that discrimination against business owners is something that is experienced by all minority groups and women. It is not limited to only some groups. One study summarized its analysis of anecdotal evidence as follows:

Nineteen percent of the respondents indicated that they had experienced discrimination because of race, ethnicity, or gender on one or more occasions (three percent very often, 10 percent sometimes, and six percent seldom). Forty percent reported they had not experienced discrimination. The fact that 19 percent of respondents reported experiencing discrimination on at least an occasional basis suggests that discrimination is not confined to isolated incidents. The 19 percent that experienced discrimination account for 63 surveyed respondents categorized as follows: 22 African Americans, 17 Hispanic Americans, 16 non-minority females, two Asian Americans, two non-minority males, and one Native American. Three people reported discriminatory incidents but did not indicate their demographic background.

That is from ''Final Report: Broward County Small Disadvantaged Business Enterprise (SDBE) Disparity Study,'' MGT of America, Inc., April 3, 2001, at 6–30.

These examples I have given are but a few from the voluminous body of research about race and gender discrimination in business. The evidence is troubling and should cause all of us to redouble our efforts to ensure that we do everything we can to eliminate the barriers confronted by women and minority business owners. The DBE and ACDBE program are indispensable tools in this effort.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6984) was ordered to a third reading, was read the third time, and passed.

## PROVIDING FOR THE APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 971, S. 2816.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2816) to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 2816) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2816

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

**SECTION 1. APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER BY THE SECRETARY OF HOMELAND SECURITY.**

Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(1) by striking paragraph (3); and

(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

## POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2932, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2932) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the substitute amendment which is at the desk be agreed to, the bill, as amended, be read three times and passed, 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 amendment (No. 5639) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Poison Center Support, Enhancement, and Awareness Act of 2008''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Poison control centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison control centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4,000,000 calls were managed by poison control centers providing ready and direct access for all people of the United States, including many underserved populations in the United States, with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3,000,000 and 5,000,000 poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1,200,000 days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine of the National Academy of Sciences recommended that ''Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than $100 million annually.''.

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every $1 invested in the Nation's poison control centers $7 of health care costs are saved. In 2005, direct Federal

health care program savings totaled in excess of $525,000,000 as the result of poison control center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison control centers are realized annually by Federal health care programs (estimated to be more than $1,000,000,000), yet Federal funding support (as demonstrated by the annual authorization of $30,100,000 in Public Law 108-194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison control centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison control centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

**SEC. 3. REAUTHORIZATION OF POISON CONTROL CENTERS NATIONAL TOLL-FREE NUMBER.**

Section 1271 of the Public Health Service Act (42 U.S.C. 300d-71) is amended to read as follows:

**"SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.**

''(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison control centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2009 to carry out this section, and $700,000 for each of fiscal years 2010 through 2014 for the maintenance of the nationwide toll free phone number under subsection (a).''.

**SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.**

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d-72) is amended to read as follows:

**"SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.**

''(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

''(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with one or more public or private entities, including nationally recognized organizations in the field of poison control and national media firms, for the development and implementation of a nationwide poison prevention and poison control center awareness campaign, which may include—

''(1) the development and distribution of poison prevention and poison control center awareness materials;

''(2) television, radio, Internet, and newspaper public service announcements; and

''(3) other activities to provide for public and professional awareness and education.

''(c) EVALUATION.—The Secretary shall—

''(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

''(2) on an annual basis, prepare and submit to the appropriate committees of Congress, an evaluation of the nationwide media campaign.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009, and $800,000 for each of fiscal years 2010 through 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

**SEC. 5. REAUTHORIZATION OF THE POISON CONTROL CENTER GRANT PROGRAM.**

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d-73) is amended to read as follows:

**"SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.**

''(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to poison control centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

''(b) ADDITIONAL USES OF FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant, contract, or cooperative agreement under such subsection may also use amounts received under such grant, contract, or cooperative agreement—

''(1) to establish and evaluate best practices in the United States for poison prevention, poison control center outreach, and emergency and preparedness programs;

''(2) to research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures;

''(3) to improve national toxic exposure surveillance by enhancing cooperative activities between poison control centers in the United States and the Centers for Disease Control and Prevention;

''(4) to develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data;

''(5) to develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4);

''(6) to support and expand the toxicologic expertise within poison control centers; and

''(7) to improve the capacity of poison control centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

''(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may award a grant to a poison control center under subsection (a) only if—

''(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

''(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

''(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirements of subsection (c) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

''(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

''(3) LIMITATION.—In no case may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

''(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State or local funds provided for such center.

''(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $27,500,000 for fiscal year 2009, and $28,600,000 for each of fiscal years 2010 through 2014. The Secretary may utilize not to exceed 8 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions that do not include grants, contracts, or cooperative agreements under subsections (a) and (b), which are determined by the Secretary to be appropriate for carrying out the program under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

The bill (S. 2932), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## PRENATALLY AND POSTNATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 701, S. 1810.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.*

***SEC. 2. PURPOSES.***

*It is the purpose of this Act to—*

*(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;*

*(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and*

*(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.*

***SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.***

*Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:*

***"SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.***

*''(a) DEFINITIONS.—In this section:*

*''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.*

*''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.*

*''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.*

*''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.*

*''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.*

*''(b) INFORMATION AND SUPPORT SERVICES.—*

*''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—*

*''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and*

*''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—*

*''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;*

*''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;*

*''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;*

*''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and*

*''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.*

*''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—*

*''(A) a State or a political subdivision of a State;*

*''(B) a consortium of 2 or more States or political subdivisions of States;*

*''(C) a territory;*

*''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or*

*''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.*

*''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.*

*''(c) PROVISION OF INFORMATION TO PROVIDERS.—*

*''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:*

*''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.*

*''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).*

*''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—*

*''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and*

*''(B) approved by the Secretary.*

*''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.*

*''(e) 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.''.*

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table; and that any statements be printed in the RECORD.

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

The amendment (No. 5640) was agreed to, as follows:

(Purpose: In the nature of a substitute)

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

**SEC. 2. PURPOSES.**

It is the purpose of this Act to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

**SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

**"SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.**

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

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

The bill (S. 1810), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4120, the Effective Child Pornography Prosecution Act, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. Mr. President, I further ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements be printed in the RECORD.

The amendment (No. 5641) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Clarifying ban of child pornography.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Sec. 201. Short title.
Sec. 202. Money laundering predicate.
Sec. 203. Knowingly accessing child pornography with the intent to view child pornography.

**TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Effective Child Pornography Prosecution Act of 2007''.

**SEC. 102. FINDINGS.**

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

**SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

**TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

**SEC. 202. MONEY LAUNDERING PREDICATE.**

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

**SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.**

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

The bill (H.R. 4120) was ordered to a third reading, was read the third time, and passed.

## RECOGNIZING THE ALVIN AILEY AMERICAN DANCE THEATER

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 490 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 490) recognizing the Alvin Ailey American Dance Theater for 50 years of service to the performing arts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. 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 any statements be printed in the RECORD.

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

The resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 490

Whereas the Alvin Ailey American Dance Theater (AAADT) is widely recognized as one of the world's premier modern dance companies;

Whereas AAADT is dedicated to promoting the uniqueness of the African-American cultural experience, to preserving the heritage of modern dance, and to bringing modern dance to people around the globe;

Whereas, over its 50-year history, AAADT has performed for an estimated 21,000,000 people in 48 States and in 71 countries on 6 continents;

Whereas AAADT tours more than any other performing arts company in the world;

Whereas AAADT's signature work, ''Revelations'', has been seen by more people around the globe than any other work of dance;

Whereas AAADT performs works by both emerging and established choreographers from throughout the United States and the world;

Whereas AAADT's home in New York City, The Joan Weill Center for Dance, is the largest facility dedicated exclusively to dance in the United States;

Whereas Alvin Ailey, founder of AAADT, received the United Nations Peace Medal in 1982;

Whereas President George W. Bush recognized AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001, making AAADT the first dance company to be so honored;

Whereas AAADT has performed for United States Presidents and foreign leaders throughout the company's 50-year history, including performances in 1968 for President Johnson, in 1977 at the inaugural gala for President Carter, in 1993 at the inaugural gala for President Clinton, and in 2003 at a state dinner honoring President Mwai Kibaki of Kenya;

Whereas, over the years, AAADT has brought the culture of the United States to audiences around the world with performances at such historic events as the Rio de Janeiro International Arts Festival in 1963, the first Negro Arts Festival in Dakar, Senegal, in 1966, the fabled New Year's Eve performance for the Crown Prince of Morocco in 1978, the Paris Centennial performance at the Grand Palais Theatre in 1989, 2 unprecedented engagements in South Africa in 1997 and 1998, the 1996 and 2002 Olympic Games, the 2005 Stars of the White Nights festival in St. Petersburg, Russia, and the 2006 Les étés de la danse de Paris festival in Paris, France;

Whereas AAADT annually provides more than 100,000 young people from diverse cultural, social, and economic backgrounds with the opportunity to explore their creative potential and build their self-esteem through its Arts in Education and Community Programs, which includes 9 Ailey Camps in cities across the United States;

Whereas Ailey II, the junior company to AAADT, reaches more than 69,000 people each year through its inspiring performances and outreach activities while touring to smaller communities in more than 50 North American cities; and

Whereas the Ailey School, accredited by the National Association of Schools of Dance, provides the highest quality training consistent with the professional standards of AAADT, including a Certificate Program, a Fellowship Program, and a Bachelor of Fine Arts degree program in conjunction with Fordham University: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and commends the Alvin Ailey American Dance Theater (AAADT) for 50 years of service as a cultural ambassador of the United States to the world, by bringing world-class American modern dance to an estimated 21,000,000 people around the globe;

(2) recognizes that AAADT has been a true pioneer in the world of dance by establishing an extended cultural community that provides dance performances, training, and community programs to all people while using the beauty and humanity of the African-American heritage and other cultures to unite people of all ages, races, and backgrounds; and

(3) recognizes that Ailey II, the prestigious Ailey School, and the extensive and innovative Arts in Education and Community Programs of AAADT train future generations of dancers and choreographers while continuing to expose young people from communities large and small to the arts.

## RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SLOOP-OF-WAR USS CONSTELLATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 1030, S. Res. 540.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 540) recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. 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 statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 540) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 540

Whereas, on September 17, 1787, the Constitution of the United States was adopted,

and article I, section 9 declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas, in 1794, the United States Congress passed ''An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country'', approved March 22, 1794 (1 Stat. 347), thus beginning the efforts of the United States to halt the slave trade;

Whereas, on May 10, 1800, Congress enacted a law that outlawed all participation by people in the United States in the international trafficking of slaves and authorized the United States Navy to seize vessels flying the flag of the United States engaged in the slave trade;

Whereas, on March 2, 1807, President Thomas Jefferson signed into law ''An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first of January, in the year of our Lord one thousand eight hundred and eight'' (2 Stat. 426);

Whereas, on January 1, 1808, the prohibition on the importation of slaves into the United States took effect;

Whereas, on March 3, 1819, Congress authorized the Navy to cruise the coast of Africa to suppress the slave trade, declaring that Africans on captured ships be placed under Federal jurisdiction and authorizing the President to appoint an agent in Africa to facilitate the return of captured Africans to the continent;

Whereas, in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships, and Great Britain negotiated with many other countries to obtain the right to search vessels suspected of engaging in the slave trade;

Whereas, on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and that those convicted of trading slaves were subject to the death penalty;

Whereas the Webster-Ashburton Treaty between Great Britain and the United States, signed August 9, 1842, provided that both countries would maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade;

Whereas, in 1843, the newly formed United States African Squadron sailed for Africa and remained in operation until the Civil War erupted in 1861;

Whereas, in 1859, the USS Constellation, the last all-sail vessel designed and built by the United States Navy, sailed to West Africa as the flagship of the United States African Squadron, which consisted of 8 ships, including 4 steam-powered vessels suitable for chasing down and capturing slave ships;

Whereas, on December 21, 1859, the USS Constellation captured the brig Delicia after a 10-hour chase, and although the Delicia had no human cargo on board upon capture, the crew had been preparing the ship to take on slaves;

Whereas, on the night of September 25, 1860, the USS Constellation spotted the barque Cora near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her permanent ''slave deck'';

Whereas after capturing the Cora, a detachment of the Constellation's crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African-Americans, which became the destination for all Africans freed on slave ships captured by the United States Navy;

Whereas, on May 21, 1861, the USS Constellation captured the brig Triton, and although the Triton did not have Africans captured for slavery on board when intercepted by the Constellation, a search confirmed that the ship had been prepared to take on slaves;

Whereas the Triton, registered in Charleston, South Carolina, was one of the first Union naval captures of the Civil War;

Whereas, from 1859 to 1861, the USS Constellation and the United States African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the squadron under previous commanders; and

Whereas, on September 25, 2008, the USS Constellation Museum will hold a ceremony to commemorate the bicentennial of the abolition of the transatlantic slave trade aboard the same ship that, 148 years before, forced the capitulation of the slave ship Cora and freed the 705 Africans confined within: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historical and educational significance of the USS Constellation, a 153-year-old warship berthed in Baltimore, Maryland, as a reminder of both the participation of the United States in the slave trade and the efforts of the United States Government to suppress the inhumane practice;

(2) applauds the preservation of the historic vessel and the efforts of the USS Constellation Museum to engage people from all over the world with this vital part of our history; and

(3) supports the USS Constellation as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the transatlantic slave trade in 2008.

## HONORING THE UNIVERSITY OF NEBRASKA AT OMAHA

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 101, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (S. Con. Res. 101) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 101

Whereas local leaders in the Omaha area formed a corporation known as the University of Omaha on October 8, 1908, for the promotion of sound learning and education;

Whereas, on September 14, 1909, the first 26 University of Omaha students gathered in Redick Hall, located west of 24th and Pratt Streets in the city of Omaha;

Whereas, during the first 10 years of existence, the key division of the University of Omaha was Liberal Arts College, designed to produce a well-rounded and informed student;

Whereas, in 1910, the University of Nebraska announced it would accept all University of Omaha coursework as equivalent to its own, a milestone in terms of recognition for the new institution and acknowledgement of its substantial and respected curriculum;

Whereas, in December 1916, the University of Omaha students had a farewell party for Redick Hall and moved into their new building, a 3-story, 30-classroom building named Joslyn Hall;

Whereas, in 1929, the University of Omaha board of trustees and the people of Omaha voted to create the new Municipal University of Omaha to replace the old University of Omaha on May 30, 1930;

Whereas, in 1936, the Municipal University of Omaha acquired 20 acres of land north of Elmwood Park and south of West Dodge Street, which would become the site of the present-day campus;

Whereas the University dedicated its beautiful Georgian-style administration building in November 1938, capable of accommodating a student body of 1,000;

Whereas the increased enrollment of World War II veterans in 1945 due to the Montgomery GI Bill led to the completion of several new buildings, including a field house, library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education ''Bootstrap'' program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 678, submitted earlier today by Senator STABENOW.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 678) supporting the goals and ideals of National Ovarian Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 678) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 678

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap smear is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas due to the lack of a reliable early screening test, 75 percent of cases of ovarian cancer are detected at an advanced stage, when the 5-year survival rate is only 50 percent, a much lower rate than for many other cancers;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas September 2008 has been designated by the President as National Ovarian Cancer Awareness Month: Now, therefore, be it

*Resolved,* That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

## SUPPORTING THE GOALS AND IDEAS OF NATIONAL SPINA BIFIDA AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 661, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 661) supporting the goals and ideals of National Spina Bifida Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I rise today to support, with Senator WICKER, a resolution to raise awareness about spina bifida, the most common, permanently disabling birth defect. This often devastating birth defect occurs during the first month of pregnancy when the spine fails to close completely, leaving a permanent opening and resulting in a multitude of serious medical complications.

Thanks to modern medicine and technological advances, most babies born with spina bifida—1,500 to 2,000 a year—survive, and many are now living longer than ever before. It is estimated that in the United States no less than 70,000 people, and possibly as many as 130,000 people, currently live with spina bifida. This is wonderful progress, but there are substantial hurdles that can prevent those with spina bifida from reaching their full potential.

For a person with spina bifida, the body, mind, and spirit are all under assault. Most children with the worst form of spina bifida must undergo a surgery to insert a permanent shunt to drain fluid from the brain for the duration of their lives. People with spina bifida may endure any combination of full or partial paralysis, seizures, bladder and bowel problems, latex allergies, learning disabilities, depression, and other psychosocial issues. The promise of an extended life expectancy for individuals with spina bifida may be dampened by the new challenges they face in education, job training, independent living, health care for secondary conditions and aging concerns. Far more needs to be done to improve the quality of life for those suffering with spina bifida.

I applaud the groups that labor so diligently to offer support to the many Americans with spina bifida and their families. In particular, I extend my gratitude to the Spina Bifida Association, which has been dedicated to this important issue for more than three decades. They are steadfast advocates for those whose lives have been touched by spina bifida, working across our Nation to improve lives through education, research, and service.

The Spina Bifida Association, together with the National Spina Bifida Program at the Centers for Disease Control and Prevention and other groups, is working hard to spread the word to the 65 million women at risk of having a baby born with spina bifida. On any given day in the United States, eight births are affected by spina bifida or a similar birth defect of the brain and spine. It is estimated that 70 percent of birth defects such as spina bifida are preventable by consuming an adequate amount of folic acid prior to pregnancy. This is a simple step that women can take to reduce their risk, but far more outreach and education is required to reach women with this important message.

It is time to renew our efforts to prevent spina bifida and help the many individuals and families living with spina bifida. The resolution we will adopt today calls for a greater commitment to spina bifida prevention and to improving the quality of life of those affected by it, increased funding for evidence-based spina bifida research, and further development of the National Spina Bifida Patient Registry. Taken together, these efforts will help decrease the incidence of spina bifida and improve available treatments and quality of life for those living with it. I wholeheartedly urge my colleagues to join with me in support of this resolution.

Mr. MENENDEZ. 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 the resolution be printed in the RECORD.

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

The resolution (S. Res. 661) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 661

Whereas spina bifida is the most common, permanently disabling birth defect;

Whereas spina bifida occurs during the first month of pregnancy and leaves a permanent opening in the spinal column that subsequently impacts nearly every organ system;

Whereas an estimated 70,000 to 130,000 people in the United States currently live with spina bifida;

Whereas all women of childbearing age are at risk of having a spina bifida affected pregnancy;

Whereas an estimated 70 percent of neural tube defects such as spina bifida can be prevented if a woman consumes adequate

amounts of folic acid, which is found in most over-the-counter multivitamins and foods rich in folate such as spinach, prior to becoming pregnant;

Whereas Hispanic women are at the highest risk, between 1.5 and 2 times higher than non-Hispanic whites, of delivering a baby with spina bifida or another neural tube defect, yet are the least likely to consume sufficient amounts of folic acid prior to becoming pregnant;

Whereas people with spina bifida face unprecedented medical complications associated with aging because people with spina bifida are living longer than people with spina bifida in previous generations lived and care for spina bifida is complex and involves myriad clinical specialists;

Whereas a 2005 nationwide survey of spina bifida clinics revealed that the current system of care serving people with spina bifida does not fully meet current or anticipated needs and physicians have little evidence-based research about spina bifida on which to build neurological, orthopedic, or urologic treatment regimens and interventions;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well being, and overall quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida;

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, to reduce morbidity and mortality from spina bifida, and to increase the efficiency of, and decrease the cost of, care by supporting the collection of longitudinal treatment data, developing quality measures and treatment standards of care and best practices, identifying centers of excellence in spina bifida, evaluating the clinical and cost effectiveness of the treatment of spina bifida, and exchanging evidence-based information among health care providers across the country; and

Whereas October has been designated as ''National Spina Bifida Awareness Month'' to increase awareness of spina bifida, of ways to prevent spina bifida, and of the need for increased funding to support improving evidence-based research and enhancing the quality of life of those living with spina bifida: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Spina Bifida Awareness Month and of national organizations working for people with spina bifida;

(2) recognizes the importance of—

(A) highlighting the occurrence of spina bifida;

(B) recognizing the struggles and successes of people who live with spina bifida; and

(C) advancing efforts to decrease the incidence of spina bifida;

(3) supports the ongoing development of the National Spina Bifida Patient Registry to improve lives through research and to improve the treatment of spina bifida in both children and adults;

(4) recognizes that there is a continued need for a commitment of resources for efforts to reduce and prevent disabling birth defects like spina bifida; and

(5) commends the work of national organizations that educate, support, and provide hope for individuals who are affected by spina bifida and their families.

○

## ORDERS FOR WEDNESDAY, SEPTEMBER 24, 2008

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Wednesday, September 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; that following that hour, morning business continue with Senators permitted to speak for up to 10 minutes each.

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

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MENENDEZ. 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 Wednesday, September 24, 2008, at 9:30 a.m.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed H.R. 6049 Renewable Energy and Job Creation Act.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S9223–S9347***

**Measures Introduced:** Twelve bills and two resolutions were introduced, as follows: S. 3538–3549, S. Res. 678, and S. Con. Res. 101. **Pages S9280–81**

**Measures Reported:**

S. 2292, to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, with an amendment in the nature of a substitute. (S. Rept. No. 110–481)

H.R. 3999, to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System. (S. Rept. No. 110–482)

H.R. 390, to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases, with an amendment.

S. Res. 598, expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

S. 1007, to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment, with an amendment in the nature of a substitute.

S. 2609, to establish a Global Service Fellowship Program, with an amendment in the nature of a substitute.

S. 3103, to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station.

S. 3426, to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents on Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

S. 3548, to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy. **Pages S9279–80**

**Measures Passed:**

***ALS Registry Act:*** Senate passed S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9230–32**

Reid/Warner Amendment No. 5637, in the nature of a substitute. **Pages S9230–31**

***Renewable Energy and Job Creation Act:*** By 93 yeas to 2 nays (Vote No. 205), Senate passed H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, after taking action on the following amendments proposed thereto: **Pages S9234–38, S9238–61**

Adopted:

Baucus Amendment No. 5633, in the nature of a substitute. (By 93 yeas to 2 nays, (Vote No. 202), and pursuant to the order of Thursday, September

18, 2008, the amendment having achieved 60 affirmative votes, was agreed to).

**Pages S9234–38, S9238–54**

Withdrawn:

By 53 yeas to 42 nays (Vote No. 203), Conrad Amendment No. 5634, to provide alternative minimum tax relief. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn).

**Pages S9239–41, S9246–53, S9254–55**

During consideration of this measure today, Senate also took the following action:

By 84 yeas to 11 nays (Vote No. 204), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Baucus Amendment No. 5635, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions. Thus, the point of order raised by Senator Conrad was rendered moot. Under the previous order, the amendment was agreed to.

**Pages S9243–46, S9253–54, S9255–56**

***Homeland Security Act:*** Senate passed S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority, after agreeing to the following amendment proposed thereto: **Pages S9335–36**

Menendez (for Lieberman) Amendment No. 5638, to provide for additional oversight. **Pages S9335–36**

***Federal Protective Service Guard Contracting Reform Act:*** Senate passed H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, after agreeing to the committee amendment in the nature of a substitute. **Page S9336**

***Indian Arts and Crafts Amendments Act:*** Senate passed S. 1255, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, after agreeing to the committee amendments. **Pages S9336–38**

***Airport and Airway Trust Fund:*** Senate passed H.R. 6984, to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, clearing the measure for the President. **Pages S9338–40**

***Chief Human Capital Officer:*** Senate passed S. 2816, to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

**Page S9340**

***Poison Center Support, Enhancement, and Awareness Act:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 2932, 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, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S9340–41**

Menendez (for Murray/Burr) Amendment No. 5639, in the nature of a substitute. **Pages S9340–41**

***Prenatally and Postnatally Diagnosed Conditions Awareness Act:*** Senate passed S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9341–43**

Menendez (for Brownback/Kennedy) Amendment No. 5640, in the nature of a substitute.

**Pages S9342–43**

***Effective Child Pornography Prosecution Act:*** Committee on the Judiciary was discharged from further consideration of H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and the bill was then passed, after agreeing to the following amendment proposed thereto:

**Pages S9343–44**

Menendez (for Reid) Amendment No. 5641, in the nature of a substitute. **Pages S9343–44**

***Alvin Ailey American Dance Theater:*** Committee on the Judiciary was discharged from further consideration of S. Res. 490, recognizing the Alvin Ailey American Dance Theater for 50 years of service to the performing arts, and the resolution was then agreed to. **Page S9344**

***USS Constellation:*** Senate agreed to S. Res. 540, recognizing the historical significance of the sloop-of-war USS *Constellation* as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade. **Pages S9344–45**

***University of Nebraska at Omaha:*** Senate agreed to S. Con. Res. 101, honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education. **Pages S9345–46**

***National Ovarian Cancer Awareness Month:*** Senate agreed to S. Res. 678, supporting the goals and ideals of National Ovarian Cancer Awareness Month. **Page S9346**

***National Spina Bifida Awareness Month:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 661, supporting the goals and ideals of National Spina Bifida Awareness Month, and the resolution was then agreed to. **Pages S9346–47**

**Treaties Approved:** The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Extradition Agreement with the European Union (Treaty Doc. 109–14) with (23 resolutions of ratification) 1 condition and 23 declarations—1 per treaty;

Extradition Treaty with Latvia (Treaty Doc. 109–15) with 1 declaration;

Extradition Treaty with Malta (Treaty Doc. 109–17) with 1 declaration;

Extradition Treaty with Estonia (Treaty Doc. 109–16) with 1 declaration;

Extradition Treaty with Bulgaria and an Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters with Bulgaria (Treaty Doc. 110–12) with 1 declaration; and S;

Extradition Treaty with Romania and Protocol to the Treaty on Mutual Legal Assistance in Criminal Matters with Romania (Treaty Doc. 110–11) with 1 declaration; and S;

Treaty with Malaysia on Mutual Legal Assistance (Treaty Doc. 109–22) with 1 declaration;

Protocol Amending 1980 Tax Convention with Canada (Treaty Doc. 110–15) with 1 declaration and 1 condition;

Tax Convention with Bulgaria with Proposed Protocol of Amendment (Treaty Doc. 110–18) with 1 declaration;

Tax Convention with Iceland (Treaty Doc. 110–17) with 1 declaration;

Partial Revision (1992) of Radio Regulations (Geneva 1979) (Treaty Doc. 107–17) with declarations and reservations;

1995 Revision of Radio Regulations (Treaty Doc. 108–28) with declarations and reservations; and

Incendiary Weapons Protocol (Treaty Doc. 105–1(B)) with 1 reservation, 1 understanding and 1 declaration;

Protocol On Blinding Laser Weapons (Treaty Doc. 105–1(C)) with 1 understanding and 1 declaration;

Amendment to Article 1 of the Convention on Prohibitions or Restrictions on Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects (Treaty Doc. 109–10(B)) with 1 declaration;

Treaty with Sweden on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–12) with 1 declaration;

Mutual Legal Assistance Agreement with the European Union (Treaty Doc. 109–13) with (26 resolutions of ratification) 1 declaration per treaty. **Pages S9328–35**

**Executive Reports of Committees:** Senate received the following executive reports of a committee:

Treaty Doc. 110–20: Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia with 1 declaration and 1 condition for each Protocol (Ex. Rept. 110–27); Treaty Doc. 108–5: Amendments to Constitution and Convention of International Telecommunication Union (ITU) (Geneva 1992) with declarations and reservations (Ex. Rept. 110–28); Treaty Doc. 109–11: 2002

Amendments to the ITU Constitution and Convention with declarations and reservations (Ex. Rept. 110–28); and Treaty Doc. 110–16: Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) with declarations and reservations (Ex. Rept. 110–28) **Pages S9278–79**

**Messages from the House:** **Page S9275**

**Enrolled Bills Presented:** **Page S9276**

**Executive Communications:** **Pages S9276–78**

**Executive Reports of Committees:** **Pages S9278–79, S9280**

**Additional Cosponsors:** **Pages S9281–82**

**Statements on Introduced Bills/Resolutions:** **Pages S9282–85**

**Additional Statements:** **Pages S9271–75**

**Amendments Submitted:** **Pages S9285–S9327**

**Notices of Hearings/Meetings:** **Page S9327**

**Authorities for Committees to Meet:** **Pages S9327–28**

**Record Votes:** Four record votes were taken today. (Total—205) **Pages S9254, S9255, S9255, S9261**

**Recess:** Senate convened at 10 a.m. and recessed at 7:46 p.m., until 9:30 a.m. on Wednesday, September 24, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9347.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## FOOD MARKETING

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a joint hearing with the Subcommittee on Financial Services and General Government to examine childhood obesity and the impact of food marketing to children, after receiving testimony from Julie L. Gerberding, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry, Department of Health and Human Services; Jon Leibowitz, Commissioner, Federal Trade Commission; Kevin J. Martin, Chairman, Federal Communications Commission; J. Michael McGinnis, National Academies, Washington, D.C.; Marc S. Firestone, Kraft Foods, Inc., Northfield, Illinois; Marva Smalls, Nickelodeon/MTV Networks Kids and Family Group, New York, New York; and Patti Miller, Children Now, Oakland, California.

## IRAQ/AFGHANISTAN

*Committee on Armed Services:* Committee concluded a hearing to examine the situation in Iraq and Afghanistan, after receiving testimony from Robert M. Gates, Secretary, and General James E. Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff, both of the Department of Defense.

## CURRENT CREDIT MARKETS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine turmoil in United States credit markets, focusing on recent actions regarding government sponsored entities, investment banks and other financial institutions, after receiving testimony from Henry M. Paulson, Jr., Secretary of the Treasury; Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System; former Representative Christopher Cox, Chairman, U.S. Securities and Exchange Commission; and James B. Lockhart III, Director, Federal Housing Finance Agency.

## DIGITAL TELEVISION TRANSITION

*Committee on Commerce, Science, and Transportation:* Committee concluded an oversight hearing to examine the transition to digital television, focusing on the February 2009 deadline, after receiving testimony from Kevin J. Martin, Chairman, Federal Communications Commission; Meredith Attwell Baker, Acting Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration; Mark L. Goldstein, Director, Physical Infrastructure, Government Accountability Office; Josefina Carbonell, Assistant Secretary of Health and Human Services for Aging; and Mayor Bill Saffo, Wilmington, North Carolina.

## DIESEL PRICES

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine reasons that diesel fuel prices have been so high and action that can be taken to address this situation, after receiving testimony from Howard Gruenspecht, Acting Administrator, Energy Information Administration, Department of Energy; former Representative Dave McCurdy, Alliance of Automobile Manufacturers, and Gregory M. Scott, National Petrochemical and Refiners Association, both of Washington, D.C.; and Barbara Windsor, American Trucking Associations, Inc., New Market, Maryland.

## CLEAN AIR ACT

*Committee on Environment and Public Works:* Committee concluded a hearing to examine regulation of greenhouse gases under the Clean Air Act (Public Law 101–549), after receiving testimony from Robert J. Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Mary D. Nichols, California Air Resources Board, Sacramento; and David Bookbinder, Sierra Club, William L. Kovacs, United States Chamber of Commerce, Marlo Lewis, Competitive Enterprise Institute, and Jason Burnett, all of Washington, D.C.

## HEALTH INSURANCE

*Committee on Finance:* Committee concluded a hearing to examine covering the uninsured and reforming the healthcare system, focusing on the rating practices of the private health insurance market, after receiving testimony from Kim Holland, Commissioner of Insurance, Oklahoma City, Oklahoma; John Bertko, RAND Corporation, Flagstaff, Arizona; Andrew Dreyfus, Blue Cross Blue Shield of Massachusetts, Boston; and Pam MacEwan, Group Health Cooperative, Seattle.

## BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following:

Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania and the Republic of Croatia adopted at Brussels on July 9,

2008, and signed that day on behalf of the United States and the other Parties to the North Atlantic Treaty (Treaty Doc. 110–20);

Amendments to the Constitution and Convention of the International Telecommunication Union (ITU) (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), together with declarations and reservations by the United States as contained in the Final Acts of the Plenipotentiary Conference (Minneapolis 1998) (Treaty Doc. 108–05), Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and the Plenipotentiary Conference (Minneapolis, 1998), together with the declarations and reservations by the United States, all as contained in the Final Acts of the Plenipotentiary Conference (Marrakesh, 2002) (Treaty Doc. 109–11), Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), as Amended by the Plenipotentiary Conference (Kyoto, 1994) and the Plenipotentiary Conference (Marrakesh, 2002), Together with the Declarations and Reservations by the United States, all as Contained in the Final Acts of the Plenipotentiary Conference (Antalya, 2006) (Treaty Doc. 110–16);

S. 2609, to establish a Global Service Fellowship Program, with an amendment in the nature of a substitute;

S. 3103, to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station;

S. 1007, to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment, with an amendment in the nature of a substitute;

S. 3426, to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents on Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad;

S. Res. 598, expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species;

An original bill to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2009 and 2010;

S. 3548. An original bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy; and

The nominations of Brian H. Hook, of Iowa, to be an Assistant Secretary of State for International Organization Affairs, Sung Y. Kim, of California, a Foreign Service Officer of Class One, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks, Gregori Lebedev, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador and to be Alternate Representative of the United States to the United Nations, during his tenure of service as Representative of the United States to the United Nations for U.N. Management and Reform, Clifford D. May, of Maryland, to be a Member of the Broadcasting Board of Governors, C. Steven McGann, of New York, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, Dennis M. Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors, Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State for Legislative Affairs, Carol Ann Rodley, of Virginia, to be Ambassador to the Kingdom of Cambodia.

## HURRICANES GUSTAV AND IKE

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine the actions of federal, state, and local activities to respond and recover from Hurricanes Gustav and Ike, after receiving testimony from Harvey E. Johnson, Jr., Deputy Administrator, Chief Operating Officer, Federal Emergency Management Agency, Department of Homeland Security; Edward J. Hecker, Chief, Office of Homeland Security, Provost Marshal, Directorate of Civil Works, Headquarters, U.S. Army Corps of Engineers; Louisiana Lieutenant Governor Mitchell J. Landrieu, Baton Rouge; Texas Lieutenant Governor David Dewhurst, Austin; Louisiana State Senator Reggie P. Dupre, Jr., Houma; Mayor Lyda Ann Thomas, Galveston, Texas; Mayor Cedric B. Glover, Shreveport, Louisiana; and Mayor Bill White, Houston, Texas.

## 2010 CENSUS

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services,

and International Security concluded a hearing to examine reducing the undercount in the 2010 census, including key activities the Census Bureau plans to use to help reduce the differential undercount and improve participation, the various challenges and opportunities that might affect the Bureau's ability to improve coverage in 2010, and how different population estimates can impact the allocation of federal grant funds, after receiving testimony from Steve H. Murdock, Director, United States Census Bureau, Department of Commerce; Robert Goldenkoff, Director, Strategic Issues, Government Accountability Office; Joseph J. Salvo, New York City Department of City Planning Population Division, and Kenneth Prewitt, former Census Bureau Director, Columbia University, both of New York, New York; and Roderick Harrison, Joint Center for Political and Economic Studies, Karen K. Narasaki, Asian American Justice Center, and Arturo Vargas, National Association of Latino Elected and Appointed Officials Educational Fund, all of Washington, D.C.

## BUSINESS MEETING

*Committee on Homeland Security and Governmental Affairs:* Committee ordered favorably reported the following:

S. 3474, to amend title 44, United States Code, to enhance information security of the Federal Government, with an amendment;

S. 3384, to amend section 11317 of title 40, United States Code, to require greater accountability for cost overruns on Federal IT investment projects, with an amendment in the nature of a substitute;

H.R. 2631, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, with an amendment in the nature of a substitute;

H.R. 6098, to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, with an amendment in the nature of a substitute;

H.R. 3815, to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, with an amendment in the nature of a substitute;

An original bill to establish a controlled unclassified information framework;

H.R. 6073, to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically, to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth;

S. 3350, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances;

S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence, with an amendment in the nature of a substitute;

H.R. 5975 and S. 3317, bills to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office";

H.R. 6092, to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building";

S. 3309, to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William "Bill" Sandberg Post Office Building; and

H.R. 6437, to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the "Corporal Alfred Mac Wilson Post Office"; and

The nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission, and Carol Waller Pope, of the District of Columbia, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority.

## PUBLIC DIPLOMACY

*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 the elements of the Federal Government responsible for coordinating our public diplomacy, including their respective missions, organizational structures, workforce, and management, after receiving testimony from Christopher Midura, Acting Director, Office of Policy, Planning and Resources, Under Secretary for Public Diplomacy and Public Affairs, Scott H. DeLisi, Director, Career Development and Assignments, Bureau of Human Resources, Rick Ruth, Director, Office of Policy and Evaluation, Bureau of Educational and Cultural Affairs, and Peter Kovach, Director, Global Strategic Engagement Center, all of the Department of State; Elizabeth Frawley Bagley, Vice Chairman, United States Advisory Commission on Public Diplomacy; Douglas Bereuter, Asia Foundation, San Francisco, California; and Stephen M. Chaplin, American Academy of Diplomacy, Ronna

A. Freiberg, Legislative Strategies, and Jill A. Schuker, all of Washington, D.C.

## SKILLED WORKFORCE

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Employment and Workplace Safety concluded a hearing to examine investing in a skilled workforce, focusing on making the best use of tax payer dollars to maximize results, including the intent of the grant initiatives and the extent to which the Department of Labor will be able to assess their effects, the extent to which the process used competition, was adequately documented, and included key players, and what the Department is doing to monitor individual grantee compliance with grant requirements, after receiving testimony from George A. Scott, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; and Elliot P. Lewis, Assistant Inspector General, Office of Audit, and Brent R. Orrell, Deputy Assistant Secretary for the Employment and Training Administration, both of the Department of Labor.

## BUSINESS MEETING

*Committee on Indian Affairs:* Committee ordered favorably reported the following:

H.R. 5680, to amend certain laws relating to Native Americans, with an amendment;

H.R. 2963, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, with an amendment;

S. 3194, to transfer surplus Federal land administered by the Coast Guard in the State of Oregon;

S. 3128, to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project, with an amendment in the nature of a substitute;

S. 3381, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

## EQUAL PAY FOR EQUAL WORK

*Committee on the Judiciary:* Committee concluded a hearing to examine equal pay for equal work, including S. 1843 and H.R. 2831, bills to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, after receiving testimony from Lawrence Z. Lorber, Proskauer Rose, LLP, and Cyrus Mehri, Mehri and Skalet, PLLC, both of Washington, D.C.; and Lilly Ledbetter, Jacksonville, Alabama.

## NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Anthony John Trenga, to be United States District Judge for the Eastern District of Virginia, who was introduced by Senators Warner and Webb, C. Darnell Jones II, Mitchell S. Goldberg, and Joel H. Slomsky, each to be a United States District Judge for the Eastern District of Pennsylvania, who were introduced by Senators Specter and Casey, and Eric F. Melgren, to be United States District Judge for the District of Kansas, who was introduced by Senators Brownback and Roberts, after the nominees testified and answered questions in their own behalf.

## NOMINATION

*Committee on Veterans' Affairs:* Committee ordered favorably reported the nomination of Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

## DOMESTIC INTELLIGENCE COLLECTION

*Select Committee on Intelligence:* Committee concluded a hearing to examine the new Attorney General guidelines for domestic intelligence collection, after receiving testimony from Elisebeth Collins Cook, Assistant Attorney General, and Valerie Caproni, General Counsel, Federal Bureau of Investigation, both of the Department of Justice.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 36 public bills, H.R. 6996–7031; and 10 resolutions, H. Con. Res. 423–424; and H. Res. 1480–1487, were introduced. **Pages H9083–85**

**Additional Cosponsors:** **Pages H9085–86**

**Reports Filed:** Reports were filed today as follows:

H.R. 758, to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations, with an amendment (H. Rept. 110–868, Pt. 1);

H.R. 6353, to amend the Controlled Substances Act to address online pharmacies, with an amendment (H. Rept. 110–869, Pt. 1);

H.R. 6908, to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable (H. Rept. 110–870, Pt. 1);

H.R. 2994, to amend the Public Health Service Act with respect to pain care, with an amendment (H. Rept. 110–871);

H.R. 2583, to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs, with an amendment (H. Rept. 110–872);

H.R. 1532, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, with an amendment (H. Rept. 110–873);

H.R. 1014, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, with an amendment (H. Rept. 110–874);

H. Res. 1488, providing for consideration of the Senate amendment to the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008 (H. Rept. 110–875); and

H. Res. 1489, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–876). **Pages H9082–83**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Stupak to act as Speaker Pro Tempore for today. **Page H8581**

**Recess:** The House recessed at 9:30 a.m. and reconvened at 10 a.m. **Page H8584**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Monday, September 22nd:

***Great Lakes—St. Lawrence River Basin Water Resources Compact:*** S. J. Res. 45, to express the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin, by a ⅔ yea-and-nay vote of 390 yeas to 25 nays, Roll No. 621; **Pages H8597–98**

***Filipino Veterans Equity Act of 2008:*** H.R. 6897, amended, to authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II, by a ⅔ yea-and-nay vote of 392 yeas to 23 nays, Roll No. 624; **Pages H8613–14**

***Elder Abuse Victims Act of 2008:*** H.R. 5352, amended, to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse and to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, by a ⅔ yea-and-nay vote of 387 yeas to 28 nays, Roll No. 626; and **Page H8658**

Agreed to amend the title so as to read: ''To protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.''. **Page H8658**

***College Fire Prevention Act:*** H.R. 642, amended, to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, by a ⅔ yea-and-nay vote of 365 yeas to 51 nays, Roll No. 627. **Pages H8658–59**

Agreed to amend the title so as to read: ''To establish the Honorable Stephanie Tubbs Jones Fire

Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.''.

**Page H8659**

**Credit Cardholders' Bill of Rights Act of 2008:** The House passed H.R. 5244, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, by a recorded vote of 312 ayes to 112 noes, Roll No. 623.

**Pages H8598–H8613**

Rejected the Castle motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House promptly with an amendment, by a yea-and-nay vote of 198 yeas to 219 nays, Roll No. 622. **Pages H8611–13**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. **Page H8600**

H. Res. 1476, the rule providing for consideration of the bill, was agreed to by a recorded vote of 220 ayes to 194 noes, Roll No. 620, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 192 nays, Roll No. 619. **Pages H8590–97**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Federal Aviation Administration Extension Act of 2008, Part II:*** H.R. 6984, to amend title 49, United States Code, to extend authorizations for the airport improvement program and to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund; **Pages H8588–90**

***Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008:*** H.R. 6983, amended, to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, by a ⅔ yea-and-nay vote of 376 yeas to 47 nays, Roll No. 625; **Pages H8614–25, H8657–58**

***Recognizing the 150th anniversary year of the founding of Macy's, Inc.:*** H. Res. 1473, to recognize the 150th anniversary year of the founding of Macy's, Inc., as an American entrepreneurial success story and the role Macy's, Inc., plays in supporting America's small businesses and vendors, including those that are minority and women owned; to celebrate the vision, innovativeness, and ingenuity of all of our Nation's small businesses that aspire to grow and prosper as Macy's, Inc., has over its 150-year history; and to congratulate Macy's, Inc., as an American entrepreneurial success story;

**Pages H8625–26**

***United States-Republic of Korea Defense Cooperation Improvement Act of 2008:*** H.R. 5443, to improve defense cooperation between the Republic of Korea and the United States; **Pages H8626–28**

***Requiring the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan:*** H.R. 6646, amended, to require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan; **Pages H8628–30**

***Condemning sexual violence in the Democratic Republic of the Congo and calling on the international community to take immediate actions to respond to the violence:*** H. Res. 1227, amended, to condemn sexual violence in the Democratic Republic of the Congo and to call on the international community to take immediate actions to respond to the violence; **Pages H8632–33**

***Remembering the 75th anniversary of the Ukrainian Famine-Genocide of 1932–1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy:*** H. Res. 1314, amended, to remember the 75th anniversary of the Ukrainian Famine-Genocide of 1932–1933 and to extend the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy;

**Pages H8633–35**

Agreed to amend the title so as to read: ''Remembering the 75th anniversary of the Ukrainian Famine (Holodomor) of 1932–1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes.''. **Page H8635**

***Supporting a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh:*** H. Res. 1402, to support a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh;

**Pages H8635–37**

***Recognizing the 70th anniversary of the 1938 occurrence of Kristallnacht, The Night of Broken Glass:*** H. Res. 1435, to recognize the 70th anniversary of the 1938 occurrence of Kristallnacht, The Night of Broken Glass; **Pages H8637–38**

***Strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes:*** H. Con. Res. 371, amended, to strongly support an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes; **Pages H8645–47**

***Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nations' Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism:*** H. Res. 1361, amended, to express the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nations' Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism; **Pages H8647–52**

Agreed to amend the title so as to read: "Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to ensure that the Durban Review Conference serves as a forum to review implementation of commitments made at the 2001 Durban Conference to combat all forms of racism by defeating the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Declaration of Human Rights.". **Page H8652**

***Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians:*** H. Res. 1369, to recognize nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians; **Pages H8652–55**

***Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response:*** H. Con. Res. 374, amended, to support the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response; **Pages H8655–57**

Agreed to amend the title so as to read: "Supporting Christian, Jewish, and Muslim interfaith dialogue that promotes peace, understanding, unity, and religious freedom.". **Page H8657**

***North Korean Human Rights Reauthorization Act of 2008:*** Agreed to the Senate amendments to H.R. 5834, to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea—clearing the measure for the President; **Pages H8659–61**

***Health Insurance Source of Injury Clarification Act of 2008:*** H.R. 6908, amended, to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; **Pages H8666–68**

***Healthy Start Reauthorization Act:*** S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative—clearing the measure for the President; **Pages H8670–71**

***Physician Workforce Enhancement Act of 2008:*** H.R. 2583, amended, to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs; **Pages H8681–82**

***Supporting the We Don't Serve Teens campaign:*** H. Res. 1042, amended, to support the We Don't Serve Teens campaign; **Pages H8682–84**

***Expressing the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States:*** H. Res. 1381, amended, to express the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States; **Pages H8686–88**

Agreed to amend the title so as to read: "Expressing the sense of the House that there should be an increased public and private commitment prioritizing prevention and public health for all people in the United States.". **Page H8688**

***Ryan Haight Online Pharmacy Consumer Protection Act of 2008:*** H.R. 6353, amended, to amend the Controlled Substances Act to address online pharmacies; **Page H8691**

***Defense Production Act Extension and Reauthorization of 2008:*** H.R. 6894, to extend and reauthorize the Defense Production Act of 1950; and **Pages H8699–H8700**

***Extending the authorization of the national flood insurance program:*** H.R. 6965, to extend the authorization of the national flood insurance program. **Pages H8705–06**

***Suspensions—Proceedings Postponed:*** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

***Expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated:*** H. Con. Res. 255, amended, to express the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated; **Pages H8630–32**

***Tom Lantos Human Rights Commission Establishment Resolution:*** H. Res. 1451, to establish the Tom Lantos Human Rights Commission in the House of Representatives; **Pages H8638–43**

***Recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks:*** H. Res. 1461, amended, to recognize the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks; **Pages H8643–45**

***Breast Cancer Patient Protection Act of 2008:*** H.R. 758, amended, to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; **Pages H8661–66**

***Organ Transplant Authorization Act of 2008:*** H.R. 6469, amended, to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; **Pages H8668–70**

***Comprehensive Tuberculosis Elimination Act of 2008:*** H.R. 1532, amended, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis; **Pages H8671–74**

***National Pain Care Policy Act of 2008:*** H.R. 2994, amended, to amend the Public Health Service Act with respect to pain care; **Pages H8674–76**

***Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008:*** H.R. 5265, amended, to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies; **Pages H8676–78**

***Meth Free Families and Communities Act:*** H.R. 6901, amended, to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, and to improve the prevention and treatment of methamphetamine addiction; **Pages H8678–81**

***Supporting the goals and ideals of "National Sudden Cardiac Arrest Awareness Month":*** H. Con. Res. 393, to support the goals and ideals of "National Sudden Cardiac Arrest Awareness Month"; **Pages H8684–85**

***Designating the month of March 2008 as "MRSA Awareness Month":*** H. Res. 988, amended, to designate the month of March 2008 as "MRSA Awareness Month"; **Pages H8685–86**

***Heart Disease Education, Analysis Research, and Treatment for Women Act:*** H.R. 1014, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; **Pages H8688–91**

***Code Talkers Recognition Act of 2008:*** H.R. 4544, amended, to require the issuance of medals to recognize the dedication and valor of Native American code talkers; **Pages H8696–99**

***Stephanie Tubbs Jones Gift of Life Medal Act of 2008:*** H.R. 6950, to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors; and **Pages H8700–03**

***Family Self-Sufficiency Act:*** H.R. 3018, to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with

the housing choice voucher program of the Department of Housing and Urban Development.

**Pages H8703–05**

**Recess:** The House recessed at 11:39 p.m. and reconvened at 12:08 a.m. on Wednesday, September 24th. **Page H8714**

**Lance Corporal Eric Paul Valdepenas Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6874, to designate the facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk, Massachusetts, as the ''Lance Corporal Eric Paul Valdepenas Post Office Building''. **Page H8715**

**Honoring the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783:** The House agreed to discharge from committee and agree to H. Con. Res. 351, to honor the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783. **Page H8715**

**Commemorating the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world:** The House agreed to discharge from committee and agree to H. Res. 1000, to commemorate the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world. **Page H8715**

**Congratulating Michael Phelps, 2008 Beijing Summer Olympics champion swimmer, on winning 8 gold medals in the Games of the XXIX Olympiad and becoming one of the most highly decorated athletes in Olympic history:** The House agreed to discharge from committee and agree to H. Res. 1418, to congratulate Michael Phelps, 2008 Beijing Summer Olympics champion swimmer, on winning 8 gold medals in the Games of the XXIX Olympiad and becoming one of the most highly decorated athletes in Olympic history. **Page H8716**

**Reverend Earl Abel Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6198, to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''.

**Page H8716**

**Supporting the goals and ideals of Sickle Cell Disease Awareness Month:** The House agreed to discharge from committee and agree to H. Res. 1453, to support the goals and ideals of Sickle Cell Disease Awareness Month. **Pages H8716–17**

**Honoring professional surveyors and recognizing their contributions to society:** The House agreed to discharge from committee and agree to H. Con. Res. 223, to honor professional surveyors and recognizing their contributions to society. **Page H8717**

**Kenneth Peter Zebrowski Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6199, to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the ''Kenneth Peter Zebrowski Post Office Building''. **Page H8717**

**Supporting the goals and ideals of National Ovarian Cancer Awareness Month:** The House agreed to discharge from committee and agree to H. Res. 671, to support the goals and ideals of National Ovarian Cancer Awareness Month. **Page H8717**

**CeeCee Ross Lyles Post Office Building Designation Act:** The House agreed to discharge from committee and pass S. 3241, to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''—clearing the measure for the President. **Pages H8717–18**

**Murphy A. Tannehill Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 3511, to designate the facility of the United States Postal Service located at 2150 East Hardtner Drive in Urania, Louisiana, as the ''Murphy A. Tannehill Post Office Building''.

**Page H8718**

**Recognizing and celebrating the 232nd anniversary of the signing of the Declaration of Independence:** The House agreed to discharge from committee and agree to H. Con. Res. 386, to recognize and to celebrate the 232nd anniversary of the signing of the Declaration of Independence.

**Page H8718**

**Senate Message:** Message received from the Senate today appears on page H8594.

**Senate Referrals:** S. Con. Res. 93 and S. Con. Res. 96 were held at the desk; S. 3341 was referred to the Committee on Oversight and Government Reform; and S. 1193 was referred to the Committee on Natural Resources. **Page H8718**

**Quorum Calls—Votes:** Seven yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H8596–97, H8597,

H8597–98, H8612–13, H8613, H8614, H8657–58, H8658, and H8659. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 12:16 a.m. on Wednesday, September 24th.

# *Committee Meetings*

## TRANSFORMING THE NATION'S FOREIGN LANGUAGE CAPACITY

*Committee on Armed Services:* Subcommittee on Oversight and Investigations held a hearing on the Department of Defense's work with states, universities and students to transform the nation's foreign language capacity. Testimony was heard from Robert O. Slater, Director, National Security Education Program, Department of Defense; and public witnesses.

## CHILD LABOR ENFORCEMENT: ARE WE PROTECTING OUR CHILDREN

*Committee on Education and Labor:* Subcommittee on Workforce Protections, hearing on Child Labor Enforcement: Are We Adequately Protecting our Children. Testimony was heard from Alexander Passantino, Acting Administrator, Wage and Hour Administration, Department of Labor; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Ordered reported the following legislation: H.R. 1283, Arthritis Prevention, Control, and Cure Act of 2007; H.R. 3232, Travel Promotion Act of 2007; H.R. 3402, Calling Card Consumer Protection Act; H.R. 1157, Breast Cancer and Environmental Research Act of 2007; legislation to amend Part II of the Federal Power Act to address potential cybersecurity threats to the bulk power system; and H.R. 6568, amended, Tom Lantos Pulmonary Hypertension Research and Education Act of 2008.

## HURRICANES IN HAITI: DISASTER AND RECOVERY

*Committee on Foreign Affairs:* Subcommittee on Western Hemisphere held a hearing on the Hurricanes in Haiti: Disaster and Recovery. Testimony was heard from the following Representatives: Maxine Waters; Alcee L. Hastings; Barbara Lee; Kendrick B. Meek; Yvette D. Clarke; and Donna F. Edwards; Kirsten D. Madison, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; RADM Joseph D. Kernan, Commander, U.S. Naval Forces, Southern Command, U.S. 4th Fleet, Department of Defense; Jose R. Cardenas, Acting Assistant Administrator, Latin America and Caribbean Bureau, U.S. Agency for International Development; and a public witness.

## PREVENTION OF EQUINE CRUELTY ACT

*Committee on the Judiciary:* Ordered reported H.R. 6598, amended, Prevention of Equine Cruelty Act of 2008.

## EXECUTIVE OFFICE OF IMMIGRATION REVIEW

*Committee on the Judiciary:* Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law held a hearing on the Executive Office for Immigration Review. Testimony was heard from the following officials of the Department of Justice: Lee Lofthus, Assistant Attorney General, Administration; and Kevin Ohlson, Director, Executive Office for Immigration Review; and public witnesses.

## IDENTIFYING LABOR SOLUTIONS FOR THE GUAM MILITARY BUILD-UP

*Committee on Natural Resources:* Subcommittee on Insular Affairs held an oversight hearing on Identifying Labor Solutions for the Guam Military Build-Up. Testimony was heard from Douglas W. Domenech, Acting Deputy Assistant Secretary, Insular Affairs, Department of the Interior; Major Gen. David F. Bice, USMC Retired, Executive Director, Joint Guam Program Office, Department of Defense; and Maria S. Connelley, Director, Guam Department of Labor and public witnesses.

## NECESSARY REFORM TO PEDIATRIC DENTAL CARE

*Committee on Oversight and Government Reform:* Subcommittee on Domestic Policy, hearing on Necessary Reform to Pediatric Dental Care under Medicaid. Testimony was heard from Herb B. Kuhn, Acting Director, Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services; Department Health and Human Services; Alicia Cackley, Acting Director, Health Care Team, GAO; and public witnesses.

## PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 2638) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008, AND FOR OTHER PURPOSES

*Committee on Rules:* Granted, by a record vote of 9–4, a rule providing for consideration of the Senate amendment to the bill (H.R. 2638), the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. The resolution would make in order a motion offered by the chairman of the Committee on Appropriations that the House

concur in the Senate amendment with the amendment printed in this report. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The motion shall be debatable for 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The Senate amendment and the motion shall be considered as read. Notwithstanding the operation of the previous question, the Chair may postpone consideration of the motion to a time designated by the Speaker. The rule requires the chairman of the Committee on Appropriations to insert in the Congressional Record dated September 24, 2008, such material as he may deem explanatory of the motion. Testimony was heard from Chairman Obey.

## WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

*Committee on Rules:* Granted, by a non-record vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of September 24, 2008, providing for consideration or disposition of a measure to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

## FEMA'S RESPONSE TO THE 2008 HURRICANE SEASON AND THE NATIONAL HOUSING STRATEGY

*Committee on Transportation and Infrastructure:* Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on FEMA's Response to the 2008 Hurricane Season and the National Housing Strategy. Testimony was heard from ADM. Harvey Johnson, Deputy Administrator and Chief Operating Officer, FEMA; Cynthia Fagnoni, Managing Director, Education, Workforce and Income Security Issues, GAO; Ray Nagin, Mayor, City of New Orleans, Louisiana; and public witnesses.

## MEDIA OUTREACH TO VETERANS: AN UPDATE

*Committee on Veterans' Affairs:* Oversight and Investigations held a hearing on Media Outreach to Veterans: An Update. Testimony was heard from Lisette M. Mondello, Assistant Secretary, Public and Intergovernmental Affairs, Department of Veterans Affairs; and public witnesses.

## HEALTH OF THE PRIVATE HEALTH INSURANCE MARKET

*Committee on Ways and Means:* Subcommittee on Health held a hearing on Health of the Private Health Insurance market. Testimony was heard from public witnesses.

## COMMITTEE BRIEFING

*Permanent Select Committee on Intelligence:* Met in executive session for a briefing on the CIA's Clandestine Service. Testimony was heard from departmental witnesses.

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# COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 24, 2008

*(Committee meetings are open unless otherwise indicated)*

## Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine the nomination of Mark Everett Keenum, of Mississippi, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term ending May 21, 2014, 9:30 a.m., SR–328A.

Full Committee, with the Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, to hold joint hearings to examine the effectiveness of agricultural disaster assistance programs in the wake of the 2008 Midwest floods, Hurricane Gustav, and Hurricane Ike, 10 a.m., SR–328A.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Interstate Commerce, Trade, and Tourism, to hold hearings to examine the imbalance in United States-Korea automobile trade, 10 a.m., SR–253.

Full Committee, to hold hearings to examine the safety and security of spent nuclear fuel transportation, 2 p.m., SR–253.

*Committee on Environment and Public Works:* to hold hearings to examine the Bush Administration's environmental record at the Department of the Interior and the Environmental Protection Agency (EPA), 2:30 p.m., SD–406.

*Committee on Foreign Relations:* Subcommittee on African Affairs, to hold hearings to examine Africa's management of its extractive industries, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Turkey, and Gene Allan Cretz, of New York, to be Ambassador to Libya, 2:30 p.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on Disaster Recovery, with the Committee on Agriculture, Nutrition, and Forestry, to hold joint hearings to examine the effectiveness of agricultural disaster assistance programs in the wake of the 2008 Midwest floods, Hurricane Gustav, and Hurricane Ike, 10 a.m., SR–328A.

Full Committee, to hold hearings to examine domestic partner benefits for federal employees, 10 a.m., SD–342.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine the Federal Emergency Management Agency's (FEMA) future preparedness planning, 2:30 p.m., SD–342.

*Committee on the Judiciary:* Subcommittee on Human Rights and the Law, to hold hearings to examine extracting natural resources, focusing on corporate responsibility and the rule of law, 10:45 a.m., SH–216.

Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine the Visa Waiver Program, focusing on mitigating risks to ensure the safety of all Americans, 2:30 p.m., SH–216.

*Committee on Veterans' Affairs:* to hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and Defense on information technology efforts, 9:30 a.m., SR–418.

*Special Committee on Aging:* to hold hearings to examine ways to respect Americans' choices at the end of life, 10:30 a.m., SD–562.

## House

*Committee on Appropriations,* Subcommittee on Legislative, on Capitol Visitor Center, oversight, 11 a.m., 2362A Rayburn.

*Committee on Armed Services,* hearing on Consideration for an American Grand Strategy, 10 a.m., 2118 Rayburn.

*Committee on the Budget,* hearing on the Federal Response to Market Turmoil: What's the Impact on the Budget, 10 a.m., 210 Cannon.

*Committee on Energy and Commerce,* Subcommittee on Environment and Hazardous Materials, hearing on Hazardous Substance Releases and Reporting under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 10:30 a.m., 2123 Rayburn.

*Committee on Financial Services,* hearing on The Future of Financial Services: Exploring Solutions for the Market Crisis, 12:30 p.m., 2128 Rayburn.

*Committee on Homeland Security,* Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing on A Report Card on Homeland Security Information Sharing, 10 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on the Constitution, Civil Rights and Civil Liberties, and the Subcommittee on Elections of the Committee on House Administration, joint hearing on Federal, State and Local Efforts to Prepare for the 2008 General Election, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on recent trends concerning annual budgets for the National Wildlife Refuge System and implications for management activities, 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* Subcommittee on Government Management, Organization, and Procurement, hearing on Passing the Baton: Preparing for the Presidential Transition, 2 p.m., 2247 Rayburn.

Subcommittee on Information Policy, Census and National Archives, hearing on How Information Policy Affects Competitive Viability in Minority Contracting, 2 p.m., 2154 Rayburn.

Subcommittee on National Security, and Foreign Affairs, hearing on Oversight of U.S.-Pakistan Relations: From Ad Hoc and Transactional to Strategic and Enduring, 2 p.m., 2203 Rayburn.

*Committee on Small Business,* Subcommittee on Contracting and Technology, hearing on Small Business Recovery from the Midwest Disasters of 2008, 2 p.m., 1539 Longworth.

*Committee on Transportation and Infrastructure,* to mark up the following: H.R. 6707, Taking Responsible Action for Community Safety Act; GSA Capital Investment and Leasing Program Resolutions; U.S. Army Corps of Engineers Survey Resolution; and other matters, 11 a.m., and a hearing on National Mediation Board Oversight of Elections for Union Representation, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Economic Opportunity, to continue oversight hearings on G.I. Bill Implementation, 1 p.m., 340 Cannon.

*Committee on Ways and Means,* Subcommittee on Oversight, hearing on Pension Benefit Guaranty Corporation, 11 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence,* Subcommittee on Oversight and Investigations, executive, to consider pending business, 10 a.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, to consider pending business, 3 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, briefing on Hot Spots, 8:45 a.m., H–405 Capitol.

## Joint Meetings

*Joint Economic Committee:* to hold hearings to examine the current economic outlook, 10 a.m., SD–106.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, September 24

Senate Chamber

**Program for Wednesday:** Senate will be in a period of morning business.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 24

House Chamber

**Program for Wednesday:** To be announced.

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